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There isn't a moment to lose: an urgent call for legal reform and effective practices to combat bullying in New Jersey schools/ New Jersey Commission on Bullying in Schools.

[Trenton, NJ: New Jersey Office of the Child Advocate, 2009]

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"Christie signs significant anti-bullying measure," Courier News, 1-7-11

"Jersey stands up to schoolyard bullies," The Star-Ledger, 1-7-11

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"Fine Print: Anti-Bullying Bill of Rights Act," NJ Spotlight, 1-7-11

"N.J. has strict Anti-Bullying Bill of Rights just months after Tyler Clementi suicide," NewJerseyNewsroom.com, 1-7-11

"N.J. mandates anti-bullying school policies," The Philadelphia Inquirer, 1-7-11

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LAW/RWH

[First Reprint]

ASSEMBLY, No. 3466

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED NOVEMBER 8, 2010

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SYNOPSIS

The "Anti-Bullying Bill of Rights Act."

CURRENT VERSION OF TEXT

As reported by the Assembly Education Committee on November 15, 2010, with amendments.

(Sponsorship Updated As Of: 11/16/2010)

1 AN ACT concerning harassment, intimidation, and bullying in
2 school settings ¹[and],¹ amending ¹[and supplementing]¹
3 various parts of the statutory law ¹and supplementing P.L.2002,
4 c.83 (C.18A:37-13 et seq.) and chapter 3B of Title 18A of the New
5 Jersey Statutes¹.

6
7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:

9
10 1. (New section) Sections 1, 2, and 16 through ¹[28] 30¹ of
11 this act and P.L.2002, c.83 (C.18A:37-13 et seq.) shall be known
12 and may be cited as the “Anti-Bullying Bill of Rights Act.”

13
14 2. (New section) The Legislature finds and declares that:

15 a. A 2009 study by the United States Departments of Justice
16 and Education, “Indicators of School Crime and Safety,” reported
17 that 32% of students aged 12 through 18 were bullied in the
18 previous school year. The study reported that 25% of the
19 responding public schools indicated that bullying was a daily or
20 weekly problem;

21 b. A 2009 study by the United States Centers for Disease
22 Control and Prevention, “Youth Risk Behavior Surveillance,”
23 reported that the percentage of students bullied in New Jersey is 1
24 percentage point higher than the national median;

25 c. In 2010, the chronic persistence of school bullying has led to
26 student suicides across the country, including in New Jersey;

27 d. Significant research has emerged since New Jersey enacted
28 its public school anti-bullying statute in 2002, and since the State
29 amended that law in 2007 to include cyber-bullying and in 2008 to
30 require each school district to post its anti-bullying policy on its
31 website and distribute it annually to parents or guardians of students
32 enrolled in the district;

33 e. School districts and their students, parents, teachers,
34 principals, other school staff, and board of education members
35 would benefit by the establishment of clearer standards on what
36 constitutes harassment, intimidation, and bullying, and clearer
37 standards on how to prevent, report, investigate, and respond to
38 incidents of harassment, intimidation, and bullying;

39 f. It is the intent of the Legislature in enacting this legislation
40 to strengthen the standards and procedures for preventing,
41 reporting, investigating, and responding to incidents of harassment,
42 intimidation, and bullying of students that occur in school and off
43 school premises;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AED committee amendments adopted November 15, 2010.

1 g. Fiscal responsibility requires New Jersey to take a smarter,
2 clearer approach to fight school bullying by ensuring that existing
3 resources are better managed and used to make our schools safer for
4 students;

5 h. In keeping with the aforementioned goal of fiscal
6 responsibility and in an effort to minimize any burden placed on
7 schools and school districts, existing personnel and resources shall
8 be utilized in every possible instance to accomplish the goals of
9 increased prevention, reporting, and responsiveness to incidents of
10 harassment, intimidation, or bullying, including in the appointment
11 of school anti-bullying specialists and district anti-bullying
12 coordinators;

13 i. By strengthening standards for preventing, reporting,
14 investigating, and responding to incidents of bullying this act will
15 help to reduce the risk of suicide among students and avert not only
16 the needless loss of a young life, but also the tragedy that such loss
17 represents to the student's family and the community at large; and

18 j. Harassment, intimidation, and bullying is also a problem
19 which occurs on the campuses of institutions of higher education in
20 this State, and by requiring the public institutions to include in their
21 student codes of conduct a specific prohibition against bullying, this
22 act will be a significant step in reducing incidents of such activity.
23

24 3. Section 1 of P.L.1986, c.116 (C.18A:6-7.1) is amended to
25 read as follows:

26 1. A facility, center, school, or school system under the
27 supervision of the Department of Education and board of education
28 which cares for, or is involved in the education of children under
29 the age of 18 shall not employ for pay or contract for the paid
30 services of any teaching staff member or substitute teacher, teacher
31 aide, child study team member, school physician, school nurse,
32 custodian, school maintenance worker, cafeteria worker, school law
33 enforcement officer, school secretary or clerical worker or any other
34 person serving in a position which involves regular contact with
35 pupils unless the employer has first determined consistent with the
36 requirements and standards of this act, that no criminal history
37 record information exists on file in the Federal Bureau of
38 Investigation, Identification Division, or the State Bureau of
39 Identification which would disqualify that individual from being
40 employed or utilized in such capacity or position. An individual
41 employed by a board of education or a school bus contractor
42 holding a contract with a board of education, in the capacity of a
43 school bus driver, shall be required to meet the criminal history
44 record requirements pursuant to section 6 of P.L.1989, c.104
45 (C.18A:39-19.1). A facility, center, school, or school system under
46 the supervision of the Department of Education and board of
47 education which cares for, or is involved in the education of
48 children under the age of 18 may require criminal history record

1 checks for individuals who, on an unpaid voluntary basis, provide
 2 services that involve regular contact with pupils. In the case of
 3 school districts involved in a sending-receiving relationship, the
 4 decision to require criminal history record checks for volunteers
 5 shall be made jointly by the boards of education of the sending and
 6 receiving districts.

7 An individual, except as provided in subsection g. of this section,
 8 shall be permanently disqualified from employment or service
 9 under this act if the individual's criminal history record check
 10 reveals a record of conviction for any crime of the first or second
 11 degree; or

12 a. An offense as set forth in chapter 14 of Title 2C of the New
 13 Jersey Statutes, or as set forth in N.J.S.2C:24-4 and 2C:24-7, or as
 14 set forth in R.S.9:6-1 et seq., or as set forth in N.J.S.2C:29-2; or

15 b. An offense involving the manufacture, transportation, sale,
 16 possession, distribution or habitual use of a "controlled dangerous
 17 substance" as defined in the "Comprehensive Drug Reform Act of
 18 1987," N.J.S.2C:35-1 et al. or "drug paraphernalia" as defined
 19 pursuant to N.J.S.2C:36-1 et seq.; or

20 c. (1) A crime involving the use of force or the threat of force
 21 to or upon a person or property including, but not limited to,
 22 robbery, aggravated assault, stalking, kidnapping, arson,
 23 manslaughter and murder; or

24 (2) A crime as set forth in chapter 39 of Title 2C of the New
 25 Jersey Statutes, a third degree crime as set forth in chapter 20 of
 26 Title 2C of the New Jersey Statutes, or a crime as listed below:

- | | | |
|----|---------------------------------------|-----------------------|
| 27 | Recklessly endangering another person | N.J.S.2C:12-2 |
| 28 | Terroristic threats | N.J.S.2C:12-3 |
| 29 | Criminal restraint | N.J.S.2C:13-2 |
| 30 | Luring, enticing child into motor | |
| 31 | vehicle, structure or isolated area | P.L.1993, c.291 |
| 32 | (C.2C:13-6) | |
| 33 | Causing or risking widespread injury | |
| 34 | or damage | N.J.S.2C:17-2 |
| 35 | Criminal mischief | N.J.S.2C:17-3 |
| 36 | Burglary | N.J.S.2C:18-2 |
| 37 | Usury | N.J.S.2C:21-19 |
| 38 | Threats and other improper influence | N.J.S.2C:27-3 |
| 39 | Perjury and false swearing | N.J.S.2C:28-3 |
| 40 | Resisting arrest | N.J.S.2C:29-2 |
| 41 | Escape | N.J.S.2C:29-5 |
| 42 | <u>Bias intimidation</u> | <u>N.J.S.2C:16-1;</u> |

43 or

44 (3) Conspiracy to commit or an attempt to commit any of the
 45 crimes described in this act.

46 d. For the purposes of this section, a conviction exists if the
 47 individual has at any time been convicted under the laws of this

1 State or under any similar statutes of the United States or any other
2 state for a substantially equivalent crime or other offense.

3 e. Notwithstanding the provisions of this section, an individual
4 shall not be disqualified from employment or service under this act
5 on the basis of any conviction disclosed by a criminal record check
6 performed pursuant to this act without an opportunity to challenge
7 the accuracy of the disqualifying criminal history record.

8 f. When charges are pending for a crime or any other offense
9 enumerated in this section, the employing board of education shall
10 be notified that the candidate shall not be eligible for employment
11 until the commissioner has made a determination regarding
12 qualification or disqualification upon adjudication of the pending
13 charges.

14 g. This section shall first apply to criminal history record
15 checks conducted on or after the effective date of P.L.1998, c.31
16 (C.18A:6-7.1c et al.); except that in the case of an individual
17 employed by a board of education or a contracted service provider
18 who is required to undergo a check upon employment with another
19 board of education or contracted service provider, the individual
20 shall be disqualified only for the following offenses:

21 (1) any offense enumerated in this section prior to the effective
22 date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and

23 (2) any offense enumerated in this section which had not been
24 enumerated in this section prior to the effective date of P.L.1998,
25 c.31 (C.18A:6-7.1c et al.), if the person was convicted of that
26 offense on or after the effective date of that act.

27 (cf: P.L.2007, c.82, s.1)

28

29 4. Section 2 of P.L.2005, c.310 (C.18A:6-112) is amended to
30 read as follows:

31 2. The State Board of Education, in consultation with the New
32 Jersey Youth Suicide Prevention Advisory Council established in
33 the Department of Children and Families pursuant to P.L.2003,
34 c.214 (C.30:9A-22 et seq.), shall, as part of the professional
35 development requirement established by the State board for public
36 school teaching staff members, require each public school teaching
37 staff member to complete at least two hours of instruction in suicide
38 prevention, to be provided by a licensed health care professional
39 with training and experience in mental health issues, in each
40 professional development period. The instruction in suicide
41 prevention shall include information on the relationship between the
42 risk of suicide and incidents of harassment, intimidation, and
43 bullying and information on reducing the risk of suicide in students
44 who are members of communities identified as having members at
45 high risk of suicide.

46 (cf: P.L.2006, c.47, s.80)

1 5. Section 3 of P.L.1995, c.235 (C.18A:7E-3) is amended to
2 read as follows:

3 3. Report cards issued pursuant to section 2 of this act shall
4 include, but not be limited to, the following information for:

5 a. the school district and for each school within the district, as
6 appropriate:

7 (1) results of the elementary assessment programs;

8 (2) results of the Early Warning Test;

9 (3) results of the High School Proficiency Test;

10 (4) daily attendance records for students and professional staff;

11 (5) student graduation and dropout rates;

12 (6) annual student scores on the Scholastic Aptitude Test;

13 (7) total student enrollment, percentage of limited English
14 proficient students, percentage of students in advanced placement
15 courses, and any other school characteristics which the
16 commissioner deems appropriate;

17 (8) instructional resources including teacher/student ratio,
18 average class size and amount of instructional time per day, as
19 calculated by formulas specified by the commissioner; **[and]**

20 (9) a written narrative by the school principal or a designee
21 which describes any special achievements, events, problems or
22 initiatives of the school or district; and

23 (10) data identifying the number and nature of all reports of
24 harassment, intimidation, or bullying; and

25 b. the school district, as appropriate:

26 (1) per pupil expenditures and State aid ratio;

27 (2) percent of budget allocated for salaries and benefits of
28 administrative personnel;

29 (3) percent of budget allocated for salaries and benefits of
30 teachers;

31 (4) percentage increase over the previous year for salaries and
32 benefits of administrative and instructional personnel;

33 (5) the number of administrative personnel and the ratio of
34 administrative personnel to instructional personnel;

35 (6) a profile of the most recent graduating class concerning their
36 educational or employment plans following graduation; and

37 (7) any other information which the commissioner deems
38 appropriate.

39 For the purposes of this section, the Commissioner of Education
40 shall establish a uniform methodology for the reporting of the data
41 concerning administrative personnel on a full-time equivalent basis.
42 (cf: P.L.1995, c.235, s.3)

43

44 6. Section 13 of P.L.1991, c.393 (C.18A:12-33) is amended to
45 read as follows:

46 13. a. Each newly elected or appointed board member shall
47 complete during the first year of the member's first term a training
48 program to be prepared and offered by the New Jersey School

1 Boards Association, in consultation with the New Jersey
2 Association of School Administrators, the New Jersey Principals
3 and Supervisors Association, and the Department of Education,
4 regarding the skills and knowledge necessary to serve as a local
5 school board member. The training program shall include
6 information regarding the school district monitoring system
7 established pursuant to P.L.2005, c.235, the New Jersey Quality
8 Single Accountability Continuum, and the five key components of
9 school district effectiveness on which school districts are evaluated
10 under the monitoring system: instruction and program; personnel;
11 fiscal management; operations; and governance.

12 The board member shall complete a training program on school
13 district governance in each of the subsequent two years of the board
14 member's first term.

15 b. Within one year after each re-election or re-appointment to
16 the board of education, the board member shall complete an
17 advanced training program to be prepared and offered by the New
18 Jersey School Boards Association. This advanced training program
19 shall include information on relevant changes to New Jersey school
20 law and other information deemed appropriate to enable the board
21 member to serve more effectively.

22 c. The New Jersey School Boards Association shall examine
23 options for providing training programs to school board members
24 through alternative methods such as on-line or other distance
25 learning media or through regional-based training.

26 d. Within one year after being newly elected or appointed or
27 being re-elected or re-appointed to the board of education, a board
28 member shall complete a training program on harassment,
29 intimidation, and bullying in schools, including a school district's
30 responsibilities under P.L.2002, c.83 (C.18A:37-13 et seq.). A
31 board member shall be required to complete the program only once.

32 e. Training on harassment, intimidation, and bullying in
33 schools shall be provided by the New Jersey School Boards
34 Association, in consultation with recognized experts in school
35 bullying from a cross section of academia, child advocacy
36 organizations, nonprofit organizations, professional associations,
37 and government agencies.

38 (cf: P.L.2007, c.53, s.17)

39

40 7. Section 1 of P.L.1982, c.163 (C.18A:17-46) is amended to
41 read as follows:

42 1. Any school employee observing or having direct knowledge
43 from a participant or victim of an act of violence shall, in
44 accordance with standards established by the commissioner, file a
45 report describing the incident to the school principal in a manner
46 prescribed by the commissioner, and copy of same shall be
47 forwarded to the district superintendent.

1 The principal shall notify the district superintendent of schools
2 of the action taken regarding the incident. ~~Annually~~ ~~Once~~
3 ~~during each semester of the school year~~ Two times each school
4 year, between September 1 and January 1 and between January 1
5 and June 30¹, at a public hearing, the superintendent of schools
6 shall report to the board of education all acts of violence ~~and~~ ,
7 vandalism, and harassment, intimidation, or bullying which
8 occurred during the previous ~~school year~~ ~~semester~~ reporting
9 period¹. The report shall include the number of reports of
10 harassment, intimidation, or bullying, the status of all
11 investigations, the nature of the bullying based on one of the
12 protected categories identified in section 2 of P.L.2002, c.83
13 (C.18A:37-14), the names of the investigators, the type and nature
14 of any discipline imposed on any student engaged in harassment,
15 intimidation, or bullying, and any other measures imposed, training
16 conducted, or programs implemented, to reduce harassment,
17 intimidation, or bullying. The information shall also be reported
18 once during each semester of the school year reporting period¹
19 to the Department of Education. The report must include data
20 broken down by the enumerated categories as listed in section 2 of
21 P.L.2002, c.83 (C.18A:37-14), and data broken down by each
22 school in the district, in addition to district-wide data. It shall be a
23 violation to improperly release any confidential information not
24 authorized by federal or State law for public release.

25 The report shall be used to grade each school for the purpose of
26 assessing its effort to identify harassment, intimidation, or
27 bullying implement policies and programs consistent with the
28 provisions of P.L.2002, c.83 (C.18A:37-13 et seq.)¹. The district
29 shall receive a grade determined by averaging the grades of all the
30 schools in the district. The commissioner shall promulgate
31 guidelines for a program to grade schools for the purpose of
32 assessing their efforts to identify harassment, intimidation, or
33 bullying purposes of this subsection¹.

34 The grade received by a school and the district shall be posted on
35 the homepage of the school's website. The grade for the district
36 and each school of the district shall be posted on the homepage of
37 the district's website. A link to the report shall be available on the
38 district's website. The information shall be posted on the websites
39 within 10 days of the receipt of a grade by the school and district.

40 Verification of the annual report reports on violence and ,
41 vandalism, and harassment, intimidation, or bullying shall be part of
42 the State's monitoring of the school district, and the State Board of
43 Education shall adopt regulations that impose a penalty on a school
44 employee who knowingly falsifies the report. A board of education
45 shall provide ongoing staff training, in cooperation with the
46 Department of Education, in fulfilling the reporting requirements
47 pursuant to this section. The majority representative of the school

1 employees shall have access monthly to the number and disposition
2 of all reported acts of school violence ~~[and]~~, ~~vandalism, and~~
3 ~~harassment, intimidation, or bullying~~.

4 (cf: P.L.2007, c.42, s.1)

5

6 8. Section 3 of P.L.1982, c.163 (C.18A:17-48) is amended to
7 read as follows:

8 3. The Commissioner of Education shall each year submit a
9 report to the Education Committees of the Senate and General
10 Assembly detailing the extent of violence ~~[and]~~ , ~~vandalism, and~~
11 ~~harassment, intimidation, or bullying~~ in the public schools and
12 making recommendations to alleviate the problem. The report shall
13 be made available annually to the public no later than October 1,
14 and shall be posted on the department's website.

15 (cf: P.L.1982, c.163, s.3)

16

17 9. Section 13 of P.L.2007, c.53 (C.18A:26-8.2) is amended to
18 read as follows:

19 13. a. As used in this section, "school leader" means a school
20 district staff member who holds a position that requires the
21 possession of a chief school administrator, principal, or supervisor
22 endorsement.

23 b. A school leader shall complete training on issues of school
24 ethics, school law, and school governance as part of the
25 professional development for school leaders required pursuant to
26 State Board of Education regulations. Information on the
27 prevention of harassment, intimidation, and bullying shall also be
28 included in the training. The training shall be offered through a
29 collaborative training model as identified by the Commissioner of
30 Education, in consultation with the State Advisory Committee on
31 Professional Development for School Leaders.

32 (cf: P.L.2007, c.53, s.13)

33

34 10. N.J.S.18A:37-2 is amended to read as follows:

35 18A:37-2. Any pupil who is guilty of continued and willful
36 disobedience, or of open defiance of the authority of any teacher or
37 person having authority over him, or of the habitual use of profanity
38 or of obscene language, or who shall cut, deface or otherwise injure
39 any school property, shall be liable to punishment and to suspension
40 or expulsion from school.

