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"Pupils get a shield against bullies," 9-7-2002 Star-Ledger, p.26

"Violent parents spur anti-bully laws," 9-7-2002 Philadelphia Inquirer, p.B5

"McGreevey signs law meant to knock out school bullying," 9-7-2002 The Times, p.A14

"Anti-school bully bill signed," 9-7-2002 Homes News, pB1

"McGreevey signs bill meant to deter school bullying," 9-7-2002 Asbury Park Press, pA3

P.L. 2002, CHAPTER 83, *approved September 6, 2002*  
Assembly Committee Substitute for  
Assembly, Nos. 1874 and 1526

1 **AN ACT** concerning the adoption of harassment and bullying  
2 prevention policies by public school districts and supplementing  
3 chapter 37 of Title 18A of the New Jersey Statutes.

4

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

7

8 1. The Legislature finds and declares that: a safe and civil  
9 environment in school is necessary for students to learn and achieve  
10 high academic standards; harassment, intimidation or bullying, like  
11 other disruptive or violent behaviors, is conduct that disrupts both a  
12 student's ability to learn and a school's ability to educate its students  
13 in a safe environment; and since students learn by example, school  
14 administrators, faculty, staff, and volunteers should be commended for  
15 demonstrating appropriate behavior, treating others with civility and  
16 respect, and refusing to tolerate harassment, intimidation or bullying.

17

18 2. As used in this act:

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

27 a. a reasonable person should know, under the circumstances, will  
28 have the effect of harming a student or damaging the student's  
29 property, or placing a student in reasonable fear of harm to his person  
30 or damage to his property; or

31 b. has the effect of insulting or demeaning any student or group of  
32 students in such a way as to cause substantial disruption in, or  
33 substantial interference with, the orderly operation of the school.

34

35 3. a. Each school district shall adopt a policy prohibiting  
36 harassment, intimidation or bullying on school property, at a school-  
37 sponsored function or on a school bus. The school district shall  
38 attempt to adopt the policy through a