41 Conduct which shall constitute good cause for suspension or
42 expulsion of a pupil guilty of such conduct shall include, but not be
43 limited to, any of the following:

44 a. Continued and willful disobedience;

45 b. Open defiance of the authority of any teacher or person,
46 having authority over him;

47 c. Conduct of such character as to constitute a continuing
48 danger to the physical well-being of other pupils;

- 1 d. Physical assault upon another pupil;
- 2 e. Taking, or attempting to take, personal property or money
- 3 from another pupil, or from his presence, by means of force or fear;
- 4 f. Willfully causing, or attempting to cause, substantial damage
- 5 to school property;
- 6 g. Participation in an unauthorized occupancy by any group of
- 7 pupils or others of any part of any school or other building owned
- 8 by any school district, and failure to leave such school or other
- 9 facility promptly after having been directed to do so by the
- 10 principal or other person then in charge of such building or facility;
- 11 h. Incitement which is intended to and does result in
- 12 unauthorized occupation by any group of pupils or others of any
- 13 part of a school or other facility owned by any school district;
- 14 i. Incitement which is intended to and does result in truancy by
- 15 other pupils; **[and]**
- 16 j. Knowing possession or knowing consumption without legal
- 17 authority of alcoholic beverages or controlled dangerous substances
- 18 on school premises, or being under the influence of intoxicating
- 19 liquor or controlled dangerous substances while on school premises;
- 20 and
- 21 k. Harassment, intimidation, or bullying.
- 22 (cf: P.L.1981, c.59, s.1)
- 23

24 11. Section 2 of P.L.2002, c.83 (C.18A:37-14) is amended to

25 read as follows:

26 2. As used in this act:

27 "Electronic communication" means a communication transmitted

28 by means of an electronic device, including, but not limited to, a

29 telephone, cellular phone, computer, or pager;

30 "Harassment, intimidation or bullying" means any gesture, any

31 written, verbal or physical act, or any electronic communication ¹,

32 whether it be a single incident or a series of incidents,¹ that is

33 reasonably perceived as being motivated either by any actual or

34 perceived characteristic, such as race, color, religion, ancestry,

35 national origin, gender, sexual orientation, gender identity and

36 expression, or a mental, physical or sensory **[handicap]** disability,

37 or by any other distinguishing characteristic, that takes place on

38 school property, at any school-sponsored function ¹**[or]** ¹,
39 school bus ¹, or off school grounds as provided for in section 16 of

40 P.L. , c. (C.) (pending before the Legislature as this bill), that

41 substantially disrupts or interferes with the orderly operation of the

42 school or the rights of other students¹ and that:

43 a. a reasonable person should know, under the circumstances,

44 will have the effect of physically or emotionally harming a student

45 or damaging the student's property, or placing a student in

46 reasonable fear of physical or emotional harm to his person or

47 damage to his property; **[or]**

- 1 b. has the effect of insulting or demeaning any student or group
2 of students ¹[in such a way as to cause [substantial] disruption in,
3 or [substantial] interference with, the orderly operation of the
4 school]¹; ¹or¹
5 c. creates a hostile 'educational' environment '[at school]'¹ for
6 the student ¹[: or
7 d. infringes on the rights of the student at school] by
8 interfering with a student's education or by severely or pervasively
9 causing physical or emotional harm to the student¹.
10 (cf: P.L.2007, c.129, s.1)

11
12 12. Section 3 of P.L.2002, c.83 (C.18A:37-15) is amended to
13 read as follows:

14 3. a. Each school district shall adopt a policy prohibiting
15 harassment, intimidation or bullying on school property, at a
16 school-sponsored function or on a school bus. The school district
17 shall [attempt to] adopt the policy through a process that includes
18 representation of parents or guardians, school employees,
19 volunteers, students, administrators, and community
20 representatives.

21 b. A school district shall have local control over the content of
22 the policy, except that the policy shall contain, at a minimum, the
23 following components:

24 (1) a statement prohibiting harassment, intimidation or bullying
25 of a student;

26 (2) a definition of harassment, intimidation or bullying no less
27 inclusive than that set forth in section 2 of P.L.2002, c.83
28 (C.18A:37-14);

29 (3) a description of the type of behavior expected from each
30 student;

31 (4) consequences and appropriate remedial action for a person
32 who commits an act of harassment, intimidation or bullying;

33 (5) a procedure for reporting an act of harassment, intimidation
34 or bullying, including a provision that permits a person to report an
35 act of harassment, intimidation or bullying anonymously; however,
36 this shall not be construed to permit formal disciplinary action
37 solely on the basis of an anonymous report.

38 All acts of harassment, intimidation, or bullying shall be reported
39 verbally to the school principal on the same day when the school
40 employee or contracted service provider witnessed or received
41 reliable information regarding any such incident. The principal
42 shall inform the parents or guardians of all students involved in the
43 alleged incident, and may discuss, as appropriate, the availability of
44 counseling and other intervention services. All acts of harassment,
45 intimidation, or bullying shall be reported in writing to the school
46 principal within two school days of when the school employee or
47 contracted service provider witnessed or received reliable

1 information that a student had been subject to harassment,
2 intimidation, or bullying. '【In cases in which an incident of
3 harassment, intimidation, or bullying occurs exclusively among or
4 between special education students or students with developmental
5 disabilities, in the context of a county special services school
6 district or a separate program for special education students within a
7 school district, the school employee who witnesses such an incident
8 of harassment, intimidation, or bullying shall have discretion to
9 determine whether the incident is necessary to report or whether the
10 incident may have been affected by the condition of the students
11 and thereby warrants an alternative approach more appropriate in
12 the special education context】';

13 (6) a procedure for prompt investigation of reports of violations
14 and complaints, 【identifying either the principal or the principal's
15 designee as the person responsible for the investigation】 which
16 procedure shall at a minimum provide that:

17 (a) the investigation shall be initiated by the principal or the
18 principal's designee within one school day of the report of the
19 incident and shall be conducted by a school anti-bullying specialist.
20 The principal may appoint additional personnel who are not school
21 anti-bullying specialists to assist in the investigation. The
22 investigation shall be completed as soon as possible, but not later
23 than 10 school days from the date of the 'written' report of the
24 incident of harassment, intimidation, or bullying ' . In the event that
25 there is information relative to the investigation that is anticipated
26 but not yet received by the end of the 10-day period, the school
27 anti-bullying specialist may amend the original report of the results
28 of the investigation to reflect the information' ;

29 (b) the results of the investigation shall be reported to the
30 superintendent of schools within two school days of the completion
31 of the investigation, and in accordance with regulations
32 promulgated by the State Board of Education pursuant to the
33 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
34 seq.), the superintendent may decide to provide intervention
35 services, establish training programs to reduce harassment,
36 intimidation, or bullying and enhance school climate, impose
37 discipline, '【or】' order counseling as a result of the findings of the
38 investigation ' , or take or recommend other appropriate action' ;

39 (c) the results of each investigation shall be reported to the
40 board of education no later than the date of the board of education
41 meeting next following the completion of the investigation, along
42 with information on any services provided, training established,
43 '【or】' discipline imposed ' , ' or 'other action taken or'
44 recommended by the superintendent;

45 (d) parents or guardians of the students who are parties to the
46 investigation shall be entitled to receive information about the
47 investigation, in accordance with federal and State law and

1 regulation, including the nature of the investigation, whether the
2 district found evidence of harassment, intimidation, or bullying, or
3 whether discipline was imposed or services provided to address the
4 incident of harassment, intimidation, or bullying. This information
5 shall be provided in writing within 5 school days after the results of
6 the investigation are reported to the board. A parent or guardian
7 may request a hearing before the board after receiving the
8 information, and the hearing shall be held within 10 days of the
9 request. The board shall meet in executive session for the hearing
10 to protect the confidentiality of the students. At the hearing the
11 board may hear from the school anti-bullying specialist about the
12 incident, recommendations for discipline or services, and any
13 programs instituted to reduce such incidents;

14 (e) at the next board of education meeting following its receipt
15 of the report, the board shall issue a decision, in writing, to affirm,
16 reject, or modify the superintendent's decision. The board's
17 decision may be appealed to the Commissioner of Education, in
18 accordance with the procedures set forth in law and regulation, no
19 later than the 90 days after the issuance of the board's decision; and

20 (f) a parent, student, guardian, or organization may file a
21 complaint with the Division on Civil Rights within 180 days of the
22 occurrence of any incident of harassment, intimidation, or bullying
23 based on membership in a protected group as enumerated in the
24 "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.);

25 (7) the range of ways in which a school will respond once an
26 incident of harassment, intimidation or bullying is identified, which
27 shall be defined by the principal in conjunction with the school anti-
28 bullying specialist, but shall include an appropriate combination of
29 counseling, support services, intervention services, and other
30 programs, as defined by the commissioner;

31 (8) a statement that prohibits reprisal or retaliation against any
32 person who reports an act of harassment, intimidation or bullying
33 and the consequence and appropriate remedial action for a person
34 who engages in reprisal or retaliation;

35 (9) consequences and appropriate remedial action for a person
36 found to have falsely accused another as a means of retaliation or as
37 a means of harassment, intimidation or bullying;

38 (10) a statement of how the policy is to be publicized, including
39 notice that the policy applies to participation in school-sponsored
40 functions; [and]

41 (11) a requirement that [the] a link to the policy be prominently
42 posted on the home page of the school district's website and
43 distributed annually to parents and guardians who have children
44 enrolled in a school in the school district; and

45 (12) a requirement that the name, 'school' phone number,
46 'school' address and 'school' email address of the district anti-
47 bullying coordinator be listed on the home page of the school
48 district's website and that on the home page of each school's

1 website the name, 'school' phone number, 'school' address and
2 'school' email address of the school anti-bullying specialist and the
3 district anti-bullying coordinator be listed. The information
4 concerning the district anti-bullying coordinator and the school anti-
5 bullying specialists shall also be maintained on the department's
6 website.

7 c. A school district shall adopt a policy and transmit a copy of
8 its policy to the appropriate executive county superintendent of
9 schools by September 1, 2003. A school district shall annually
10 conduct a re-evaluation, reassessment, and review of its policy,
11 making any necessary revisions and additions. The board shall
12 include input from the school anti-bullying '【specialist】 specialists'
13 in conducting its re-evaluation, reassessment, and review. The
14 district shall transmit a copy of the revised policy to the appropriate
15 executive county superintendent of schools within 30 school days of
16 the revision. The first revised policy following the effective date of
17 P.L. , c. (C.) (pending before the Legislature as this bill) shall
18 be transmitted to the executive county superintendent of schools by
19 September 1, 2011.

20 d. **【To assist school districts in developing policies for the**
21 **prevention of harassment, intimidation or bullying, the**
22 **Commissioner of Education shall develop a model policy applicable**
23 **to grades kindergarten through 12. This model policy shall be**
24 **issued no later than December 1, 2002.】 '【Deleted by amendment,**
25 **P.L. , c. (C.) (pending before the Legislature as this bill)】**

26 (1) To assist school districts in developing policies for the
27 prevention of harassment, intimidation, or bullying, the
28 Commissioner of Education shall develop a model policy applicable
29 to grades kindergarten through 12. This model policy shall be
30 issued no later than December 1, 2002.

31 (2) The commissioner shall adopt amendments to the model
32 policy which reflect the provisions of P.L. , c. (C.) (pending
33 before the Legislature as this bill) no later than 90 days after the
34 effective date of that act and shall subsequently update the model
35 policy as the commissioner deems necessary.'

36 e. Notice of the school district's policy shall appear in any
37 publication of the school district that sets forth the comprehensive
38 rules, procedures and standards of conduct for schools within the
39 school district, and in any student handbook.

40 f. Nothing in this section shall prohibit a school district from
41 adopting a policy that includes components that are more stringent
42 than the components set forth in this section.

43 (cf: P.L.2007, c.303, s.7)

44

45 13. Section 4 of P.L.2002, c.83 (C.18A:37-16) is amended to
46 read as follows:

1 4. a. A member of a board of education, school employee,
2 student or volunteer shall not engage in reprisal, retaliation or false
3 accusation against a victim, witness or one with reliable information
4 about an act of harassment, intimidation or bullying.

5 b. A member of a board of education, school employee,
6 contracted service provider, student or volunteer who has
7 witnessed, or has reliable information that a student has been
8 subject to, harassment, intimidation or bullying shall report the
9 incident to the appropriate school official designated by the school
10 district's policy, or to any school administrator or safe schools
11 resource officer, who shall immediately initiate the school district's
12 procedures concerning school bullying.

13 c. A member of a board of education or a school employee who
14 promptly reports an incident of harassment, intimidation or
15 bullying, to the appropriate school official designated by the school
16 district's policy, or to any school administrator or safe schools
17 resource officer, and who makes this report in compliance with the
18 procedures in the district's policy, is immune from a cause of action
19 for damages arising from any failure to remedy the reported
20 incident.

21 d. A school administrator who receives a report of harassment,
22 intimidation, or bullying from a district employee, and fails to
23 initiate or conduct an investigation, or who should have known of
24 an incident of harassment, intimidation, or bullying and fails to take
25 sufficient action to minimize or eliminate the harassment,
26 intimidation, or bullying, may be subject to disciplinary action.

27 (cf: P.L.2002, c.83, s.4)

28
29 14. Section 5 of P.L.2002, c.83 (C.18A:37-17) is amended to
30 read as follows:

31 5. a. Schools and school districts **[are encouraged to]** shall
32 annually establish, implement, document, and assess bullying
33 prevention programs or approaches, and other initiatives involving
34 school staff, students, administrators, volunteers, parents, law
35 enforcement and community members. The programs or
36 approaches shall be designed to create school-wide conditions to
37 prevent and address harassment, intimidation, and bullying.

38 A school district may apply to the Department of Education for a
39 grant to be used for programs or approaches established pursuant to
40 this subsection, to the extent funds are appropriated for these
41 purposes or funds are made available through the Bullying
42 Prevention Fund established pursuant to section 25 of
43 P.L. , c. (C.) (pending before the Legislature as this bill).

44 b. **[To the extent funds are appropriated for these purposes, a]**
45 A school district shall: (1) provide training on the school district's
46 harassment, intimidation, or bullying policies to school employees
47 and volunteers who have significant contact with students; [and]
48 (2) ensure that the training includes instruction on preventing

1 bullying on the basis of the protected categories enumerated in
2 section 2 of P.L.2002, c.83 (C.18A:37-14) and other distinguishing
3 characteristics that may incite incidents of discrimination,
4 harassment, intimidation, or bullying; and (3) develop a process for
5 discussing the district's harassment, intimidation or bullying policy
6 with students.

7 c. Information regarding the school district policy against
8 harassment, intimidation or bullying shall be incorporated into a
9 school's employee training program and shall be provided to full-
10 time and part-time staff, volunteers who have significant contact
11 with students, and those persons contracted by the district to
12 provide services to students.

13 (cf: P.L.2002, c.83, s.5)

14

15 15. Section 2 of P.L.2005, c.276 (C.52:17B-71.8) is amended to
16 read as follows:

17 2. a. The Police Training Commission in the Division of
18 Criminal Justice in the Department of Law and Public Safety, in
19 consultation with the Attorney General, shall develop a training
20 course for safe schools resource officers and public school
21 employees assigned by a board of education to serve as a school
22 liaison to law enforcement. The Attorney General, in conjunction
23 with the Police Training Commission, shall ensure that the training
24 course is developed within 180 days of the effective date of this act.
25 The course shall at a minimum provide comprehensive and
26 consistent training in current school resource officer practices and
27 concepts. The course shall include training in the protection of
28 students from harassment, intimidation, and bullying, including
29 incidents which occur through electronic communication. The
30 course shall be made available to:

31 (1) any law enforcement officer or public school employee
32 referred by the board of education of the public school to which
33 assignment as a safe schools resource officer or school liaison to
34 law enforcement is sought; and

35 (2) any safe schools resource officer or school liaison to law
36 enforcement assigned to a public school prior to the effective date
37 of P.L.2005, c.276 (C.52:17B-71.8 et al.).

38 b. The training course developed by the commission pursuant
39 to subsection a. of this section shall be offered at each school
40 approved by the commission to provide police training courses
41 pursuant to the provisions of P.L.1961, c.56 (C.52:17B-66 et seq.).
42 The commission shall ensure that an individual assigned to instruct
43 the course is proficient and experienced in current school resource
44 officer practices and concepts.

45 c. The commission shall award a certificate to each individual
46 who successfully completes the course.

47 d. The Police Training Commission, in consultation with the
48 Commissioner of Education, shall adopt rules and regulations

1 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
2 (C.52:14B-1 et seq.), to implement the provisions of this section.
3 (cf: P.L.2005, c.276, s.2)

4
5 16. (New section) The policy adopted by each school district
6 pursuant to section 3 of P.L.2002, c.83 (C.18A:37-15) shall include
7 provisions for appropriate responses to harassment, intimidation, or
8 bullying ¹, as defined in section 2 of P.L.2002, c.83 (C.18A:37-
9 14).¹ that occurs off school grounds, in cases in which a school
10 employee is made aware of such actions ¹ [, and such actions create
11 a hostile environment at school for the student, infringe on the
12 rights of the student at school, or disrupt the education process or
13 orderly operation of a school]¹. The responses to harassment,
14 intimidation, or bullying that occurs off school grounds shall be
15 consistent with the board of education's code of student conduct
16 and other provisions of the board's policy on harassment,
17 intimidation, or bullying.

18
19 17. (New section) a. The principal in each school in a school
20 district shall appoint a school anti-bullying specialist. When a
21 school guidance counselor, school psychologist, or another
22 individual similarly trained is currently employed in the school, the
23 principal shall appoint that individual to be the school anti-bullying
24 specialist. If no individual meeting this criteria is currently
25 employed in the school, the principal shall appoint a school anti-
26 bullying specialist from currently employed school personnel. The
27 school anti-bullying specialist shall:

28 (1) chair the school safety team as provided in section 18 of
29 P.L. c. , (C.) (pending before the Legislature as this bill);

30 (2) lead the investigation of incidents of harassment,
31 intimidation, and bullying in the school; and

32 (3) act as the primary school official responsible for preventing,
33 identifying, and addressing incidents of harassment, intimidation,
34 and bullying in the school.

35 b. The superintendent of schools shall appoint a district anti-
36 bullying coordinator. The superintendent shall make every effort to
37 appoint an employee of the school district to this position. The
38 district anti-bullying coordinator shall:

39 (1) be responsible for coordinating and strengthening the school
40 district's policies to prevent, identify, and address harassment,
41 intimidation, and bullying of students;

42 (2) collaborate with school anti-bullying specialists in the
43 district, the board of education, and the superintendent of schools to
44 prevent, identify, and respond to harassment, intimidation, and
45 bullying of students in the district;

46 (3) provide data, in collaboration with the superintendent of
47 schools, to the Department of Education regarding harassment,
48 intimidation, and bullying of students; and

1 (4) execute such other duties related to school harassment,
2 intimidation, and bullying as requested by the superintendent of
3 schools.

4 c. The district anti-bullying coordinator shall meet at least
5 twice a school year ¹【, once in the first semester and once in the
6 second semester,】¹ with the school anti-bullying specialists in the
7 district to discuss and strengthen procedures and policies to prevent,
8 identify, and address harassment, intimidation, and bullying in the
9 district.

10

11 18. (New section) a. A school district shall form a school
12 safety team in each school in the district to develop, foster, and
13 maintain a positive school climate by focusing on the on-going,
14 systemic process and practices in the school and to address school
15 climate issues such as harassment, intimidation, or bullying. A
16 school safety team shall meet at least two times per school year ¹【,
17 once in the first semester and once in the second semester】¹.

18 b. A school safety team shall consist of the principal or his
19 designee who, if possible, shall be a senior administrator in the
20 school and the following appointees of the principal: a teacher in
21 the school; a school anti-bullying specialist; a parent of a student in
22 the school; and other members to be determined by the principal.
23 The school anti-bullying specialist shall serve as the chair of the
24 school safety team.

25 c. The school safety team shall:

26 (1) receive any complaints of harassment, intimidation, or
27 bullying of students that have been reported to the principal;

28 (2) receive copies of any report prepared after an investigation
29 of an incident of harassment, intimidation, or bullying;

30 (3) identify and address patterns of harassment, intimidation, or
31 bullying of students in the school;

32 (4) review and strengthen school climate and the policies of the
33 school in order to prevent and address harassment, intimidation, or
34 bullying of students;

35 (5) educate the community, including students, teachers,
36 administrative staff, and parents, to prevent and address harassment,
37 intimidation, or bullying of students;

38 (6) participate in the training required pursuant to the provisions
39 of P.L.2002, c.83 (C.18A:37-13 et seq.) and other training which
40 the principal or the district anti-bullying coordinator may request;

41 (7) collaborate with the district anti-bullying coordinator in the
42 collection of district-wide data and in the development of district
43 policies to prevent and address harassment, intimidation, or
44 bullying of students; and

45 (8) execute such other duties related to harassment, intimidation,
46 and bullying as requested by the principal or district anti-bullying
47 coordinator.

1 d. The members of a school safety team shall be provided
2 professional development opportunities that address effective
3 practices of successful school climate programs or approaches.

4 'e. Notwithstanding any provision of this section to the contrary,
5 a parent who is a member of the school safety team shall not
6 participate in the activities of the team set forth in paragraphs (1),
7 (2), or (3) of subsection c. of this section or any other activities of
8 the team which may compromise the confidentiality of a student.'
9

10 19. (New section) a. Beginning with the '~~2011-2012~~ 2012-
11 2013' school year, all candidates for teaching certification 'who
12 have completed a teacher preparation program at a regionally-
13 accredited institution of higher education' shall 'have' satisfactorily
14 '~~complete~~ completed' a program on harassment, intimidation,
15 and bullying prevention.

16 b. Beginning with the '~~2010-2011~~ 2011-2012' school year,
17 any person seeking certification through the alternate route shall,
18 within one year of being employed, satisfactorily complete a
19 program on harassment, intimidation, and bullying prevention.

20 c. The State Board of Education shall establish the appropriate
21 requirements of the program on harassment, intimidation, and
22 bullying prevention.

23 d. The State board shall, as part of the professional
24 development requirement established by the State board for public
25 school teachers, require each public school teacher to complete at
26 least two hours of instruction on harassment, intimidation, or
27 bullying prevention in each professional development period.
28

29 20. (New section) Beginning with the '~~2011-2012~~ 2012-
30 2013' school year, all candidates for administrative 'and
31 supervisory' certification shall 'have' satisfactorily '~~complete~~
32 completed' a program on harassment, intimidation, and bullying
33 prevention.
34

35 21. (New section) a. The Department of Education, in
36 consultation with the Division on Civil Rights in the Department of
37 Law and Public Safety shall develop a guidance document for use
38 by parents or guardians, students, and school districts to assist in
39 resolving complaints concerning student harassment, intimidation,
40 or bullying behaviors and the implementation of P.L.2002, c.83
41 (C.18A:37-13 et seq.) by school districts. The document shall
42 include:

43 (1) a school district's obligations under P.L.2002, c.83
44 (C.18A:37-13 et seq.);

45 (2) best practices for the prevention, intervention, and
46 remediation of harassment, intimidation, or bullying in schools,

1 including methods to identify and assist student populations at high
2 risk for harassment, intimidation, or bullying;

3 (3) a clear explanation of the procedures for petitioning the
4 Commissioner of Education to hear and decide disputes concerning
5 P.L.2002, c.83 (C.18A:37-13 et seq.);

6 (4) a clear explanation of the Division on Civil Rights'
7 jurisdiction and services in regard to specific types of harassment,
8 intimidation, or bullying; and

9 (5) a clear explanation of the process for appealing final agency
10 determinations to the Appellate Division of the Superior Court.

11 b. The guidance document shall be available on the Department
12 of Education's and the Division on Civil Rights' Internet sites and
13 on every school district's Internet site at an easily accessible
14 location.

15

16 22. (New section) a. The Commissioner of Education shall
17 establish a formal protocol pursuant to which the office of the
18 executive county superintendent of schools shall investigate a
19 complaint that documents an allegation of a violation of P.L.2002,
20 c.83 (C.18A:37-13 et seq.) by a school district located within the
21 county, when the complaint has not been adequately addressed on
22 the local level. The office of the executive county superintendent
23 shall report its findings, and if appropriate, issue an order for the
24 school district to develop and implement corrective actions that are
25 specific to the facts of the case.

26 b. The commissioner shall ensure that the personnel of the
27 office of the executive county superintendent of schools who are
28 responsible for conducting the investigations receive training and
29 technical support on the use of the complaint investigation protocol.

30

31 23. (New section) a. The Commissioner of Education, in
32 consultation with recognized experts in school bullying from a cross
33 section of academia, child advocacy organizations, nonprofit
34 organizations, professional associations, and government agencies,
35 shall establish inservice workshops and training programs to train
36 selected public school employees to act as district anti-bullying
37 coordinators and school anti-bullying specialists in accordance with
38 the provisions of P.L. , c. (C.) (pending before the Legislature
39 as this bill). The commissioner shall seek to make the workshops
40 and training programs available and administered online through the
41 department's website or other existing online resources. The
42 commissioner shall evaluate the effectiveness of the consulting
43 group on an annual basis. The inservice training programs may
44 utilize the offices of the executive county superintendent of schools,
45 or such other institutions, agencies, or persons as the commissioner
46 deems appropriate. Each board of education shall provide time for
47 the inservice training during the usual school schedule in order to
48 ensure that appropriate personnel are prepared to act in the district

1 as district anti-bullying coordinators and school anti-bullying
2 specialists.

3 b. Upon completion of the initial inservice training program,
4 the commissioner shall ensure that programs and workshops that
5 reflect the most current information on harassment, intimidation,
6 and bullying in schools are prepared and made available to district
7 anti-bullying coordinators and school anti-bullying specialists at
8 regular intervals.

9
10 24. (New section) The Commissioner of Education shall
11 develop, in consultation with the Division on Civil Rights, and
12 make available on the Department of Education's Internet site, an
13 online tutorial on harassment, intimidation, and bullying. The
14 online tutorial shall, at a minimum, include best practices in the
15 prevention of harassment, intimidation, and bullying, applicable
16 laws, and such other information that the commissioner determines
17 to be appropriate. The online tutorial shall be accompanied by a
18 test to assess a person's understanding of the information provided
19 in the tutorial.

20
21 25. (New section) There is created a special fund in the
22 Department of Education, which shall be designated the "Bullying
23 Prevention Fund." The fund shall be maintained in a separate
24 account and administered by the commissioner to carry out the
25 provisions of this act. The fund shall consist of: (1) any monies
26 appropriated by the State for the purposes of the fund; (2) any
27 monies donated for the purposes of the fund; and (3) all interest and
28 investment earnings received on monies in the fund. The fund shall
29 be used to offer grants to school districts to provide training on
30 harassment, intimidation, and bullying prevention and on the
31 effective creation of positive school climates.

32
33 26. (New section) The week beginning with the first Monday in
34 October of each year is designated as a "Week of Respect" in the
35 State of New Jersey. School districts, in order to recognize the
36 importance of character education, shall observe the week by
37 providing age-appropriate instruction focusing on preventing
38 harassment, intimidation, or bullying as defined in section 2 of
39 P.L.2002, c.83 (C.18A:37-14). Throughout the school year the
40 school district shall provide ongoing age-appropriate instruction on
41 preventing harassment, intimidation, and bullying in accordance
42 with the core curriculum content standards.

43
44 27. (New section) Nothing contained ⁱⁿ P.L. , c. (C.)
45 (pending before the Legislature as this bill) shall be construed as
46 affecting the provisions of any collective bargaining agreement or
47 individual contract of employment in effect on that act's effective
48 date.

1 28. (New section) a. A public institution of higher education
2 shall adopt a policy to be included in its student code of conduct
3 prohibiting harassment, intimidation, or bullying. The policy shall
4 contain, at a minimum:

5 (1) A statement prohibiting harassment, intimidation, or
6 bullying;

7 (2) Disciplinary actions which may result if a student commits
8 an act of harassment, intimidation, or bullying; and

9 (3) A definition of harassment, intimidation, or bullying that at a
10 minimum includes any gesture, any written, verbal or physical act,
11 or any electronic communication¹, whether it be a single incident or
12 a series of incidents,¹ that is reasonably perceived as being
13 motivated either by any actual or perceived characteristic, such as
14 race, color, religion, ancestry, national origin, gender, sexual
15 orientation, gender identity and expression, or a mental, physical or
16 sensory disability, or by any other distinguishing characteristic, that
17 takes place on the property of the institution of higher education or
18 at any function sponsored by the institution of higher education¹,
19 that substantially disrupts or interferes with the orderly operation of
20 the institution or the rights of other students¹ and that:

21 (a) a reasonable person should know, under the circumstances,
22 will have the effect of physically or emotionally harming a student
23 or damaging the student's property, or placing a student in
24 reasonable fear of physical or emotional harm to his person or
25 damage to his property;

26 (b) has the effect of insulting or demeaning any student or group
27 of students ¹[in such a way as to cause disruption in, or
28 interference with, the orderly operation of the institution of higher
29 education]¹; ¹or¹

30 (c) creates a hostile ¹educational¹environment for the student
31 ¹[at the institution of higher education; or

32 (d) infringes on the rights of the student at the institution of
33 higher education] by interfering with a student's education or by
34 severely or pervasively causing physical or emotional harm to the
35 student¹.

36 b. The institution shall distribute the policy by email to each
37 student within seven days of the start of each semester and shall
38 post the policy on its website.

39
40 ¹29. (New section) a. Nonpublic schools are encouraged to
41 comply with the provisions of the "Anti-Bullying Bill of Rights
42 Act," P.L.2002, c.83 (C.18A:37-13 et seq.), as amended and
43 supplemented by P.L. , c. (C.) (pending before the
44 Legislature as this bill).

45 b. In the case of a faith-based nonpublic school, no provision of
46 the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83 (C.18A:37-
47 13 et seq.), as amended and supplemented by P.L. , c. (C.)

1 (pending before the Legislature as this bill), shall be interpreted to
2 prohibit or abridge the legitimate statement, expression or free
3 exercise of the beliefs or tenets of that faith by the religious
4 organization operating the school or by the school's faculty, staff,
5 or student body.¹

6
7 ¹30. (New section) Nothing contained in the "Anti-Bullying Bill
8 of Rights Act," P.L.2002, c.83 (C.18A:37-13 et seq.), as amended
9 and supplemented by P.L. , c. (C.) (pending before the
10 Legislature as this bill), shall alter or reduce the rights of a student
11 with a disability with regard to disciplinary actions or to general or
12 special educational services and supports.¹

13
14 ¹[29.] ¹31. This act shall take effect in the first school year
15 following enactment, but the Commissioner of Education may take
16 such anticipatory administrative action in advance thereof as shall
17 be necessary for the implementation of this act.

ASSEMBLY, No. 3466

STATE OF NEW JERSEY

214th LEGISLATURE

INTRODUCED NOVEMBER 8, 2010

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman MARY PAT ANGELINI

District 11 (Monmouth)

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Assemblywoman AMY H. HANDLIN

District 13 (Middlesex and Monmouth)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblywoman PAMELA R. LAMPITT

District 6 (Camden)

Assemblywoman MILA M. JASEY

District 27 (Essex)

Co-Sponsored by:

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Assemblymen Chivukula, Prieto, Assemblywoman Evans, Assemblymen
Johnson, Caputo, Assemblywoman Voss, Assemblyman Coutinho,
Assemblywoman N.Munoz, Assemblyman Schaer, Assemblywomen Riley,
Casagrande, Watson Coleman, Wagner, Assemblyman Giblin,
Assemblywoman Quijano, Assemblyman Dancer, Assemblywoman
Quigley, Assemblymen Rible, Wolfe, Rumpf, Assemblywoman Gove,
Assemblymen DeAngelo, Bramnick, Assemblywoman Spencer,
Assemblymen Gusciora, Ramos, Assemblywoman Rodriguez,
Assemblymen Milam, P. Barnes, III, Holzapfel, Greenwald, DeCroce,
Chiusano and Burzichelli**

SYNOPSIS

The "Anti-Bullying Bill of Rights Act."

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 11/16/2010)

1 AN ACT concerning harassment, intimidation, and bullying in
2 school settings and amending and supplementing various parts of
3 the statutory law.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. (New section) Sections 1, 2, and 16 through 28 of this act
9 and P.L.2002, c.83 (C.18A:37-13 et seq.) shall be known and may
10 be cited as the “Anti-Bullying Bill of Rights Act.”

11

12 2. (New section) The Legislature finds and declares that:

13 a. A 2009 study by the United States Departments of Justice
14 and Education, “Indicators of School Crime and Safety,” reported
15 that 32% of students aged 12 through 18 were bullied in the
16 previous school year. The study reported that 25% of the
17 responding public schools indicated that bullying was a daily or
18 weekly problem;

19 b. A 2009 study by the United States Centers for Disease
20 Control and Prevention, “Youth Risk Behavior Surveillance,”
21 reported that the percentage of students bullied in New Jersey is 1
22 percentage point higher than the national median;

23 c. In 2010, the chronic persistence of school bullying has led to
24 student suicides across the country, including in New Jersey;

25 d. Significant research has emerged since New Jersey enacted
26 its public school anti-bullying statute in 2002, and since the State
27 amended that law in 2007 to include cyber-bullying and in 2008 to
28 require each school district to post its anti-bullying policy on its
29 website and distribute it annually to parents or guardians of students
30 enrolled in the district;

31 e. School districts and their students, parents, teachers,
32 principals, other school staff, and board of education members
33 would benefit by the establishment of clearer standards on what
34 constitutes harassment, intimidation, and bullying, and clearer
35 standards on how to prevent, report, investigate, and respond to
36 incidents of harassment, intimidation, and bullying;

37 f. It is the intent of the Legislature in enacting this legislation
38 to strengthen the standards and procedures for preventing,
39 reporting, investigating, and responding to incidents of harassment,
40 intimidation, and bullying of students that occur in school and off
41 school premises;

42 g. Fiscal responsibility requires New Jersey to take a smarter,
43 clearer approach to fight school bullying by ensuring that existing
44 resources are better managed and used to make our schools safer for
45 students;

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 h. In keeping with the aforementioned goal of fiscal
2 responsibility and in an effort to minimize any burden placed on
3 schools and school districts, existing personnel and resources shall
4 be utilized in every possible instance to accomplish the goals of
5 increased prevention, reporting, and responsiveness to incidents of
6 harassment, intimidation, or bullying, including in the appointment
7 of school anti-bullying specialists and district anti-bullying
8 coordinators;

9 i. By strengthening standards for preventing, reporting,
10 investigating, and responding to incidents of bullying this act will
11 help to reduce the risk of suicide among students and avert not only
12 the needless loss of a young life, but also the tragedy that such loss
13 represents to the student's family and the community at large; and

14 j. Harassment, intimidation, and bullying is also a problem
15 which occurs on the campuses of institutions of higher education in
16 this State, and by requiring the public institutions to include in their
17 student codes of conduct a specific prohibition against bullying, this
18 act will be a significant step in reducing incidents of such activity.

19

20 3. Section 1 of P.L.1986, c.116 (C.18A:6-7.1) is amended to
21 read as follows:

22 1. A facility, center, school, or school system under the
23 supervision of the Department of Education and board of education
24 which cares for, or is involved in the education of children under
25 the age of 18 shall not employ for pay or contract for the paid
26 services of any teaching staff member or substitute teacher, teacher
27 aide, child study team member, school physician, school nurse,
28 custodian, school maintenance worker, cafeteria worker, school law
29 enforcement officer, school secretary or clerical worker or any other
30 person serving in a position which involves regular contact with
31 pupils unless the employer has first determined consistent with the
32 requirements and standards of this act, that no criminal history
33 record information exists on file in the Federal Bureau of
34 Investigation, Identification Division, or the State Bureau of
35 Identification which would disqualify that individual from being
36 employed or utilized in such capacity or position. An individual
37 employed by a board of education or a school bus contractor
38 holding a contract with a board of education, in the capacity of a
39 school bus driver, shall be required to meet the criminal history
40 record requirements pursuant to section 6 of P.L.1989, c.104
41 (C.18A:39-19.1). A facility, center, school, or school system under
42 the supervision of the Department of Education and board of
43 education which cares for, or is involved in the education of
44 children under the age of 18 may require criminal history record
45 checks for individuals who, on an unpaid voluntary basis, provide
46 services that involve regular contact with pupils. In the case of
47 school districts involved in a sending-receiving relationship, the
48 decision to require criminal history record checks for volunteers

1 shall be made jointly by the boards of education of the sending and
2 receiving districts.

3 An individual, except as provided in subsection g. of this section,
4 shall be permanently disqualified from employment or service
5 under this act if the individual's criminal history record check
6 reveals a record of conviction for any crime of the first or second
7 degree; or

8 a. An offense as set forth in chapter 14 of Title 2C of the New
9 Jersey Statutes, or as set forth in N.J.S.2C:24-4 and 2C:24-7, or as
10 set forth in R.S.9:6-1 et seq., or as set forth in N.J.S.2C:29-2; or

11 b. An offense involving the manufacture, transportation, sale,
12 possession, distribution or habitual use of a "controlled dangerous
13 substance" as defined in the "Comprehensive Drug Reform Act of
14 1987," N.J.S.2C:35-1 et al. or "drug paraphernalia" as defined
15 pursuant to N.J.S.2C:36-1 et seq.; or

16 c. (1) A crime involving the use of force or the threat of force
17 to or upon a person or property including, but not limited to,
18 robbery, aggravated assault, stalking, kidnapping, arson,
19 manslaughter and murder; or

20 (2) A crime as set forth in chapter 39 of Title 2C of the New
21 Jersey Statutes, a third degree crime as set forth in chapter 20 of
22 Title 2C of the New Jersey Statutes, or a crime as listed below:

- | | | |
|----|---------------------------------------|-----------------|
| 23 | Recklessly endangering another person | N.J.S.2C:12-2 |
| 24 | Terroristic threats | N.J.S.2C:12-3 |
| 25 | Criminal restraint | N.J.S.2C:13-2 |
| 26 | Luring, enticing child into motor | |
| 27 | vehicle, structure or isolated area | P.L.1993, c.291 |
| 28 | (C.2C:13-6) | |
| 29 | Causing or risking widespread injury | |
| 30 | or damage | N.J.S.2C:17-2 |
| 31 | Criminal mischief | N.J.S.2C:17-3 |
| 32 | Burglary | N.J.S.2C:18-2 |
| 33 | Usury | N.J.S.2C:21-19 |
| 34 | Threats and other improper influence | N.J.S.2C:27-3 |
| 35 | Perjury and false swearing | N.J.S.2C:28-3 |
| 36 | Resisting arrest | N.J.S.2C:29-2 |
| 37 | Escape | N.J.S.2C:29-5 |
| 38 | <u>Bias intimidation</u> | N.J.S.2C:16-1; |

39 or

40 (3) Conspiracy to commit or an attempt to commit any of the
41 crimes described in this act.

42 d. For the purposes of this section, a conviction exists if the
43 individual has at any time been convicted under the laws of this
44 State or under any similar statutes of the United States or any other
45 state for a substantially equivalent crime or other offense.

46 e. Notwithstanding the provisions of this section, an individual
47 shall not be disqualified from employment or service under this act
48 on the basis of any conviction disclosed by a criminal record check

1 performed pursuant to this act without an opportunity to challenge
2 the accuracy of the disqualifying criminal history record.

3 f. When charges are pending for a crime or any other offense
4 enumerated in this section, the employing board of education shall
5 be notified that the candidate shall not be eligible for employment
6 until the commissioner has made a determination regarding
7 qualification or disqualification upon adjudication of the pending
8 charges.

9 g. This section shall first apply to criminal history record
10 checks conducted on or after the effective date of P.L.1998, c.31
11 (C.18A:6-7.1c et al.); except that in the case of an individual
12 employed by a board of education or a contracted service provider
13 who is required to undergo a check upon employment with another
14 board of education or contracted service provider, the individual
15 shall be disqualified only for the following offenses:

16 (1) any offense enumerated in this section prior to the effective
17 date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and

18 (2) any offense enumerated in this section which had not been
19 enumerated in this section prior to the effective date of P.L.1998,
20 c.31 (C.18A:6-7.1c et al.), if the person was convicted of that
21 offense on or after the effective date of that act.

22 (cf: P.L.2007, c.82, s.1)

23

24 4. Section 2 of P.L.2005, c.310 (C.18A:6-112) is amended to
25 read as follows:

26 2. The State Board of Education, in consultation with the New
27 Jersey Youth Suicide Prevention Advisory Council established in
28 the Department of Children and Families pursuant to P.L.2003,
29 c.214 (C.30:9A-22 et seq.), shall, as part of the professional
30 development requirement established by the State board for public
31 school teaching staff members, require each public school teaching
32 staff member to complete at least two hours of instruction in suicide
33 prevention, to be provided by a licensed health care professional
34 with training and experience in mental health issues, in each
35 professional development period. The instruction in suicide
36 prevention shall include information on the relationship between the
37 risk of suicide and incidents of harassment, intimidation, and
38 bullying and information on reducing the risk of suicide in students
39 who are members of communities identified as having members at
40 high risk of suicide.

41 (cf: P.L.2006, c.47, s.80)

42

43 5. Section 3 of P.L.1995, c.235 (C.18A:7E-3) is amended to
44 read as follows:

45 3. Report cards issued pursuant to section 2 of this act shall
46 include, but not be limited to, the following information for:

47 a. the school district and for each school within the district, as
48 appropriate:

- 1 (1) results of the elementary assessment programs;
- 2 (2) results of the Early Warning Test;
- 3 (3) results of the High School Proficiency Test;
- 4 (4) daily attendance records for students and professional staff;
- 5 (5) student graduation and dropout rates;
- 6 (6) annual student scores on the Scholastic Aptitude Test;
- 7 (7) total student enrollment, percentage of limited English
- 8 proficient students, percentage of students in advanced placement
- 9 courses, and any other school characteristics which the
- 10 commissioner deems appropriate;
- 11 (8) instructional resources including teacher/student ratio,
- 12 average class size and amount of instructional time per day, as
- 13 calculated by formulas specified by the commissioner; **[and]**
- 14 (9) a written narrative by the school principal or a designee
- 15 which describes any special achievements, events, problems or
- 16 initiatives of the school or district; and
- 17 (10) data identifying the number and nature of all reports of
- 18 harassment, intimidation, or bullying; and
- 19 b. the school district, as appropriate:
- 20 (1) per pupil expenditures and State aid ratio;
- 21 (2) percent of budget allocated for salaries and benefits of
- 22 administrative personnel;
- 23 (3) percent of budget allocated for salaries and benefits of
- 24 teachers;
- 25 (4) percentage increase over the previous year for salaries and
- 26 benefits of administrative and instructional personnel;
- 27 (5) the number of administrative personnel and the ratio of
- 28 administrative personnel to instructional personnel;
- 29 (6) a profile of the most recent graduating class concerning their
- 30 educational or employment plans following graduation; and
- 31 (7) any other information which the commissioner deems
- 32 appropriate.

33 For the purposes of this section, the Commissioner of Education
34 shall establish a uniform methodology for the reporting of the data
35 concerning administrative personnel on a full-time equivalent basis.
36 (cf: P.L.1995, c.235, s.3)

37
38 6. Section 13 of P.L.1991, c.393 (C.18A:12-33) is amended to
39 read as follows:

40 13. a. Each newly elected or appointed board member shall
41 complete during the first year of the member's first term a training
42 program to be prepared and offered by the New Jersey School
43 Boards Association, in consultation with the New Jersey
44 Association of School Administrators, the New Jersey Principals
45 and Supervisors Association, and the Department of Education,
46 regarding the skills and knowledge necessary to serve as a local
47 school board member. The training program shall include
48 information regarding the school district monitoring system

1 established pursuant to P.L.2005, c.235, the New Jersey Quality
2 Single Accountability Continuum, and the five key components of
3 school district effectiveness on which school districts are evaluated
4 under the monitoring system: instruction and program; personnel;
5 fiscal management; operations; and governance.

6 The board member shall complete a training program on school
7 district governance in each of the subsequent two years of the board
8 member's first term.

9 b. Within one year after each re-election or re-appointment to
10 the board of education, the board member shall complete an
11 advanced training program to be prepared and offered by the New
12 Jersey School Boards Association. This advanced training program
13 shall include information on relevant changes to New Jersey school
14 law and other information deemed appropriate to enable the board
15 member to serve more effectively.

16 c. The New Jersey School Boards Association shall examine
17 options for providing training programs to school board members
18 through alternative methods such as on-line or other distance
19 learning media or through regional-based training.

20 d. Within one year after being newly elected or appointed or
21 being re-elected or re-appointed to the board of education, a board
22 member shall complete a training program on harassment,
23 intimidation, and bullying in schools, including a school district's
24 responsibilities under P.L.2002, c.83 (C.18A:37-13 et seq.). A
25 board member shall be required to complete the program only once.

26 e. Training on harassment, intimidation, and bullying in
27 schools shall be provided by the New Jersey School Boards
28 Association, in consultation with recognized experts in school
29 bullying from a cross section of academia, child advocacy
30 organizations, nonprofit organizations, professional associations,
31 and government agencies.

32 (cf: P.L.2007, c.53, s.17)

33

34 7. Section 1 of P.L.1982, c.163 (C.18A:17-46) is amended to
35 read as follows:

36 1. Any school employee observing or having direct knowledge
37 from a participant or victim of an act of violence shall, in
38 accordance with standards established by the commissioner, file a
39 report describing the incident to the school principal in a manner
40 prescribed by the commissioner, and copy of same shall be
41 forwarded to the district superintendent.

42 The principal shall notify the district superintendent of schools
43 of the action taken regarding the incident. **【Annually】** Once during
44 each semester of the school year, at a public hearing, the
45 superintendent of schools shall report to the board of education all
46 acts of violence **【and】** , vandalism, and harassment, intimidation, or
47 bullying which occurred during the previous **【school year】**
48 semester. The report shall include the number of reports of

1 harassment, intimidation, or bullying, the status of all
2 investigations, the nature of the bullying based on one of the
3 protected categories identified in section 2 of P.L.2002, c.83
4 (C.18A:37-14), the names of the investigators, the type and nature
5 of any discipline imposed on any student engaged in harassment,
6 intimidation, or bullying, and any other measures imposed, training
7 conducted, or programs implemented, to reduce harassment,
8 intimidation, or bullying. The information shall also be reported
9 once during each semester of the school year to the Department of
10 Education. The report must include data broken down by the
11 enumerated categories as listed in section 2 of P.L.2002, c.83
12 (C.18A:37-14), and data broken down by each school in the district,
13 in addition to district-wide data. It shall be a violation to
14 improperly release any confidential information not authorized by
15 federal or State law for public release.

16 The report shall be used to grade each school for the purpose of
17 assessing its effort to identify harassment, intimidation, or bullying.
18 The district shall receive a grade determined by averaging the
19 grades of all the schools in the district. The commissioner shall
20 promulgate guidelines for a program to grade schools for the
21 purpose of assessing their efforts to identify harassment,
22 intimidation, or bullying.

23 The grade received by a school and the district shall be posted on
24 the homepage of the school's website. The grade for the district
25 and each school of the district shall be posted on the homepage of
26 the district's website. A link to the report shall be available on the
27 district's website. The information shall be posted on the websites
28 within 10 days of the receipt of a grade by the school and district.

29 Verification of the **【annual report】** reports on violence 【and】 ,
30 vandalism, and harassment, intimidation, or bullying shall be part of
31 the State's monitoring of the school district, and the State Board of
32 Education shall adopt regulations that impose a penalty on a school
33 employee who knowingly falsifies the report. A board of education
34 shall provide ongoing staff training, in cooperation with the
35 Department of Education, in fulfilling the reporting requirements
36 pursuant to this section. The majority representative of the school
37 employees shall have access monthly to the number and disposition
38 of all reported acts of school violence 【and】 , vandalism, and
39 harassment, intimidation, or bullying.

40 (cf: P.L.2007, c.42, s.1)

41

42 8. Section 3 of P.L.1982, c.163 (C.18A:17-48) is amended to
43 read as follows:

44 3. The Commissioner of Education shall each year submit a
45 report to the Education Committees of the Senate and General
46 Assembly detailing the extent of violence **【and】 ,** vandalism, and
47 harassment, intimidation, or bullying in the public schools and
48 making recommendations to alleviate the problem. The report shall

1 be made available annually to the public no later than October 1,
2 and shall be posted on the department's website.

3 (cf: P.L.1982, c.163, s.3)

4

5 9. Section 13 of P.L.2007, c.53 (C.18A:26-8.2) is amended to
6 read as follows:

7 13. a. As used in this section, "school leader" means a school
8 district staff member who holds a position that requires the
9 possession of a chief school administrator, principal, or supervisor
10 endorsement.

11 b. A school leader shall complete training on issues of school
12 ethics, school law, and school governance as part of the
13 professional development for school leaders required pursuant to
14 State Board of Education regulations. Information on the
15 prevention of harassment, intimidation, and bullying shall also be
16 included in the training. The training shall be offered through a
17 collaborative training model as identified by the Commissioner of
18 Education, in consultation with the State Advisory Committee on
19 Professional Development for School Leaders.

20 (cf: P.L.2007, c.53, s.13)

21

22 10. N.J.S.18A:37-2 is amended to read as follows:

23 18A:37-2. Any pupil who is guilty of continued and willful
24 disobedience, or of open defiance of the authority of any teacher or
25 person having authority over him, or of the habitual use of profanity
26 or of obscene language, or who shall cut, deface or otherwise injure
27 any school property, shall be liable to punishment and to suspension
28 or expulsion from school.

29 Conduct which shall constitute good cause for suspension or
30 expulsion of a pupil guilty of such conduct shall include, but not be
31 limited to, any of the following:

32 a. Continued and willful disobedience;

33 b. Open defiance of the authority of any teacher or person,
34 having authority over him;

35 c. Conduct of such character as to constitute a continuing
36 danger to the physical well-being of other pupils;

37 d. Physical assault upon another pupil;

38 e. Taking, or attempting to take, personal property or money
39 from another pupil, or from his presence, by means of force or fear;

40 f. Willfully causing, or attempting to cause, substantial damage
41 to school property;

42 g. Participation in an unauthorized occupancy by any group of
43 pupils or others of any part of any school or other building owned
44 by any school district, and failure to leave such school or other
45 facility promptly after having been directed to do so by the
46 principal or other person then in charge of such building or facility;

1 h. Incitement which is intended to and does result in
2 unauthorized occupation by any group of pupils or others of any
3 part of a school or other facility owned by any school district;

4 i. Incitement which is intended to and does result in truancy by
5 other pupils; **[and]**

6 j. Knowing possession or knowing consumption without legal
7 authority of alcoholic beverages or controlled dangerous substances
8 on school premises, or being under the influence of intoxicating
9 liquor or controlled dangerous substances while on school premises;
10 and

11 k. Harassment, intimidation, or bullying.

12 (cf: P.L.1981, c.59, s.1)

13

14 11. Section 2 of P.L.2002, c.83 (C.18A:37-14) is amended to
15 read as follows:

16 2. As used in this act:

17 "Electronic communication" means a communication transmitted
18 by means of an electronic device, including, but not limited to, a
19 telephone, cellular phone, computer, or pager;

20 "Harassment, intimidation or bullying" means any gesture, any
21 written, verbal or physical act, or any electronic communication
22 that is reasonably perceived as being motivated either by any actual
23 or perceived characteristic, such as race, color, religion, ancestry,
24 national origin, gender, sexual orientation, gender identity and
25 expression, or a mental, physical or sensory **[handicap]** disability,
26 or by any other distinguishing characteristic, that takes place on
27 school property, at any school-sponsored function or on a school
28 bus and that:

29 a. a reasonable person should know, under the circumstances,
30 will have the effect of physically or emotionally harming a student
31 or damaging the student's property, or placing a student in
32 reasonable fear of physical or emotional harm to his person or
33 damage to his property; **[or]**

34 b. has the effect of insulting or demeaning any student or group
35 of students in such a way as to cause **[substantial]** disruption in, or
36 **[substantial]** interference with, the orderly operation of the school;

37 c. creates a hostile environment at school for the student; or

38 d. infringes on the rights of the student at school.

39 (cf: P.L.2007, c.129, s.1)

40

41 12. Section 3 of P.L.2002, c.83 (C.18A:37-15) is amended to
42 read as follows:

43 3. a. Each school district shall adopt a policy prohibiting
44 harassment, intimidation or bullying on school property, at a
45 school-sponsored function or on a school bus. The school district
46 shall **[attempt to]** adopt the policy through a process that includes
47 representation of parents or guardians, school employees,

1 volunteers, students, administrators, and community
2 representatives.

3 b. A school district shall have local control over the content of
4 the policy, except that the policy shall contain, at a minimum, the
5 following components:

6 (1) a statement prohibiting harassment, intimidation or bullying
7 of a student;

8 (2) a definition of harassment, intimidation or bullying no less
9 inclusive than that set forth in section 2 of P.L.2002, c.83
10 (C.18A:37-14);

11 (3) a description of the type of behavior expected from each
12 student;

13 (4) consequences and appropriate remedial action for a person
14 who commits an act of harassment, intimidation or bullying;

15 (5) a procedure for reporting an act of harassment, intimidation
16 or bullying, including a provision that permits a person to report an
17 act of harassment, intimidation or bullying anonymously; however,
18 this shall not be construed to permit formal disciplinary action
19 solely on the basis of an anonymous report.

20 All acts of harassment, intimidation, or bullying shall be reported
21 verbally to the school principal on the same day when the school
22 employee or contracted service provider witnessed or received
23 reliable information regarding any such incident. The principal
24 shall inform the parents or guardians of all students involved in the
25 alleged incident, and may discuss, as appropriate, the availability of
26 counseling and other intervention services. All acts of harassment,
27 intimidation, or bullying shall be reported in writing to the school
28 principal within two school days of when the school employee or
29 contracted service provider witnessed or received reliable
30 information that a student had been subject to harassment,
31 intimidation, or bullying. In cases in which an incident of
32 harassment, intimidation, or bullying occurs exclusively among or
33 between special education students or students with developmental
34 disabilities, in the context of a county special services school
35 district or a separate program for special education students within a
36 school district, the school employee who witnesses such an incident
37 of harassment, intimidation, or bullying shall have discretion to
38 determine whether the incident is necessary to report or whether the
39 incident may have been affected by the condition of the students
40 and thereby warrants an alternative approach more appropriate in
41 the special education context;

42 (6) a procedure for prompt investigation of reports of violations
43 and complaints, [identifying either the principal or the principal's
44 designee as the person responsible for the investigation] which
45 procedure shall at a minimum provide that:

46 (a) the investigation shall be initiated by the principal or the
47 principal's designee within one school day of the report of the
48 incident and shall be conducted by a school anti-bullying specialist.

1 The principal may appoint additional personnel who are not school
2 anti-bullying specialists to assist in the investigation. The
3 investigation shall be completed as soon as possible, but not later
4 than 10 school days from the date of the report of the incident of
5 harassment, intimidation, or bullying;

6 (b) the results of the investigation shall be reported to the
7 superintendent of schools within two school days of the completion
8 of the investigation, and in accordance with regulations
9 promulgated by the State Board of Education pursuant to the
10 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
11 seq.), the superintendent may decide to provide intervention
12 services, establish training programs to reduce harassment,
13 intimidation, or bullying and enhance school climate, impose
14 discipline, or order counseling as a result of the findings of the
15 investigation;

16 (c) the results of each investigation shall be reported to the
17 board of education no later than the date of the board of education
18 meeting next following the completion of the investigation, along
19 with information on any services provided, training established, or
20 discipline imposed or recommended by the superintendent;

21 (d) parents or guardians of the students who are parties to the
22 investigation shall be entitled to receive information about the
23 investigation, in accordance with federal and State law and
24 regulation, including the nature of the investigation, whether the
25 district found evidence of harassment, intimidation, or bullying, or
26 whether discipline was imposed or services provided to address the
27 incident of harassment, intimidation, or bullying. This information
28 shall be provided in writing within 5 school days after the results of
29 the investigation are reported to the board. A parent or guardian
30 may request a hearing before the board after receiving the
31 information, and the hearing shall be held within 10 days of the
32 request. The board shall meet in executive session for the hearing
33 to protect the confidentiality of the students. At the hearing the
34 board may hear from the school anti-bullying specialist about the
35 incident, recommendations for discipline or services, and any
36 programs instituted to reduce such incidents;

37 (e) at the next board of education meeting following its receipt
38 of the report, the board shall issue a decision, in writing, to affirm,
39 reject, or modify the superintendent’s decision. The board’s
40 decision may be appealed to the Commissioner of Education, in
41 accordance with the procedures set forth in law and regulation, no
42 later than the 90 days after the issuance of the board’s decision; and

43 (f) a parent, student, guardian, or organization may file a
44 complaint with the Division on Civil Rights within 180 days of the
45 occurrence of any incident of harassment, intimidation, or bullying
46 based on membership in a protected group as enumerated in the
47 “Law Against Discrimination,” P.L.1945, c.169 (C.10:5-1 et seq.);

1 (7) the range of ways in which a school will respond once an
2 incident of harassment, intimidation or bullying is identified, which
3 shall be defined by the principal in conjunction with the school anti-
4 bullying specialist, but shall include an appropriate combination of
5 counseling, support services, intervention services, and other
6 programs, as defined by the commissioner;

7 (8) a statement that prohibits reprisal or retaliation against any
8 person who reports an act of harassment, intimidation or bullying
9 and the consequence and appropriate remedial action for a person
10 who engages in reprisal or retaliation;

11 (9) consequences and appropriate remedial action for a person
12 found to have falsely accused another as a means of retaliation or as
13 a means of harassment, intimidation or bullying;

14 (10) a statement of how the policy is to be publicized, including
15 notice that the policy applies to participation in school-sponsored
16 functions; **[and]**

17 (11) a requirement that **[the]** a link to the policy be prominently
18 posted on the home page of the school district's website and
19 distributed annually to parents and guardians who have children
20 enrolled in a school in the school district; and

21 (12) a requirement that the name, phone number, address and
22 email address of the district anti-bullying coordinator be listed on
23 the home page of the school district's website and that on the home
24 page of each school's website the name, phone number, address and
25 email address of the school anti-bullying specialist and the district
26 anti-bullying coordinator be listed. The information concerning the
27 district anti-bullying coordinator and the school anti-bullying
28 specialists shall also be maintained on the department's website.

29 c. A school district shall adopt a policy and transmit a copy of
30 its policy to the appropriate executive county superintendent of
31 schools by September 1, 2003. A school district shall annually
32 conduct a re-evaluation, reassessment, and review of its policy,
33 making any necessary revisions and additions. The board shall
34 include input from the school anti-bullying specialist in conducting
35 its re-evaluation, reassessment, and review. The district shall
36 transmit a copy of the revised policy to the appropriate executive
37 county superintendent of schools within 30 school days of the
38 revision. The first revised policy following the effective date of
39 P.L. , c. (C.) (pending before the Legislature as this bill) shall
40 be transmitted to the executive county superintendent of schools by
41 September 1, 2011.

42 d. **[To assist school districts in developing policies for the**
43 **prevention of harassment, intimidation or bullying, the**
44 **Commissioner of Education shall develop a model policy applicable**
45 **to grades kindergarten through 12. This model policy shall be**
46 **issued no later than December 1, 2002.] Deleted by amendment,**
47 P.L. , c. (C.) (pending before the Legislature as this bill)

1 e. Notice of the school district's policy shall appear in any
2 publication of the school district that sets forth the comprehensive
3 rules, procedures and standards of conduct for schools within the
4 school district, and in any student handbook.

5 f. Nothing in this section shall prohibit a school district from
6 adopting a policy that includes components that are more stringent
7 than the components set forth in this section.

8 (cf: P.L.2007, c.303, s.7)

9

10 13. Section 4 of P.L.2002, c.83 (C.18A:37-16) is amended to
11 read as follows:

12 4. a. A member of a board of education, school employee,
13 student or volunteer shall not engage in reprisal, retaliation or false
14 accusation against a victim, witness or one with reliable information
15 about an act of harassment, intimidation or bullying.

16 b. A member of a board of education, school employee,
17 contracted service provider, student or volunteer who has
18 witnessed, or has reliable information that a student has been
19 subject to, harassment, intimidation or bullying shall report the
20 incident to the appropriate school official designated by the school
21 district's policy, or to any school administrator or safe schools
22 resource officer, who shall immediately initiate the school district's
23 procedures concerning school bullying.

24 c. A member of a board of education or a school employee who
25 promptly reports an incident of harassment, intimidation or
26 bullying, to the appropriate school official designated by the school
27 district's policy, or to any school administrator or safe schools
28 resource officer, and who makes this report in compliance with the
29 procedures in the district's policy, is immune from a cause of action
30 for damages arising from any failure to remedy the reported
31 incident.

32 d. A school administrator who receives a report of harassment,
33 intimidation, or bullying from a district employee, and fails to
34 initiate or conduct an investigation, or who should have known of
35 an incident of harassment, intimidation, or bullying and fails to take
36 sufficient action to minimize or eliminate the harassment,
37 intimidation, or bullying, may be subject to disciplinary action.

38 (cf: P.L.2002, c.83, s.4)

39

40 14. Section 5 of P.L.2002, c.83 (C.18A:37-17) is amended to
41 read as follows:

42 5. a. Schools and school districts **[are encouraged to]** shall
43 annually establish, implement, document, and assess bullying
44 prevention programs or approaches, and other initiatives involving
45 school staff, students, administrators, volunteers, parents, law
46 enforcement and community members. The programs or
47 approaches shall be designed to create school-wide conditions to
48 prevent and address harassment, intimidation, and bullying.

1 A school district may apply to the Department of Education for a
2 grant to be used for programs or approaches established pursuant to
3 this subsection, to the extent funds are appropriated for these
4 purposes or funds are made available through the Bullying
5 Prevention Fund established pursuant to section 25 of
6 P.L. , c. (C.) (pending before the Legislature as this bill).

7 b. **【**To the extent funds are appropriated for these purposes, **a】**
8 A school district shall: (1) provide training on the school district's
9 harassment, intimidation, or bullying policies to school employees
10 and volunteers who have significant contact with students; **【and】**
11 (2) ensure that the training includes instruction on preventing
12 bullying on the basis of the protected categories enumerated in
13 section 2 of P.L.2002, c.83 (C.18A:37-14) and other distinguishing
14 characteristics that may incite incidents of discrimination,
15 harassment, intimidation, or bullying; and (3) develop a process for
16 discussing the district's harassment, intimidation or bullying policy
17 with students.

18 c. Information regarding the school district policy against
19 harassment, intimidation or bullying shall be incorporated into a
20 school's employee training program and shall be provided to full-
21 time and part-time staff, volunteers who have significant contact
22 with students, and those persons contracted by the district to
23 provide services to students.

24 (cf: P.L.2002, c.83, s.5)

25

26 15. Section 2 of P.L.2005, c.276 (C.52:17B-71.8) is amended to
27 read as follows:

28 2. a. The Police Training Commission in the Division of
29 Criminal Justice in the Department of Law and Public Safety, in
30 consultation with the Attorney General, shall develop a training
31 course for safe schools resource officers and public school
32 employees assigned by a board of education to serve as a school
33 liaison to law enforcement. The Attorney General, in conjunction
34 with the Police Training Commission, shall ensure that the training
35 course is developed within 180 days of the effective date of this act.
36 The course shall at a minimum provide comprehensive and
37 consistent training in current school resource officer practices and
38 concepts. The course shall include training in the protection of
39 students from harassment, intimidation, and bullying, including
40 incidents which occur through electronic communication. The
41 course shall be made available to:

42 (1) any law enforcement officer or public school employee
43 referred by the board of education of the public school to which
44 assignment as a safe schools resource officer or school liaison to
45 law enforcement is sought; and

46 (2) any safe schools resource officer or school liaison to law
47 enforcement assigned to a public school prior to the effective date
48 of P.L.2005, c.276 (C.52:17B-71.8 et al.).

1 b. The training course developed by the commission pursuant
2 to subsection a. of this section shall be offered at each school
3 approved by the commission to provide police training courses
4 pursuant to the provisions of P.L.1961, c.56 (C.52:17B-66 et seq.).
5 The commission shall ensure that an individual assigned to instruct
6 the course is proficient and experienced in current school resource
7 officer practices and concepts.

8 c. The commission shall award a certificate to each individual
9 who successfully completes the course.

10 d. The Police Training Commission, in consultation with the
11 Commissioner of Education, shall adopt rules and regulations
12 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
13 (C.52:14B-1 et seq.), to implement the provisions of this section.
14 (cf: P.L.2005, c.276, s.2)

15

16 16. (New section) The policy adopted by each school district
17 pursuant to section 3 of P.L.2002, c.83 (C.18A:37-15) shall include
18 provisions for appropriate responses to harassment, intimidation, or
19 bullying that occurs off school grounds, in cases in which a school
20 employee is made aware of such actions, and such actions create a
21 hostile environment at school for the student, infringe on the rights
22 of the student at school, or disrupt the education process or orderly
23 operation of a school. The responses to harassment, intimidation,
24 or bullying that occurs off school grounds shall be consistent with
25 the board of education's code of student conduct and other
26 provisions of the board's policy on harassment, intimidation, or
27 bullying.

28

29 17. (New section) a. The principal in each school in a school
30 district shall appoint a school anti-bullying specialist. When a
31 school guidance counselor, school psychologist, or another
32 individual similarly trained is currently employed in the school, the
33 principal shall appoint that individual to be the school anti-bullying
34 specialist. If no individual meeting this criteria is currently
35 employed in the school, the principal shall appoint a school anti-
36 bullying specialist from currently employed school personnel. The
37 school anti-bullying specialist shall:

38 (1) chair the school safety team as provided in section 18 of
39 P.L. c. , (C.) (pending before the Legislature as this bill);

40 (2) lead the investigation of incidents of harassment,
41 intimidation, and bullying in the school; and

42 (3) act as the primary school official responsible for preventing,
43 identifying, and addressing incidents of harassment, intimidation,
44 and bullying in the school.

45 b. The superintendent of schools shall appoint a district anti-
46 bullying coordinator. The superintendent shall make every effort to
47 appoint an employee of the school district to this position. The
48 district anti-bullying coordinator shall:

1 (1) be responsible for coordinating and strengthening the school
2 district's policies to prevent, identify, and address harassment,
3 intimidation, and bullying of students;

4 (2) collaborate with school anti-bullying specialists in the
5 district, the board of education, and the superintendent of schools to
6 prevent, identify, and respond to harassment, intimidation, and
7 bullying of students in the district;

8 (3) provide data, in collaboration with the superintendent of
9 schools, to the Department of Education regarding harassment,
10 intimidation, and bullying of students; and

11 (4) execute such other duties related to school harassment,
12 intimidation, and bullying as requested by the superintendent of
13 schools.

14 c. The district anti-bullying coordinator shall meet at least
15 twice a school year, once in the first semester and once in the
16 second semester, with the school anti-bullying specialists in the
17 district to discuss and strengthen procedures and policies to prevent,
18 identify, and address harassment, intimidation, and bullying in the
19 district.

20

21 18. (New section) a. A school district shall form a school
22 safety team in each school in the district to develop, foster, and
23 maintain a positive school climate by focusing on the on-going,
24 systemic process and practices in the school and to address school
25 climate issues such as harassment, intimidation, or bullying. A
26 school safety team shall meet at least two times per school year,
27 once in the first semester and once in the second semester.

28 b. A school safety team shall consist of the principal or his
29 designee who, if possible, shall be a senior administrator in the
30 school and the following appointees of the principal: a teacher in
31 the school; a school anti-bullying specialist; a parent of a student in
32 the school; and other members to be determined by the principal.
33 The school anti-bullying specialist shall serve as the chair of the
34 school safety team.

35 c. The school safety team shall:

36 (1) receive any complaints of harassment, intimidation, or
37 bullying of students that have been reported to the principal;

38 (2) receive copies of any report prepared after an investigation
39 of an incident of harassment, intimidation, or bullying;

40 (3) identify and address patterns of harassment, intimidation, or
41 bullying of students in the school;

42 (4) review and strengthen school climate and the policies of the
43 school in order to prevent and address harassment, intimidation, or
44 bullying of students;

45 (5) educate the community, including students, teachers,
46 administrative staff, and parents, to prevent and address harassment,
47 intimidation, or bullying of students;

1 (6) participate in the training required pursuant to the provisions
2 of P.L.2002, c.83 (C.18A:37-13 et seq.) and other training which
3 the principal or the district anti-bullying coordinator may request;

4 (7) collaborate with the district anti-bullying coordinator in the
5 collection of district-wide data and in the development of district
6 policies to prevent and address harassment, intimidation, or
7 bullying of students; and

8 (8) execute such other duties related to harassment, intimidation,
9 and bullying as requested by the principal or district anti-bullying
10 coordinator.

11 d. The members of a school safety team shall be provided
12 professional development opportunities that address effective
13 practices of successful school climate programs or approaches.

14

15 19. (New section) a. Beginning with the 2011-2012 school
16 year, all candidates for teaching certification shall satisfactorily
17 complete a program on harassment, intimidation, and bullying
18 prevention.

19 b. Beginning with the 2010-2011 school year, any person
20 seeking certification through the alternate route shall, within one
21 year of being employed, satisfactorily complete a program on
22 harassment, intimidation, and bullying prevention.

23 c. The State Board of Education shall establish the appropriate
24 requirements of the program on harassment, intimidation, and
25 bullying prevention.

26 d. The State board shall, as part of the professional
27 development requirement established by the State board for public
28 school teachers, require each public school teacher to complete at
29 least two hours of instruction on harassment, intimidation, or
30 bullying prevention in each professional development period.

31

32 20. (New section) Beginning with the 2011-2012 school year,
33 all candidates for administrative certification shall satisfactorily
34 complete a program on harassment, intimidation, and bullying
35 prevention.

36

37 21. (New section) a. The Department of Education, in
38 consultation with the Division on Civil Rights in the Department of
39 Law and Public Safety shall develop a guidance document for use
40 by parents or guardians, students, and school districts to assist in
41 resolving complaints concerning student harassment, intimidation,
42 or bullying behaviors and the implementation of P.L.2002, c.83
43 (C.18A:37-13 et seq.) by school districts. The document shall
44 include:

45 (1) a school district's obligations under P.L.2002, c.83
46 (C.18A:37-13 et seq.);

47 (2) best practices for the prevention, intervention, and
48 remediation of harassment, intimidation, or bullying in schools,

1 including methods to identify and assist student populations at high
2 risk for harassment, intimidation, or bullying;

3 (3) a clear explanation of the procedures for petitioning the
4 Commissioner of Education to hear and decide disputes concerning
5 P.L.2002, c.83 (C.18A:37-13 et seq.);

6 (4) a clear explanation of the Division on Civil Rights'
7 jurisdiction and services in regard to specific types of harassment,
8 intimidation, or bullying; and

9 (5) a clear explanation of the process for appealing final agency
10 determinations to the Appellate Division of the Superior Court.

11 b. The guidance document shall be available on the Department
12 of Education's and the Division on Civil Rights' Internet sites and
13 on every school district's Internet site at an easily accessible
14 location.

15

16 22. (New section) a. The Commissioner of Education shall
17 establish a formal protocol pursuant to which the office of the
18 executive county superintendent of schools shall investigate a
19 complaint that documents an allegation of a violation of P.L.2002,
20 c.83 (C.18A:37-13 et seq.) by a school district located within the
21 county, when the complaint has not been adequately addressed on
22 the local level. The office of the executive county superintendent
23 shall report its findings, and if appropriate, issue an order for the
24 school district to develop and implement corrective actions that are
25 specific to the facts of the case.

26 b. The commissioner shall ensure that the personnel of the
27 office of the executive county superintendent of schools who are
28 responsible for conducting the investigations receive training and
29 technical support on the use of the complaint investigation protocol.

30

31 23. (New section) a. The Commissioner of Education, in
32 consultation with recognized experts in school bullying from a cross
33 section of academia, child advocacy organizations, nonprofit
34 organizations, professional associations, and government agencies,
35 shall establish inservice workshops and training programs to train
36 selected public school employees to act as district anti-bullying
37 coordinators and school anti-bullying specialists in accordance with
38 the provisions of P.L. , c. (C.) (pending before the Legislature
39 as this bill). The commissioner shall seek to make the workshops
40 and training programs available and administered online through the
41 department's website or other existing online resources. The
42 commissioner shall evaluate the effectiveness of the consulting
43 group on an annual basis. The inservice training programs may
44 utilize the offices of the executive county superintendent of schools,
45 or such other institutions, agencies, or persons as the commissioner
46 deems appropriate. Each board of education shall provide time for
47 the inservice training during the usual school schedule in order to
48 ensure that appropriate personnel are prepared to act in the district

1 as district anti-bullying coordinators and school anti-bullying
2 specialists.

3 b. Upon completion of the initial inservice training program,
4 the commissioner shall ensure that programs and workshops that
5 reflect the most current information on harassment, intimidation,
6 and bullying in schools are prepared and made available to district
7 anti-bullying coordinators and school anti-bullying specialists at
8 regular intervals.

9
10 24. (New section) The Commissioner of Education shall
11 develop, in consultation with the Division on Civil Rights, and
12 make available on the Department of Education's Internet site, an
13 online tutorial on harassment, intimidation, and bullying. The
14 online tutorial shall, at a minimum, include best practices in the
15 prevention of harassment, intimidation, and bullying, applicable
16 laws, and such other information that the commissioner determines
17 to be appropriate. The online tutorial shall be accompanied by a
18 test to assess a person's understanding of the information provided
19 in the tutorial.

20
21 25. (New section) There is created a special fund in the
22 Department of Education, which shall be designated the "Bullying
23 Prevention Fund." The fund shall be maintained in a separate
24 account and administered by the commissioner to carry out the
25 provisions of this act. The fund shall consist of: (1) any monies
26 appropriated by the State for the purposes of the fund; (2) any
27 monies donated for the purposes of the fund; and (3) all interest and
28 investment earnings received on monies in the fund. The fund shall
29 be used to offer grants to school districts to provide training on
30 harassment, intimidation, and bullying prevention and on the
31 effective creation of positive school climates.

32
33 26. (New section) The week beginning with the first Monday in
34 October of each year is designated as a "Week of Respect" in the
35 State of New Jersey. School districts, in order to recognize the
36 importance of character education, shall observe the week by
37 providing age-appropriate instruction focusing on preventing
38 harassment, intimidation, or bullying as defined in section 2 of
39 P.L.2002, c.83 (C.18A:37-14). Throughout the school year the
40 school district shall provide ongoing age-appropriate instruction on
41 preventing harassment, intimidation, and bullying in accordance
42 with the core curriculum content standards.

43
44 27. (New section) Nothing contained P.L. , c. (C.) (pending
45 before the Legislature as this bill) shall be construed as affecting the
46 provisions of any collective bargaining agreement or individual
47 contract of employment in effect on that act's effective date.

1 28. (New section) a. A public institution of higher education
2 shall adopt a policy to be included in its student code of conduct
3 prohibiting harassment, intimidation, or bullying. The policy shall
4 contain, at a minimum:

5 (1) A statement prohibiting harassment, intimidation, or
6 bullying;

7 (2) Disciplinary actions which may result if a student commits
8 an act of harassment, intimidation, or bullying; and

9 (3) A definition of harassment, intimidation, or bullying that at a
10 minimum includes any gesture, any written, verbal or physical act,
11 or any electronic communication that is reasonably perceived as
12 being motivated either by any actual or perceived characteristic,
13 such as race, color, religion, ancestry, national origin, gender,
14 sexual orientation, gender identity and expression, or a mental,
15 physical or sensory disability, or by any other distinguishing
16 characteristic, that takes place on the property of the institution of
17 higher education or at any function sponsored by the institution of
18 higher education and that:

19 (a) a reasonable person should know, under the circumstances,
20 will have the effect of physically or emotionally harming a student
21 or damaging the student's property, or placing a student in
22 reasonable fear of physical or emotional harm to his person or
23 damage to his property;

24 (b) has the effect of insulting or demeaning any student or group
25 of students in such a way as to cause disruption in, or interference
26 with, the orderly operation of the institution of higher education;

27 (c) creates a hostile environment for the student at the
28 institution of higher education; or

29 (d) infringes on the rights of the student at the institution of
30 higher education.

31 b. The institution shall distribute the policy by email to each
32 student within seven days of the start of each semester and shall
33 post the policy on its website.

34

35 29. This act shall take effect in the first school year following
36 enactment, but the Commissioner of Education may take such
37 anticipatory administrative action in advance thereof as shall be
38 necessary for the implementation of this act.

39

40

41

STATEMENT

42

43 This bill amends and supplements the law on harassment,
44 intimidation, and bullying in public schools. The bill includes a
45 number of the recommendations of the New Jersey Commission on
46 Bullying in Schools contained in its report issued December 15,
47 2009, in addition to a number of other provisions. The bill:

- 1 • Amends the definition of “harassment, intimidation or
2 bullying”: to specify that the “harm” that a student may
3 experience could be either physical or emotional; to add two
4 additional criteria to the definition - the creation of a hostile
5 environment at school and the infringement on the rights of
6 the student at school; and to eliminate the requirement that
7 the disruption or interference with the orderly operation of
8 the school be “substantial”;
- 9 • Adds a conviction of “bias intimidation” to the list of crimes
10 for which a person may be disqualified for employment in a
11 school;
- 12 • Provides that training on harassment, intimidation, and
13 bullying be part of the training required for public school
14 teaching staff members in suicide prevention. The
15 instruction is also required to include information on
16 reducing the risk of suicide for students who are members of
17 communities identified as having members at high risk of
18 suicide;
- 19 • Provides that by the 2011-2012 school year all candidates
20 for school administrator or teacher certification will be
21 required to complete a program on harassment, intimidation,
22 or bullying prevention, and that training in this area will be a
23 part of the professional development requirements for these
24 individuals;
- 25 • Includes training regarding harassment, intimidation and
26 bullying in schools as a part of the training program
27 provided to all school board members;
- 28 • Provides that the training course for safe schools resource
29 officers and public school employees assigned by a board of
30 education to serve as a school liaison to law enforcement
31 must include training in the protection of students from
32 harassment, intimidation, and bullying;
- 33 • Includes harassment, intimidation, and bullying in the types
34 of conduct that under current statute may constitute good
35 cause for suspension or expulsion;
- 36 • Includes members of the school board in the list of
37 individuals who may not engage in reprisals against victims
38 or witnesses of acts of harassment, intimidation, or bullying
39 and also in the list of those who are required to report acts of
40 harassment, intimidation, or bullying to appropriate officials
41 in the school district;
- 42 • Requires school districts to establish bullying prevention
43 programs or approaches. Under current law school districts
44 are only “encouraged” to establish such programs;
- 45 • Provides that a school district’s policy on harassment,
46 intimidation, and bullying must include appropriate
47 responses to such actions that occur off school grounds;

- 1 • Provides that the Department of Education, in consultation
2 with the Division on Civil Rights in the Department of Law
3 and Public Safety, must develop a guidance document for
4 use by parents, students, and school districts to assist in
5 resolving complaints regarding harassment, intimidation, or
6 bullying behaviors and concerning the implementation by
7 school districts of statutory requirements in this area;
- 8 • Provides that the Department of Education must establish a
9 formal protocol to be used by the offices of the executive
10 county superintendent of schools in investigating complaints
11 that school districts are not adhering to the provisions of law
12 governing harassment, intimidation, or bullying in the
13 schools;
- 14 • Provides that each school district must form a school safety
15 team in each school in the district to foster and maintain a
16 positive school climate within the schools;
- 17 • Creates the “Bullying Prevention Fund” in the Department
18 of Education to be used to fund grants to school districts to
19 provide training on harassment, intimidation, and bullying
20 prevention and on effective means to create a positive school
21 climate;
- 22 • Designates the week beginning with the first Monday in
23 October of each year as a “Week of Respect” and requires
24 districts to observe the week by providing age-appropriate
25 instruction focusing on preventing harassment, intimidation
26 or bullying;
- 27 • Provides a detailed procedure that must be included in each
28 district’s policy concerning the investigation of incidents of
29 harassment, intimidation, or bullying;
- 30 • Provides that a school administrator who fails to initiate or
31 conduct an investigation of an incident, or who should have
32 known of an incident and fails to take action, is subject to
33 discipline;
- 34 • Provides that a school employee or contracted service
35 provider must file a written report with the school principal
36 within two days of observing or being made aware of an act
37 of harassment, intimidation, or bullying;
- 38 • Provides that the principal in each public school must
39 appoint the currently employed school guidance counselor,
40 school psychologist or another similarly trained individual
41 as the school anti-bullying specialist. If there is no
42 individual that meets these criteria employed in the school,
43 the principal must appoint another currently employed
44 individual in the school to the position of school anti-
45 bullying specialist. The bill also sets forth the
46 responsibilities of school anti-bullying specialists;

- 1 • Provides that the superintendent of schools in each school
2 district must appoint a district anti-bullying coordinator and
3 sets forth the responsibilities of that individual;
- 4 • Provides that the superintendent of schools must report to
5 the board of education twice a year, rather than annually, at
6 a public hearing all acts of violence, vandalism and
7 harassment, intimidation, or bullying which occurred during
8 the previous period. The report shall be used to grade
9 schools and districts in their efforts to identify harassment,
10 intimidation or bullying, pursuant to a program for which the
11 commissioner will provide guidelines; and
- 12 • Includes in the School Report Card data identifying the
13 number and nature of all reports of harassment, intimidation
14 or bullying.

15 The New Jersey Commission on Bullying in Schools was
16 established pursuant to P.L.2007, c.303. The commission was
17 charged with the responsibility of studying the issue of school
18 harassment, intimidation, and bullying and making
19 recommendations on how to reduce these activities in our schools.

20 The bill also includes a provision that requires all public
21 institutions of higher education to include a policy on harassment,
22 intimidation, or bullying as part of its student code of conduct.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3466

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2010

The Assembly Education Committee favorably reports Assembly Bill No. 3466 with committee amendments.

As amended, this bill revises and supplements the law on harassment, intimidation, and bullying in public schools. The bill includes a number of the recommendations of the New Jersey Commission on Bullying in Schools contained in its report issued December 15, 2009, in addition to a number of other provisions. The bill:

- Amends the definition of “harassment, intimidation or bullying”: to provide that an incident must either substantially disrupt or interfere with the orderly operation of the school or the rights of other students; and to add additional criteria to the definition - the creation of a hostile educational environment for the student by interfering with a student’s education or by severely or pervasively causing physical or emotional harm to the student;
- Adds a conviction of “bias intimidation” to the list of crimes for which a person may be disqualified for employment in a school;
- Provides that training on harassment, intimidation, and bullying be part of the training required for public school teaching staff members in suicide prevention. The instruction is also required to include information on reducing the risk of suicide for students who are members of communities identified as having members at high risk of suicide;
- Provides that by the 2012-2013 school year all candidates for school administrator or teacher certification will be required to complete a program on harassment, intimidation, or bullying prevention, and that training in this area will be a part of the professional development requirements for these individuals;
- Includes training regarding harassment, intimidation and bullying in schools as a part of the training program provided to all school board members;

- Provides that the training course for safe schools resource officers and public school employees assigned by a board of education to serve as a school liaison to law enforcement must include training in the protection of students from harassment, intimidation, and bullying;
- Includes harassment, intimidation, and bullying in the types of conduct that under current statute may constitute good cause for suspension or expulsion;
- Includes members of the school board in the list of individuals who may not engage in reprisals against victims or witnesses of acts of harassment, intimidation, or bullying and also in the list of those who are required to report acts of harassment, intimidation, or bullying to appropriate officials in the school district;
- Requires school districts to establish bullying prevention programs or approaches. Under current law, school districts are only “encouraged” to establish such programs;
- Provides that a school district’s policy on harassment, intimidation, and bullying must include appropriate responses to such actions that occur off school grounds;
- Provides that the Department of Education, in consultation with the Division on Civil Rights in the Department of Law and Public Safety, must develop a guidance document for use by parents, students, and school districts to assist in resolving complaints regarding harassment, intimidation, or bullying behaviors and concerning the implementation by school districts of statutory requirements in this area;
- Provides that the Department of Education must establish a formal protocol to be used by the offices of the executive county superintendent of schools in investigating complaints that school districts are not adhering to the provisions of law governing harassment, intimidation, or bullying in the schools;
- Provides that each school district must form a school safety team in each school in the district to foster and maintain a positive school climate within the schools;
- Creates the “Bullying Prevention Fund” in the Department of Education to be used to fund grants to school districts to provide training on harassment, intimidation, and bullying prevention and on effective means to create a positive school climate;
- Designates the week beginning with the first Monday in October of each year as a “Week of Respect” and requires districts to observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation or bullying;

- Provides a detailed procedure that must be included in each district's policy concerning the investigation of incidents of harassment, intimidation, or bullying;
- Provides that a school administrator who fails to initiate or conduct an investigation of an incident, or who should have known of an incident and fails to take action, is subject to discipline;
- Provides that a school employee or contracted service provider must file a written report with the school principal within two days of observing or being made aware of an act of harassment, intimidation, or bullying;
- Provides that the principal in each public school must appoint the currently employed school guidance counselor, school psychologist or another similarly trained individual as the school anti-bullying specialist. If there is no individual that meets these criteria employed in the school, the principal must appoint another currently employed individual in the school to the position of school anti-bullying specialist. The bill also sets forth the responsibilities of school anti-bullying specialists;
- Provides that the superintendent of schools in each school district must appoint a district anti-bullying coordinator and sets forth the responsibilities of that individual;
- Provides that the superintendent of schools must report to the board of education twice a year, rather than annually, at a public hearing all acts of violence, vandalism and harassment, intimidation, or bullying which occurred during the previous period. The report will be used to grade schools and districts in their efforts to implement policies and programs consistent with the "Anti-Bullying Bill of Rights Act"; and
- Includes in the School Report Card data identifying the number and nature of all reports of harassment, intimidation or bullying.

The bill also includes a provision that requires all public institutions of higher education to include a policy on harassment, intimidation, or bullying as part of its student code of conduct.

The committee amended the bill to:

- Provide that in order to be considered an incident of harassment, intimidation, or bullying, the incident must substantially disrupt or interfere with the orderly operation of the school or the rights of other students;
- Require that schools and districts be graded based on their effort to "implement policies and programs consistent with the 'Anti-Bullying Bill of Rights Act,'" not on their effort to "identify harassment, intimidations, or bullying";
- Clarify that the "Anti-Bullying Bill of Rights Act" is not intended to alter or reduce the rights of students with disabilities;

- Include a provision that encourages nonpublic schools to comply with the “Anti-Bullying Bill of Rights Act” and a provision that states that the bill, in the case of a faith-based nonpublic school, may not be interpreted to prohibit or abridge the legitimate statement, expression, or free exercise of the beliefs or tenets of that faith by the religious organization operating the school or by the school’s faculty, staff, or student body;
- Provide that in the event that information relevant to the investigation of the bullying incident is not received by the end of the 10-day limit for the completion of an investigation, the initial report of the results of the investigation may be amended to reflect the information;
- Protect the privacy rights of students by limiting the participation of parent members of school safety teams to the activities of the team which do not involve confidential matters involving students.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3466

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 Assembly Bill, No. 3466 (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 A-3466 (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 A-3466 (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

Assembly Bill, No. 3466 (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 Assembly Bill, No. 3466 (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

Assembly Bill No. 3466 (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...” Assembly Bill No. 3466 (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.

Assembly Bill No. 3466 (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.

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://homerom.state.nj.us/evvrs/UserMan_09.doc; accessed on 11/17/2010.

State Expenditures

Assembly Bill No. 3466 (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 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 A-3466 (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 A-3466 (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 A-3466 (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

*Analyst: Allen T. Dupree
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

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

SENATE, No. 2392

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED NOVEMBER 8, 2010

Sponsored by:

Senator BARBARA BUONO

District 18 (Middlesex)

Senator DIANE B. ALLEN

District 7 (Burlington and Camden)

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

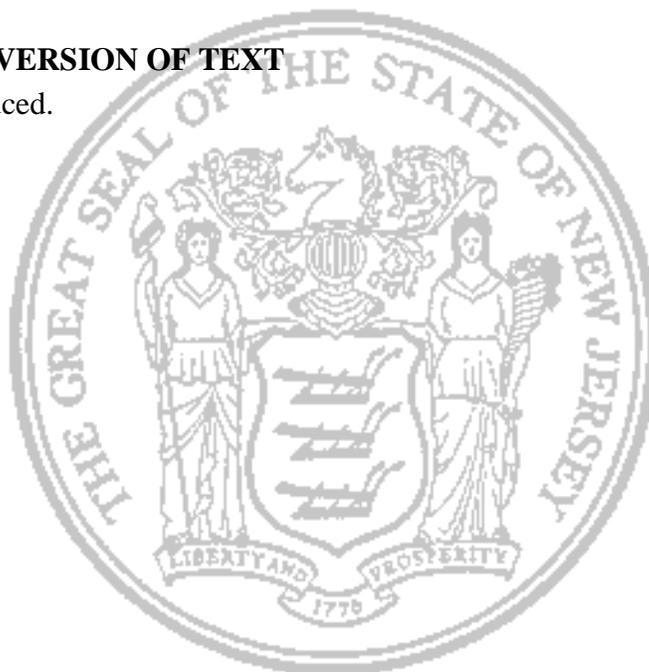
Senators Codey, Beach, Beck, Sweeney, Sarlo, Lesniak, Van Drew, Bateman, Whelan, Ruiz, Singer, Stack, T.Kean, S.Kean, Cunningham, Girgenti, O'Toole, Gordon, Ciesla, Scutari, Gill, B.Smith, A.R.Bucco, Kyrillos and Connors

SYNOPSIS

The “Anti-Bullying Bill of Rights Act.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning harassment, intimidation, and bullying in
2 school settings and amending and supplementing various parts of
3 the statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) Sections 1, 2, and 16 through 28 of this act and
9 P.L.2002, c.83 (C.18A:37-13 et seq.) shall be known and may be
10 cited as the “Anti-Bullying Bill of Rights Act.”

11
12 2. (New section) The Legislature finds and declares that:

13 a. A 2009 study by the United States Departments of Justice and
14 Education, “Indicators of School Crime and Safety,” reported that
15 32% of students aged 12 through 18 were bullied in the previous
16 school year. The study reported that 25% of the responding public
17 schools indicated that bullying was a daily or weekly problem;

18 b. A 2009 study by the United States Centers for Disease
19 Control and Prevention, “Youth Risk Behavior Surveillance,”
20 reported that the percentage of students bullied in New Jersey is 1
21 percentage point higher than the national median;

22 c. In 2010, the chronic persistence of school bullying has led to
23 student suicides across the country, including in New Jersey;

24 d. Significant research has emerged since New Jersey enacted its
25 public school anti-bullying statute in 2002, and since the State
26 amended that law in 2007 to include cyber-bullying and in 2008 to
27 require each school district to post its anti-bullying policy on its
28 website and distribute it annually to parents or guardians of students
29 enrolled in the district;

30 e. School districts and their students, parents, teachers,
31 principals, other school staff, and board of education members
32 would benefit by the establishment of clearer standards on what
33 constitutes harassment, intimidation, and bullying, and clearer
34 standards on how to prevent, report, investigate, and respond to
35 incidents of harassment, intimidation, and bullying;

36 f. It is the intent of the Legislature in enacting this legislation to
37 strengthen the standards and procedures for preventing, reporting,
38 investigating, and responding to incidents of harassment,
39 intimidation, and bullying of students that occur in school and off
40 school premises;

41 g. Fiscal responsibility requires New Jersey to take a smarter,
42 clearer approach to fight school bullying by ensuring that existing
43 resources are better managed and used to make our schools safer for
44 students;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 h. In keeping with the aforementioned goal of fiscal
2 responsibility and in an effort to minimize any burden placed on
3 schools and school districts, existing personnel and resources shall
4 be utilized in every possible instance to accomplish the goals of
5 increased prevention, reporting, and responsiveness to incidents of
6 harassment, intimidation, or bullying, including in the appointment
7 of school anti-bullying specialists and district anti-bullying
8 coordinators;

9 i. By strengthening standards for preventing, reporting,
10 investigating, and responding to incidents of bullying this act will
11 help to reduce the risk of suicide among students and avert not only
12 the needless loss of a young life, but also the tragedy that such loss
13 represents to the student's family and the community at large; and

14 j. Harassment, intimidation, and bullying is also a problem
15 which occurs on the campuses of institutions of higher education in
16 this State, and by requiring the public institutions to include in their
17 student codes of conduct a specific prohibition against bullying, this
18 act will be a significant step in reducing incidents of such activity.

19

20 3. Section 1 of P.L.1986, c.116 (C.18A:6-7.1) is amended to
21 read as follows:

22 1. A facility, center, school, or school system under the
23 supervision of the Department of Education and board of education
24 which cares for, or is involved in the education of children under
25 the age of 18 shall not employ for pay or contract for the paid
26 services of any teaching staff member or substitute teacher, teacher
27 aide, child study team member, school physician, school nurse,
28 custodian, school maintenance worker, cafeteria worker, school law
29 enforcement officer, school secretary or clerical worker or any other
30 person serving in a position which involves regular contact with
31 pupils unless the employer has first determined consistent with the
32 requirements and standards of this act, that no criminal history
33 record information exists on file in the Federal Bureau of
34 Investigation, Identification Division, or the State Bureau of
35 Identification which would disqualify that individual from being
36 employed or utilized in such capacity or position. An individual
37 employed by a board of education or a school bus contractor
38 holding a contract with a board of education, in the capacity of a
39 school bus driver, shall be required to meet the criminal history
40 record requirements pursuant to section 6 of P.L.1989, c.104
41 (C.18A:39-19.1). A facility, center, school, or school system under
42 the supervision of the Department of Education and board of
43 education which cares for, or is involved in the education of
44 children under the age of 18 may require criminal history record
45 checks for individuals who, on an unpaid voluntary basis, provide
46 services that involve regular contact with pupils. In the case of
47 school districts involved in a sending-receiving relationship, the
48 decision to require criminal history record checks for volunteers

1 shall be made jointly by the boards of education of the sending and
2 receiving districts.

3 An individual, except as provided in subsection g. of this section,
4 shall be permanently disqualified from employment or service
5 under this act if the individual's criminal history record check
6 reveals a record of conviction for any crime of the first or second
7 degree; or

8 a. An offense as set forth in chapter 14 of Title 2C of the New
9 Jersey Statutes, or as set forth in N.J.S.2C:24-4 and 2C:24-7, or as
10 set forth in R.S.9:6-1 et seq., or as set forth in N.J.S.2C:29-2; or

11 b. An offense involving the manufacture, transportation, sale,
12 possession, distribution or habitual use of a "controlled dangerous
13 substance" as defined in the "Comprehensive Drug Reform Act of
14 1987," N.J.S.2C:35-1 et al. or "drug paraphernalia" as defined
15 pursuant to N.J.S.2C:36-1 et seq.; or

16 c. (1) A crime involving the use of force or the threat of force
17 to or upon a person or property including, but not limited to,
18 robbery, aggravated assault, stalking, kidnapping, arson,
19 manslaughter and murder; or

20 (2) A crime as set forth in chapter 39 of Title 2C of the New
21 Jersey Statutes, a third degree crime as set forth in chapter 20 of
22 Title 2C of the New Jersey Statutes, or a crime as listed below:

23	Recklessly endangering another person	N.J.S.2C:12-2
24	Terroristic threats	N.J.S.2C:12-3
25	Criminal restraint	N.J.S.2C:13-2
26	Luring, enticing child into motor	
27	vehicle, structure or isolated area	P.L.1993, c.291
28	(C.2C:13-6)	
29	Causing or risking widespread injury	
30	or damage	N.J.S.2C:17-2
31	Criminal mischief	N.J.S.2C:17-3
32	Burglary	N.J.S.2C:18-2
33	Usury	N.J.S.2C:21-19
34	Threats and other improper influence	N.J.S.2C:27-3
35	Perjury and false swearing	N.J.S.2C:28-3
36	Resisting arrest	N.J.S.2C:29-2
37	Escape	N.J.S.2C:29-5
38	<u>Bias intimidation</u>	N.J.S.2C:16-1;

39 or

40 (3) Conspiracy to commit or an attempt to commit any of the
41 crimes described in this act.

42 d. For the purposes of this section, a conviction exists if the
43 individual has at any time been convicted under the laws of this
44 State or under any similar statutes of the United States or any other
45 state for a substantially equivalent crime or other offense.

46 e. Notwithstanding the provisions of this section, an individual
47 shall not be disqualified from employment or service under this act
48 on the basis of any conviction disclosed by a criminal record check

1 performed pursuant to this act without an opportunity to challenge
2 the accuracy of the disqualifying criminal history record.

3 f. When charges are pending for a crime or any other offense
4 enumerated in this section, the employing board of education shall
5 be notified that the candidate shall not be eligible for employment
6 until the commissioner has made a determination regarding
7 qualification or disqualification upon adjudication of the pending
8 charges.

9 g. This section shall first apply to criminal history record
10 checks conducted on or after the effective date of P.L.1998, c.31
11 (C.18A:6-7.1c et al.); except that in the case of an individual
12 employed by a board of education or a contracted service provider
13 who is required to undergo a check upon employment with another
14 board of education or contracted service provider, the individual
15 shall be disqualified only for the following offenses:

16 (1) any offense enumerated in this section prior to the effective
17 date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and

18 (2) any offense enumerated in this section which had not been
19 enumerated in this section prior to the effective date of P.L.1998,
20 c.31 (C.18A:6-7.1c et al.), if the person was convicted of that
21 offense on or after the effective date of that act.

22 (cf: P.L.2007, c.82, s.1)

23

24 4. Section 2 of P.L.2005, c.310 (C.18A:6-112) is amended to
25 read as follows:

26 2. The State Board of Education, in consultation with the New
27 Jersey Youth Suicide Prevention Advisory Council established in
28 the Department of Children and Families pursuant to P.L.2003,
29 c.214 (C.30:9A-22 et seq.), shall, as part of the professional
30 development requirement established by the State board for public
31 school teaching staff members, require each public school teaching
32 staff member to complete at least two hours of instruction in suicide
33 prevention, to be provided by a licensed health care professional
34 with training and experience in mental health issues, in each
35 professional development period. The instruction in suicide
36 prevention shall include information on the relationship between the
37 risk of suicide and incidents of harassment, intimidation, and
38 bullying and information on reducing the risk of suicide in students
39 who are members of communities identified as having members at
40 high risk of suicide.

41 (cf: P.L.2006, c.47, s.80)

42

43 5. Section 3 of P.L.1995, c.235 (C.18A:7E-3) is amended to
44 read as follows:

45 3. Report cards issued pursuant to section 2 of this act shall
46 include, but not be limited to, the following information for:

47 a. the school district and for each school within the district, as
48 appropriate:

- 1 (1) results of the elementary assessment programs;
- 2 (2) results of the Early Warning Test;
- 3 (3) results of the High School Proficiency Test;
- 4 (4) daily attendance records for students and professional staff;
- 5 (5) student graduation and dropout rates;
- 6 (6) annual student scores on the Scholastic Aptitude Test;
- 7 (7) total student enrollment, percentage of limited English
- 8 proficient students, percentage of students in advanced placement
- 9 courses, and any other school characteristics which the
- 10 commissioner deems appropriate;
- 11 (8) instructional resources including teacher/student ratio,
- 12 average class size and amount of instructional time per day, as
- 13 calculated by formulas specified by the commissioner; **[and]**
- 14 (9) a written narrative by the school principal or a designee
- 15 which describes any special achievements, events, problems or
- 16 initiatives of the school or district; and
- 17 (10) data identifying the number and nature of all reports of
- 18 harassment, intimidation, or bullying; and
- 19 b. the school district, as appropriate:
- 20 (1) per pupil expenditures and State aid ratio;
- 21 (2) percent of budget allocated for salaries and benefits of
- 22 administrative personnel;
- 23 (3) percent of budget allocated for salaries and benefits of
- 24 teachers;
- 25 (4) percentage increase over the previous year for salaries and
- 26 benefits of administrative and instructional personnel;
- 27 (5) the number of administrative personnel and the ratio of
- 28 administrative personnel to instructional personnel;
- 29 (6) a profile of the most recent graduating class concerning their
- 30 educational or employment plans following graduation; and
- 31 (7) any other information which the commissioner deems
- 32 appropriate.

33 For the purposes of this section, the Commissioner of Education
34 shall establish a uniform methodology for the reporting of the data
35 concerning administrative personnel on a full-time equivalent basis.
36 (cf: P.L.1995, c.235, s.3)

37
38 6. Section 13 of P.L.1991, c.393 (C.18A:12-33) is amended to
39 read as follows:

40 13. a. Each newly elected or appointed board member shall
41 complete during the first year of the member's first term a training
42 program to be prepared and offered by the New Jersey School
43 Boards Association, in consultation with the New Jersey
44 Association of School Administrators, the New Jersey Principals
45 and Supervisors Association, and the Department of Education,
46 regarding the skills and knowledge necessary to serve as a local
47 school board member. The training program shall include
48 information regarding the school district monitoring system

1 established pursuant to P.L.2005, c.235, the New Jersey Quality
2 Single Accountability Continuum, and the five key components of
3 school district effectiveness on which school districts are evaluated
4 under the monitoring system: instruction and program; personnel;
5 fiscal management; operations; and governance.

6 The board member shall complete a training program on school
7 district governance in each of the subsequent two years of the board
8 member's first term.

9 b. Within one year after each re-election or re-appointment to
10 the board of education, the board member shall complete an
11 advanced training program to be prepared and offered by the New
12 Jersey School Boards Association. This advanced training program
13 shall include information on relevant changes to New Jersey school
14 law and other information deemed appropriate to enable the board
15 member to serve more effectively.

16 c. The New Jersey School Boards Association shall examine
17 options for providing training programs to school board members
18 through alternative methods such as on-line or other distance
19 learning media or through regional-based training.

20 d. Within one year after being newly elected or appointed or
21 being re-elected or re-appointed to the board of education, a board
22 member shall complete a training program on harassment,
23 intimidation, and bullying in schools, including a school district's
24 responsibilities under P.L.2002, c.83 (C.18A:37-13 et seq.). A
25 board member shall be required to complete the program only once.

26 e. Training on harassment, intimidation, and bullying in schools
27 shall be provided by the New Jersey School Boards Association, in
28 consultation with recognized experts in school bullying from a cross
29 section of academia, child advocacy organizations, nonprofit
30 organizations, professional associations, and government agencies.
31 (cf: P.L.2007, c.53, s.17)

32

33 7. Section 1 of P.L.1982, c.163 (C.18A:17-46) is amended to
34 read as follows:

35 1. Any school employee observing or having direct knowledge
36 from a participant or victim of an act of violence shall, in
37 accordance with standards established by the commissioner, file a
38 report describing the incident to the school principal in a manner
39 prescribed by the commissioner, and copy of same shall be
40 forwarded to the district superintendent.

41 The principal shall notify the district superintendent of schools
42 of the action taken regarding the incident. **【Annually】** Once during
43 each semester of the school year, at a public hearing, the
44 superintendent of schools shall report to the board of education all
45 acts of violence **【and】** vandalism, and harassment, intimidation, or
46 bullying which occurred during the previous **【school year】**
47 semester. The report shall include the number of reports of
48 harassment, intimidation, or bullying, the status of all

1 investigations, the nature of the bullying based on one of the
2 protected categories identified in section 2 of P.L.2002, c.83
3 (C.18A:37-14), the names of the investigators, the type and nature
4 of any discipline imposed on any student engaged in harassment,
5 intimidation, or bullying, and any other measures imposed, training
6 conducted, or programs implemented, to reduce harassment,
7 intimidation, or bullying. The information shall also be reported
8 once during each semester of the school year to the Department of
9 Education. The report must include data broken down by the
10 enumerated categories as listed in section 2 of P.L.2002, c.83
11 (C.18A:37-14), and data broken down by each school in the district,
12 in addition to district-wide data. It shall be a violation to
13 improperly release any confidential information not authorized by
14 federal or State law for public release.

15 The report shall be used to grade each school for the purpose of
16 assessing its effort to identify harassment, intimidation, or bullying.
17 The district shall receive a grade determined by averaging the
18 grades of all the schools in the district. The commissioner shall
19 promulgate guidelines for a program to grade schools for the
20 purpose of assessing their efforts to identify harassment,
21 intimidation, or bullying.

22 The grade received by a school and the district shall be posted on
23 the homepage of the school's website. The grade for the district
24 and each school of the district shall be posted on the homepage of
25 the district's website. A link to the report shall be available on the
26 district's website. The information shall be posted on the websites
27 within 10 days of the receipt of a grade by the school and district.

28 Verification of the **[annual report]** reports on violence **[and]**,
29 vandalism, and harassment, intimidation, or bullying shall be part of
30 the State's monitoring of the school district, and the State Board of
31 Education shall adopt regulations that impose a penalty on a school
32 employee who knowingly falsifies the report. A board of education
33 shall provide ongoing staff training, in cooperation with the
34 Department of Education, in fulfilling the reporting requirements
35 pursuant to this section. The majority representative of the school
36 employees shall have access monthly to the number and disposition
37 of all reported acts of school violence **[and]**, vandalism, and
38 harassment, intimidation, or bullying.

39 (cf: P.L.2007, c.42, s.1)

40

41 8. Section 3 of P.L.1982, c.163 (C.18A:17-48) is amended to
42 read as follows:

43 3. The Commissioner of Education shall each year submit a
44 report to the Education Committees of the Senate and General
45 Assembly detailing the extent of violence **[and]**, vandalism, and
46 harassment, intimidation, or bullying in the public schools and
47 making recommendations to alleviate the problem. The report shall

1 be made available annually to the public no later than October 1,
2 and shall be posted on the department's website.

3 (cf: P.L.1982, c.163, s.3)

4

5 9. Section 13 of P.L.2007, c.53 (C.18A:26-8.2) is amended to
6 read as follows:

7 13. a. As used in this section, "school leader" means a school
8 district staff member who holds a position that requires the
9 possession of a chief school administrator, principal, or supervisor
10 endorsement.

11 b. A school leader shall complete training on issues of school
12 ethics, school law, and school governance as part of the
13 professional development for school leaders required pursuant to
14 State Board of Education regulations. Information on the
15 prevention of harassment, intimidation, and bullying shall also be
16 included in the training. The training shall be offered through a
17 collaborative training model as identified by the Commissioner of
18 Education, in consultation with the State Advisory Committee on
19 Professional Development for School Leaders.

20 (cf: P.L.2007, c.53, s.13)

21

22 10. N.J.S.18A:37-2 is amended to read as follows:

23 18A:37-2. Any pupil who is guilty of continued and willful
24 disobedience, or of open defiance of the authority of any teacher or
25 person having authority over him, or of the habitual use of profanity
26 or of obscene language, or who shall cut, deface or otherwise injure
27 any school property, shall be liable to punishment and to suspension
28 or expulsion from school.

29 Conduct which shall constitute good cause for suspension or
30 expulsion of a pupil guilty of such conduct shall include, but not be
31 limited to, any of the following:

32 a. Continued and willful disobedience;

33 b. Open defiance of the authority of any teacher or person,
34 having authority over him;

35 c. Conduct of such character as to constitute a continuing danger
36 to the physical well-being of other pupils;

37 d. Physical assault upon another pupil;

38 e. Taking, or attempting to take, personal property or money
39 from another pupil, or from his presence, by means of force or fear;

40 f. Willfully causing, or attempting to cause, substantial damage
41 to school property;

42 g. Participation in an unauthorized occupancy by any group of
43 pupils or others of any part of any school or other building owned
44 by any school district, and failure to leave such school or other
45 facility promptly after having been directed to do so by the
46 principal or other person then in charge of such building or facility;

1 h. Incitement which is intended to and does result in
2 unauthorized occupation by any group of pupils or others of any
3 part of a school or other facility owned by any school district;

4 i. Incitement which is intended to and does result in truancy by
5 other pupils; **[and]**

6 j. Knowing possession or knowing consumption without legal
7 authority of alcoholic beverages or controlled dangerous substances
8 on school premises, or being under the influence of intoxicating
9 liquor or controlled dangerous substances while on school premises;
10 and

11 k. Harassment, intimidation, or bullying.

12 (cf: P.L.1981, c.59, s.1)

13

14 11. Section 2 of P.L.2002, c.83 (C.18A:37-14) is amended to
15 read as follows:

16 2. As used in this act:

17 "Electronic communication" means a communication transmitted
18 by means of an electronic device, including, but not limited to, a
19 telephone, cellular phone, computer, or pager;

20 "Harassment, intimidation or bullying" means any gesture, any
21 written, verbal or physical act, or any electronic communication
22 that is reasonably perceived as being motivated either by any actual
23 or perceived characteristic, such as race, color, religion, ancestry,
24 national origin, gender, sexual orientation, gender identity and
25 expression, or a mental, physical or sensory **[handicap]** disability,
26 or by any other distinguishing characteristic, that takes place on
27 school property, at any school-sponsored function or on a school
28 bus and that:

29 a. a reasonable person should know, under the circumstances,
30 will have the effect of physically or emotionally harming a student
31 or damaging the student's property, or placing a student in
32 reasonable fear of physical or emotional harm to his person or
33 damage to his property; **[or]**

34 b. has the effect of insulting or demeaning any student or group
35 of students in such a way as to cause **[substantial]** disruption in, or
36 **[substantial]** interference with, the orderly operation of the school;

37 c. creates a hostile environment at school for the student; or

38 d. infringes on the rights of the student at school.

39 (cf: P.L.2007, c.129, s.1)

40

41 12. Section 3 of P.L.2002, c.83 (C.18A:37-15) is amended to
42 read as follows:

43 3. a. Each school district shall adopt a policy prohibiting
44 harassment, intimidation or bullying on school property, at a
45 school-sponsored function or on a school bus. The school district
46 shall **[attempt to]** adopt the policy through a process that includes
47 representation of parents or guardians, school employees,

1 volunteers, students, administrators, and community
2 representatives.

3 b. A school district shall have local control over the content of
4 the policy, except that the policy shall contain, at a minimum, the
5 following components:

6 (1) a statement prohibiting harassment, intimidation or bullying
7 of a student;

8 (2) a definition of harassment, intimidation or bullying no less
9 inclusive than that set forth in section 2 of P.L.2002, c.83
10 (C.18A:37-14);

11 (3) a description of the type of behavior expected from each
12 student;

13 (4) consequences and appropriate remedial action for a person
14 who commits an act of harassment, intimidation or bullying;

15 (5) a procedure for reporting an act of harassment, intimidation
16 or bullying, including a provision that permits a person to report an
17 act of harassment, intimidation or bullying anonymously; however,
18 this shall not be construed to permit formal disciplinary action
19 solely on the basis of an anonymous report.

20 All acts of harassment, intimidation, or bullying shall be reported
21 verbally to the school principal on the same day when the school
22 employee or contracted service provider witnessed or received
23 reliable information regarding any such incident. The principal
24 shall inform the parents or guardians of all students involved in the
25 alleged incident, and may discuss, as appropriate, the availability of
26 counseling and other intervention services. All acts of harassment,
27 intimidation, or bullying shall be reported in writing to the school
28 principal within two school days of when the school employee or
29 contracted service provider witnessed or received reliable
30 information that a student had been subject to harassment,
31 intimidation, or bullying. In cases in which an incident of
32 harassment, intimidation, or bullying occurs exclusively among or
33 between special education students or students with developmental
34 disabilities, in the context of a county special services school
35 district or a separate program for special education students within a
36 school district, the school employee who witnesses such an incident
37 of harassment, intimidation, or bullying shall have discretion to
38 determine whether the incident is necessary to report or whether the
39 incident may have been affected by the condition of the students
40 and thereby warrants an alternative approach more appropriate in
41 the special education context;

42 (6) a procedure for prompt investigation of reports of violations
43 and complaints, [identifying either the principal or the principal's
44 designee as the person responsible for the investigation] which
45 procedure shall at a minimum provide that:

46 (a) the investigation shall be initiated by the principal or the
47 principal's designee within one school day of the report of the
48 incident and shall be conducted by a school anti-bullying specialist.

1 The principal may appoint additional personnel who are not school
2 anti-bullying specialists to assist in the investigation. The
3 investigation shall be completed as soon as possible, but not later
4 than 10 school days from the date of the report of the incident of
5 harassment, intimidation, or bullying;

6 (b) the results of the investigation shall be reported to the
7 superintendent of schools within two school days of the completion
8 of the investigation, and in accordance with regulations
9 promulgated by the State Board of Education pursuant to the
10 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
11 seq.), the superintendent may decide to provide intervention
12 services, establish training programs to reduce harassment,
13 intimidation, or bullying and enhance school climate, impose
14 discipline, or order counseling as a result of the findings of the
15 investigation;

16 (c) the results of each investigation shall be reported to the
17 board of education no later than the date of the board of education
18 meeting next following the completion of the investigation, along
19 with information on any services provided, training established, or
20 discipline imposed or recommended by the superintendent;

21 (d) parents or guardians of the students who are parties to the
22 investigation shall be entitled to receive information about the
23 investigation, in accordance with federal and State law and
24 regulation, including the nature of the investigation, whether the
25 district found evidence of harassment, intimidation, or bullying, or
26 whether discipline was imposed or services provided to address the
27 incident of harassment, intimidation, or bullying. This information
28 shall be provided in writing within 5 school days after the results of
29 the investigation are reported to the board. A parent or guardian
30 may request a hearing before the board after receiving the
31 information, and the hearing shall be held within 10 days of the
32 request. The board shall meet in executive session for the hearing
33 to protect the confidentiality of the students. At the hearing the
34 board may hear from the school anti-bullying specialist about the
35 incident, recommendations for discipline or services, and any
36 programs instituted to reduce such incidents;

37 (e) at the next board of education meeting following its receipt
38 of the report, the board shall issue a decision, in writing, to affirm,
39 reject, or modify the superintendent’s decision. The board’s
40 decision may be appealed to the Commissioner of Education, in
41 accordance with the procedures set forth in law and regulation, no
42 later than the 90 days after the issuance of the board’s decision; and

43 (f) a parent, student, guardian, or organization may file a
44 complaint with the Division on Civil Rights within 180 days of the
45 occurrence of any incident of harassment, intimidation, or bullying
46 based on membership in a protected group as enumerated in the
47 “Law Against Discrimination,” P.L.1945, c.169 (C.10:5-1 et seq.);

1 (7) the range of ways in which a school will respond once an
2 incident of harassment, intimidation or bullying is identified, which
3 shall be defined by the principal in conjunction with the school anti-
4 bullying specialist, but shall include an appropriate combination of
5 counseling, support services, intervention services, and other
6 programs, as defined by the commissioner;

7 (8) a statement that prohibits reprisal or retaliation against any
8 person who reports an act of harassment, intimidation or bullying
9 and the consequence and appropriate remedial action for a person
10 who engages in reprisal or retaliation;

11 (9) consequences and appropriate remedial action for a person
12 found to have falsely accused another as a means of retaliation or as
13 a means of harassment, intimidation or bullying;

14 (10) a statement of how the policy is to be publicized, including
15 notice that the policy applies to participation in school-sponsored
16 functions; **[and]**

17 (11) a requirement that **[the]** a link to the policy be prominently
18 posted on the home page of the school district's website and
19 distributed annually to parents and guardians who have children
20 enrolled in a school in the school district; and

21 (12) a requirement that the name, phone number, address and
22 email address of the district anti-bullying coordinator be listed on
23 the home page of the school district's website and that on the home
24 page of each school's website the name, phone number, address and
25 email address of the school anti-bullying specialist and the district
26 anti-bullying coordinator be listed. The information concerning the
27 district anti-bullying coordinator and the school anti-bullying
28 specialists shall also be maintained on the department's website.

29 c. A school district shall adopt a policy and transmit a copy of
30 its policy to the appropriate executive county superintendent of
31 schools by September 1, 2003. A school district shall annually
32 conduct a re-evaluation, reassessment, and review of its policy,
33 making any necessary revisions and additions. The board shall
34 include input from the school anti-bullying specialist in conducting
35 its re-evaluation, reassessment, and review. The district shall
36 transmit a copy of the revised policy to the appropriate executive
37 county superintendent of schools within 30 school days of the
38 revision. The first revised policy following the effective date of
39 P.L. , c. (C.) (pending before the Legislature as this bill) shall
40 be transmitted to the executive county superintendent of schools by
41 September 1, 2011.

42 d. **[To assist school districts in developing policies for the**
43 **prevention of harassment, intimidation or bullying, the**
44 **Commissioner of Education shall develop a model policy applicable**
45 **to grades kindergarten through 12. This model policy shall be**
46 **issued no later than December 1, 2002.] Deleted by amendment,**
47 P.L. , c. (C.) (pending before the Legislature as this bill)

1 e. Notice of the school district's policy shall appear in any
2 publication of the school district that sets forth the comprehensive
3 rules, procedures and standards of conduct for schools within the
4 school district, and in any student handbook.

5 f. Nothing in this section shall prohibit a school district from
6 adopting a policy that includes components that are more stringent
7 than the components set forth in this section.

8 (cf: P.L.2007, c.303, s.7)

9

10 13. Section 4 of P.L.2002, c.83 (C.18A:37-16) is amended to
11 read as follows:

12 4. a. A member of a board of education, school employee,
13 student or volunteer shall not engage in reprisal, retaliation or false
14 accusation against a victim, witness or one with reliable information
15 about an act of harassment, intimidation or bullying.

16 b. A member of a board of education, school employee,
17 contracted service provider, student or volunteer who has
18 witnessed, or has reliable information that a student has been
19 subject to, harassment, intimidation or bullying shall report the
20 incident to the appropriate school official designated by the school
21 district's policy, or to any school administrator or safe schools
22 resource officer, who shall immediately initiate the school district's
23 procedures concerning school bullying.

24 c. A member of a board of education or a school employee who
25 promptly reports an incident of harassment, intimidation or
26 bullying, to the appropriate school official designated by the school
27 district's policy, or to any school administrator or safe schools
28 resource officer, and who makes this report in compliance with the
29 procedures in the district's policy, is immune from a cause of action
30 for damages arising from any failure to remedy the reported
31 incident.

32 d. A school administrator who receives a report of harassment,
33 intimidation, or bullying from a district employee, and fails to
34 initiate or conduct an investigation, or who should have known of
35 an incident of harassment, intimidation, or bullying and fails to take
36 sufficient action to minimize or eliminate the harassment,
37 intimidation, or bullying, may be subject to disciplinary action.

38 (cf: P.L.2002, c.83, s.4)

39

40 14. Section 5 of P.L.2002, c.83 (C.18A:37-17) is amended to
41 read as follows:

42 5. a. Schools and school districts **[are encouraged to]** shall
43 annually establish, implement, document, and assess bullying
44 prevention programs or approaches, and other initiatives involving
45 school staff, students, administrators, volunteers, parents, law
46 enforcement and community members. The programs or
47 approaches shall be designed to create school-wide conditions to
48 prevent and address harassment, intimidation, and bullying.

1 A school district may apply to the Department of Education for a
2 grant to be used for programs or approaches established pursuant to
3 this subsection, to the extent funds are appropriated for these
4 purposes or funds are made available through the Bullying
5 Prevention Fund established pursuant to section 25 of P.L. , c.
6 (C.) (pending before the Legislature as this bill).

7 b. **【**To the extent funds are appropriated for these purposes, **a】**
8 A school district shall: (1) provide training on the school district's
9 harassment, intimidation, or bullying policies to school employees
10 and volunteers who have significant contact with students; **【and】**
11 (2) ensure that the training includes instruction on preventing
12 bullying on the basis of the protected categories enumerated in
13 section 2 of P.L.2002, c.83 (C.18A:37-14) and other distinguishing
14 characteristics that may incite incidents of discrimination,
15 harassment, intimidation, or bullying; and (3) develop a process for
16 discussing the district's harassment, intimidation or bullying policy
17 with students.

18 c. Information regarding the school district policy against
19 harassment, intimidation or bullying shall be incorporated into a
20 school's employee training program and shall be provided to full-
21 time and part-time staff, volunteers who have significant contact
22 with students, and those persons contracted by the district to
23 provide services to students.

24 (cf: P.L.2002, c.83, s.5)

25

26 15. Section 2 of P.L.2005, c.276 (C.52:17B-71.8) is amended to
27 read as follows:

28 2. a. The Police Training Commission in the Division of
29 Criminal Justice in the Department of Law and Public Safety, in
30 consultation with the Attorney General, shall develop a training
31 course for safe schools resource officers and public school
32 employees assigned by a board of education to serve as a school
33 liaison to law enforcement. The Attorney General, in conjunction
34 with the Police Training Commission, shall ensure that the training
35 course is developed within 180 days of the effective date of this act.
36 The course shall at a minimum provide comprehensive and
37 consistent training in current school resource officer practices and
38 concepts. The course shall include training in the protection of
39 students from harassment, intimidation, and bullying, including
40 incidents which occur through electronic communication. The
41 course shall be made available to:

42 (1) any law enforcement officer or public school employee
43 referred by the board of education of the public school to which
44 assignment as a safe schools resource officer or school liaison to
45 law enforcement is sought; and

46 (2) any safe schools resource officer or school liaison to law
47 enforcement assigned to a public school prior to the effective date
48 of P.L.2005, c.276 (C.52:17B-71.8 et al.).

1 b. The training course developed by the commission pursuant
2 to subsection a. of this section shall be offered at each school
3 approved by the commission to provide police training courses
4 pursuant to the provisions of P.L.1961, c.56 (C.52:17B-66 et seq.).
5 The commission shall ensure that an individual assigned to instruct
6 the course is proficient and experienced in current school resource
7 officer practices and concepts.

8 c. The commission shall award a certificate to each individual
9 who successfully completes the course.

10 d. The Police Training Commission, in consultation with the
11 Commissioner of Education, shall adopt rules and regulations
12 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
13 (C.52:14B-1 et seq.), to implement the provisions of this section.
14 (cf: P.L.2005, c.276, s.2)

15

16 16. (New section) The policy adopted by each school district
17 pursuant to section 3 of P.L.2002, c.83 (C.18A:37-15) shall include
18 provisions for appropriate responses to harassment, intimidation, or
19 bullying that occurs off school grounds, in cases in which a school
20 employee is made aware of such actions, and such actions create a
21 hostile environment at school for the student, infringe on the rights
22 of the student at school, or disrupt the education process or orderly
23 operation of a school. The responses to harassment, intimidation,
24 or bullying that occurs off school grounds shall be consistent with
25 the board of education's code of student conduct and other
26 provisions of the board's policy on harassment, intimidation, or
27 bullying.

28

29 17. (New section) a. The principal in each school in a school
30 district shall appoint a school anti-bullying specialist. When a
31 school guidance counselor, school psychologist, or another
32 individual similarly trained is currently employed in the school, the
33 principal shall appoint that individual to be the school anti-bullying
34 specialist. If no individual meeting this criteria is currently
35 employed in the school, the principal shall appoint a school anti-
36 bullying specialist from currently employed school personnel. The
37 school anti-bullying specialist shall:

38 (1) chair the school safety team as provided in section 18 of
39 P.L. c. , (C.) (pending before the Legislature as this bill);

40 (2) lead the investigation of incidents of harassment,
41 intimidation, and bullying in the school; and

42 (3) act as the primary school official responsible for preventing,
43 identifying, and addressing incidents of harassment, intimidation,
44 and bullying in the school.

45 b. The superintendent of schools shall appoint a district anti-
46 bullying coordinator. The superintendent shall make every effort to
47 appoint an employee of the school district to this position. The
48 district anti-bullying coordinator shall:

1 (1) be responsible for coordinating and strengthening the school
2 district's policies to prevent, identify, and address harassment,
3 intimidation, and bullying of students;

4 (2) collaborate with school anti-bullying specialists in the
5 district, the board of education, and the superintendent of schools to
6 prevent, identify, and respond to harassment, intimidation, and
7 bullying of students in the district;

8 (3) provide data, in collaboration with the superintendent of
9 schools, to the Department of Education regarding harassment,
10 intimidation, and bullying of students; and

11 (4) execute such other duties related to school harassment,
12 intimidation, and bullying as requested by the superintendent of
13 schools.

14 c. The district anti-bullying coordinator shall meet at least twice
15 a school year, once in the first semester and once in the second
16 semester, with the school anti-bullying specialists in the district to
17 discuss and strengthen procedures and policies to prevent, identify,
18 and address harassment, intimidation, and bullying in the district.

19

20 18. (New section) a. A school district shall form a school
21 safety team in each school in the district to develop, foster, and
22 maintain a positive school climate by focusing on the on-going,
23 systemic process and practices in the school and to address school
24 climate issues such as harassment, intimidation, or bullying. A
25 school safety team shall meet at least two times per school year,
26 once in the first semester and once in the second semester.

27 b. A school safety team shall consist of the principal or his
28 designee who, if possible, shall be a senior administrator in the
29 school and the following appointees of the principal: a teacher in
30 the school; a school anti-bullying specialist; a parent of a student in
31 the school; and other members to be determined by the principal.
32 The school anti-bullying specialist shall serve as the chair of the
33 school safety team.

34 c. The school safety team shall:

35 (1) receive any complaints of harassment, intimidation, or
36 bullying of students that have been reported to the principal;

37 (2) receive copies of any report prepared after an investigation of
38 an incident of harassment, intimidation, or bullying;

39 (3) identify and address patterns of harassment, intimidation, or
40 bullying of students in the school;

41 (4) review and strengthen school climate and the policies of the
42 school in order to prevent and address harassment, intimidation, or
43 bullying of students;

44 (5) educate the community, including students, teachers,
45 administrative staff, and parents, to prevent and address harassment,
46 intimidation, or bullying of students;

1 (6) participate in the training required pursuant to the provisions
2 of P.L.2002, c.83 (C.18A:37-13 et seq.) and other training which
3 the principal or the district anti-bullying coordinator may request;

4 (7) collaborate with the district anti-bullying coordinator in the
5 collection of district-wide data and in the development of district
6 policies to prevent and address harassment, intimidation, or
7 bullying of students; and

8 (8) execute such other duties related to harassment, intimidation,
9 and bullying as requested by the principal or district anti-bullying
10 coordinator.

11 d. The members of a school safety team shall be provided
12 professional development opportunities that address effective
13 practices of successful school climate programs or approaches.

14

15 19. (New section) a. Beginning with the 2011-2012 school year,
16 all candidates for teaching certification shall satisfactorily complete
17 a program on harassment, intimidation, and bullying prevention.

18 b. Beginning with the 2010-2011 school year, any person
19 seeking certification through the alternate route shall, within one
20 year of being employed, satisfactorily complete a program on
21 harassment, intimidation, and bullying prevention.

22 c. The State Board of Education shall establish the appropriate
23 requirements of the program on harassment, intimidation, and
24 bullying prevention.

25 d. The State board shall, as part of the professional development
26 requirement established by the State board for public school
27 teachers, require each public school teacher to complete at least two
28 hours of instruction on harassment, intimidation, or bullying
29 prevention in each professional development period.

30

31 20. (New section) Beginning with the 2011-2012 school year, all
32 candidates for administrative certification shall satisfactorily
33 complete a program on harassment, intimidation, and bullying
34 prevention.

35

36 21. (New section) a. The Department of Education, in
37 consultation with the Division on Civil Rights in the Department of
38 Law and Public Safety shall develop a guidance document for use
39 by parents or guardians, students, and school districts to assist in
40 resolving complaints concerning student harassment, intimidation,
41 or bullying behaviors and the implementation of P.L.2002, c.83
42 (C.18A:37-13 et seq.) by school districts. The document shall
43 include:

44 (1) a school district's obligations under P.L.2002, c.83
45 (C.18A:37-13 et seq.);

46 (2) best practices for the prevention, intervention, and
47 remediation of harassment, intimidation, or bullying in schools,

1 including methods to identify and assist student populations at high
2 risk for harassment, intimidation, or bullying;

3 (3) a clear explanation of the procedures for petitioning the
4 Commissioner of Education to hear and decide disputes concerning
5 P.L.2002, c.83 (C.18A:37-13 et seq.);

6 (4) a clear explanation of the Division on Civil Rights'
7 jurisdiction and services in regard to specific types of harassment,
8 intimidation, or bullying; and

9 (5) a clear explanation of the process for appealing final agency
10 determinations to the Appellate Division of the Superior Court.

11 b. The guidance document shall be available on the Department
12 of Education's and the Division on Civil Rights' Internet sites and
13 on every school district's Internet site at an easily accessible
14 location.

15

16 22. (New section) a. The Commissioner of Education shall
17 establish a formal protocol pursuant to which the office of the
18 executive county superintendent of schools shall investigate a
19 complaint that documents an allegation of a violation of P.L.2002,
20 c.83 (C.18A:37-13 et seq.) by a school district located within the
21 county, when the complaint has not been adequately addressed on
22 the local level. The office of the executive county superintendent
23 shall report its findings, and if appropriate, issue an order for the
24 school district to develop and implement corrective actions that are
25 specific to the facts of the case.

26 b. The commissioner shall ensure that the personnel of the office
27 of the executive county superintendent of schools who are
28 responsible for conducting the investigations receive training and
29 technical support on the use of the complaint investigation protocol.

30

31 23. (New section) a. The Commissioner of Education, in
32 consultation with recognized experts in school bullying from a cross
33 section of academia, child advocacy organizations, nonprofit
34 organizations, professional associations, and government agencies,
35 shall establish inservice workshops and training programs to train
36 selected public school employees to act as district anti-bullying
37 coordinators and school anti-bullying specialists in accordance with
38 the provisions of P.L. , c. (C.) (pending before the Legislature
39 as this bill). The commissioner shall seek to make the workshops
40 and training programs available and administered online through the
41 department's website or other existing online resources. The
42 commissioner shall evaluate the effectiveness of the consulting
43 group on an annual basis. The inservice training programs may
44 utilize the offices of the executive county superintendent of schools,
45 or such other institutions, agencies, or persons as the commissioner
46 deems appropriate. Each board of education shall provide time for
47 the inservice training during the usual school schedule in order to
48 ensure that appropriate personnel are prepared to act in the district

1 as district anti-bullying coordinators and school anti-bullying
2 specialists.

3 b. Upon completion of the initial inservice training program, the
4 commissioner shall ensure that programs and workshops that reflect
5 the most current information on harassment, intimidation, and
6 bullying in schools are prepared and made available to district anti-
7 bullying coordinators and school anti-bullying specialists at regular
8 intervals.

9
10 24. (New section) The Commissioner of Education shall
11 develop, in consultation with the Division on Civil Rights, and
12 make available on the Department of Education's Internet site, an
13 online tutorial on harassment, intimidation, and bullying. The
14 online tutorial shall, at a minimum, include best practices in the
15 prevention of harassment, intimidation, and bullying, applicable
16 laws, and such other information that the commissioner determines
17 to be appropriate. The online tutorial shall be accompanied by a
18 test to assess a person's understanding of the information provided
19 in the tutorial.

20
21 25. (New section) There is created a special fund in the
22 Department of Education, which shall be designated the "Bullying
23 Prevention Fund." The fund shall be maintained in a separate
24 account and administered by the commissioner to carry out the
25 provisions of this act. The fund shall consist of: (1) any monies
26 appropriated by the State for the purposes of the fund; (2) any
27 monies donated for the purposes of the fund; and (3) all interest and
28 investment earnings received on monies in the fund. The fund shall
29 be used to offer grants to school districts to provide training on
30 harassment, intimidation, and bullying prevention and on the
31 effective creation of positive school climates.

32
33 26. (New section) The week beginning with the first Monday in
34 October of each year is designated as a "Week of Respect" in the
35 State of New Jersey. School districts, in order to recognize the
36 importance of character education, shall observe the week by
37 providing age-appropriate instruction focusing on preventing
38 harassment, intimidation, or bullying as defined in section 2 of
39 P.L.2002, c.83 (C.18A:37-14). Throughout the school year the
40 school district shall provide ongoing age-appropriate instruction on
41 preventing harassment, intimidation, and bullying in accordance
42 with the core curriculum content standards.

43
44 27. (New section) Nothing contained P.L. , c. (C.) (pending
45 before the Legislature as this bill) shall be construed as affecting the
46 provisions of any collective bargaining agreement or individual
47 contract of employment in effect on that act's effective date.

1 28. (New section) a. A public institution of higher education
2 shall adopt a policy to be included in its student code of conduct
3 prohibiting harassment, intimidation, or bullying. The policy shall
4 contain, at a minimum:

5 (1) A statement prohibiting harassment, intimidation, or
6 bullying;

7 (2) Disciplinary actions which may result if a student commits
8 an act of harassment, intimidation, or bullying; and

9 (3) A definition of harassment, intimidation, or bullying that at a
10 minimum includes any gesture, any written, verbal or physical act,
11 or any electronic communication that is reasonably perceived as
12 being motivated either by any actual or perceived characteristic,
13 such as race, color, religion, ancestry, national origin, gender,
14 sexual orientation, gender identity and expression, or a mental,
15 physical or sensory disability, or by any other distinguishing
16 characteristic, that takes place on the property of the institution of
17 higher education or at any function sponsored by the institution of
18 higher education and that:

19 (a) a reasonable person should know, under the circumstances,
20 will have the effect of physically or emotionally harming a student
21 or damaging the student's property, or placing a student in
22 reasonable fear of physical or emotional harm to his person or
23 damage to his property;

24 (b) has the effect of insulting or demeaning any student or group
25 of students in such a way as to cause disruption in, or interference
26 with, the orderly operation of the institution of higher education;

27 (c) creates a hostile environment for the student at the institution
28 of higher education; or

29 (d) infringes on the rights of the student at the institution of
30 higher education.

31 b. The institution shall distribute the policy by email to each
32 student within seven days of the start of each semester and shall
33 post the policy on its website.

34

35 29. This act shall take effect in the first school year following
36 enactment, but the Commissioner of Education may take such
37 anticipatory administrative action in advance thereof as shall be
38 necessary for the implementation of this act.

39

40

41

STATEMENT

42

43 This bill amends and supplements the law on harassment,
44 intimidation, and bullying in public schools. The bill includes a
45 number of the recommendations of the New Jersey Commission on
46 Bullying in Schools contained in its report issued December 15,
47 2009, in addition to a number of other provisions. The bill:

- 1 • Amends the definition of “harassment, intimidation or
2 bullying”: to specify that the “harm” that a student may
3 experience could be either physical or emotional; to add two
4 additional criteria to the definition - the creation of a hostile
5 environment at school and the infringement on the rights of
6 the student at school; and to eliminate the requirement that
7 the disruption or interference with the orderly operation of
8 the school be “substantial”;
- 9 • Adds a conviction of “bias intimidation” to the list of crimes
10 for which a person may be disqualified for employment in a
11 school;
- 12 • Provides that training on harassment, intimidation, and
13 bullying be part of the training required for public school
14 teaching staff members in suicide prevention. The
15 instruction is also required to include information on
16 reducing the risk of suicide for students who are members of
17 communities identified as having members at high risk of
18 suicide;
- 19 • Provides that by the 2011-2012 school year all candidates
20 for school administrator or teacher certification will be
21 required to complete a program on harassment, intimidation,
22 or bullying prevention, and that training in this area will be a
23 part of the professional development requirements for these
24 individuals;
- 25 • Includes training regarding harassment, intimidation and
26 bullying in schools as a part of the training program
27 provided to all school board members;
- 28 • Provides that the training course for safe schools resource
29 officers and public school employees assigned by a board of
30 education to serve as a school liaison to law enforcement
31 must include training in the protection of students from
32 harassment, intimidation, and bullying;
- 33 • Includes harassment, intimidation, and bullying in the types
34 of conduct that under current statute may constitute good
35 cause for suspension or expulsion;
- 36 • Includes members of the school board in the list of
37 individuals who may not engage in reprisals against victims
38 or witnesses of acts of harassment, intimidation, or bullying
39 and also in the list of those who are required to report acts of
40 harassment, intimidation, or bullying to appropriate officials
41 in the school district;
- 42 • Requires school districts to establish bullying prevention
43 programs or approaches. Under current law school districts
44 are only “encouraged” to establish such programs;
- 45 • Provides that a school district’s policy on harassment,
46 intimidation, and bullying must include appropriate
47 responses to such actions that occur off school grounds;

- 1 • Provides that the Department of Education, in consultation
2 with the Division on Civil Rights in the Department of Law
3 and Public Safety, must develop a guidance document for
4 use by parents, students, and school districts to assist in
5 resolving complaints regarding harassment, intimidation, or
6 bullying behaviors and concerning the implementation by
7 school districts of statutory requirements in this area;
- 8 • Provides that the Department of Education must establish a
9 formal protocol to be used by the offices of the executive
10 county superintendent of schools in investigating complaints
11 that school districts are not adhering to the provisions of law
12 governing harassment, intimidation, or bullying in the
13 schools;
- 14 • Provides that each school district must form a school safety
15 team in each school in the district to foster and maintain a
16 positive school climate within the schools;
- 17 • Creates the “Bullying Prevention Fund” in the Department
18 of Education to be used to fund grants to school districts to
19 provide training on harassment, intimidation, and bullying
20 prevention and on effective means to create a positive school
21 climate;
- 22 • Designates the week beginning with the first Monday in
23 October of each year as a “Week of Respect” and requires
24 districts to observe the week by providing age-appropriate
25 instruction focusing on preventing harassment, intimidation
26 or bullying;
- 27 • Provides a detailed procedure that must be included in each
28 district’s policy concerning the investigation of incidents of
29 harassment, intimidation, or bullying;
- 30 • Provides that a school administrator who fails to initiate or
31 conduct an investigation of an incident, or who should have
32 known of an incident and fails to take action, is subject to
33 discipline;
- 34 • Provides that a school employee or contracted service
35 provider must file a written report with the school principal
36 within two days of observing or being made aware of an act
37 of harassment, intimidation, or bullying;
- 38 • Provides that the principal in each public school must
39 appoint the currently employed school guidance counselor,
40 school psychologist or another similarly trained individual
41 as the school anti-bullying specialist. If there is no
42 individual that meets these criteria employed in the school,
43 the principal must appoint another currently employed
44 individual in the school to the position of school anti-
45 bullying specialist. The bill also sets forth the
46 responsibilities of school anti-bullying specialists;

- 1 • Provides that the superintendent of schools in each school
2 district must appoint a district anti-bullying coordinator and
3 sets forth the responsibilities of that individual;
- 4 • Provides that the superintendent of schools must report to
5 the board of education twice a year, rather than annually, at
6 a public hearing all acts of violence, vandalism and
7 harassment, intimidation, or bullying which occurred during
8 the previous period. The report shall be used to grade
9 schools and districts in their efforts to identify harassment,
10 intimidation or bullying, pursuant to a program for which the
11 commissioner will provide guidelines; and
- 12 • Includes in the School Report Card data identifying the
13 number and nature of all reports of harassment, intimidation
14 or bullying.

15 The New Jersey Commission on Bullying in Schools was
16 established pursuant to P.L.2007, c.303. The commission was
17 charged with the responsibility of studying the issue of school
18 harassment, intimidation, and bullying and making
19 recommendations on how to reduce these activities in our schools.

20 The bill also includes a provision that requires all public
21 institutions of higher education to include a policy on harassment,
22 intimidation, or bullying as part of its student code of conduct.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 2392

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2010

The Senate Education Committee favorably reports Senate Bill No. 2392 with committee amendments.

As amended, this bill revises and supplements the law on harassment, intimidation, and bullying in public schools. The bill includes a number of the recommendations of the New Jersey Commission on Bullying in Schools contained in its report issued December 15, 2009, in addition to a number of other provisions. The bill:

- Amends the definition of “harassment, intimidation or bullying”: to provide that an incident must either substantially disrupt or interfere with the orderly operation of the school or the rights of other students; and to add additional criteria to the definition - the creation of a hostile educational environment for the student by interfering with a student’s education or by severely or pervasively causing physical or emotional harm to the student;
- Adds a conviction of “bias intimidation” to the list of crimes for which a person may be disqualified for employment in a school;
- Provides that training on harassment, intimidation, and bullying be part of the training required for public school teaching staff members in suicide prevention. The instruction is also required to include information on reducing the risk of suicide for students who are members of communities identified as having members at high risk of suicide;
- Provides that by the 2012-2013 school year all candidates for school administrator or teacher certification will be required to complete a program on harassment, intimidation, or bullying prevention, and that training in this area will be a part of the professional development requirements for these individuals;
- Includes training regarding harassment, intimidation and bullying in schools as a part of the training program provided to all school board members;

- Provides that the training course for safe schools resource officers and public school employees assigned by a board of education to serve as a school liaison to law enforcement must include training in the protection of students from harassment, intimidation, and bullying;
- Includes harassment, intimidation, and bullying in the types of conduct that under current statute may constitute good cause for suspension or expulsion;
- Includes members of the school board in the list of individuals who may not engage in reprisals against victims or witnesses of acts of harassment, intimidation, or bullying and also in the list of those who are required to report acts of harassment, intimidation, or bullying to appropriate officials in the school district;
- Requires school districts to establish bullying prevention programs or approaches. Under current law, school districts are only “encouraged” to establish such programs;
- Provides that a school district’s policy on harassment, intimidation, and bullying must include appropriate responses to such actions that occur off school grounds;
- Provides that the Department of Education, in consultation with the Division on Civil Rights in the Department of Law and Public Safety, must develop a guidance document for use by parents, students, and school districts to assist in resolving complaints regarding harassment, intimidation, or bullying behaviors and concerning the implementation by school districts of statutory requirements in this area;
- Provides that the Department of Education must establish a formal protocol to be used by the offices of the executive county superintendent of schools in investigating complaints that school districts are not adhering to the provisions of law governing harassment, intimidation, or bullying in the schools;
- Provides that each school district must form a school safety team in each school in the district to foster and maintain a positive school climate within the schools;
- Creates the “Bullying Prevention Fund” in the Department of Education to be used to fund grants to school districts to provide training on harassment, intimidation, and bullying prevention and on effective means to create a positive school climate;
- Designates the week beginning with the first Monday in October of each year as a “Week of Respect” and requires districts to observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation or bullying;

- Provides a detailed procedure that must be included in each district's policy concerning the investigation of incidents of harassment, intimidation, or bullying;
- Provides that a school administrator who fails to initiate or conduct an investigation of an incident, or who should have known of an incident and fails to take action, is subject to discipline;
- Provides that a school employee or contracted service provider must file a written report with the school principal within two days of observing or being made aware of an act of harassment, intimidation, or bullying;
- Provides that the principal in each public school must appoint the currently employed school guidance counselor, school psychologist or another similarly trained individual as the school anti-bullying specialist. If there is no individual that meets these criteria employed in the school, the principal must appoint another currently employed individual in the school to the position of school anti-bullying specialist. The bill also sets forth the responsibilities of school anti-bullying specialists;
- Provides that the superintendent of schools in each school district must appoint a district anti-bullying coordinator and sets forth the responsibilities of that individual;
- Provides that the superintendent of schools must report to the board of education twice a year, rather than annually, at a public hearing all acts of violence, vandalism and harassment, intimidation, or bullying which occurred during the previous period. The report will be used to grade schools and districts in their efforts to implement policies and programs consistent with the "Anti-Bullying Bill of Rights Act"; and
- Includes in the School Report Card data identifying the number and nature of all reports of harassment, intimidation or bullying.

The bill also includes a provision that requires all public institutions of higher education to include a policy on harassment, intimidation, or bullying as part of its student code of conduct.

The committee amended the bill to:

- Provide that in order to be considered an incident of harassment, intimidation, or bullying, the incident must substantially disrupt or interfere with the orderly operation of the school or the rights of other students;
- Require that schools and districts be graded based on their effort to "implement policies and programs consistent with the 'Anti-Bullying Bill of Rights Act,'" not on their effort to "identify harassment, intimidations, or bullying";
- Clarify that the "Anti-Bullying Bill of Rights Act" is not intended to alter or reduce the rights of students with disabilities;

- Include a provision that encourages nonpublic schools to comply with the “Anti-Bullying Bill of Rights Act” and a provision that states that the bill, in the case of a faith-based nonpublic school, may not be interpreted to prohibit or abridge the legitimate statement, expression, or free exercise of the beliefs or tenets of that faith by the religious organization operating the school or by the school’s faculty, staff, or student body;
- Provide that in the event that information relevant to the investigation of the bullying incident is not received by the end of the 10-day limit for the completion of an investigation, the initial report of the results of the investigation may be amended to reflect the information;
- Protect the privacy rights of students by limiting the participation of parent members of school safety teams to the activities of the team which do not involve confidential matters involving students.

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.).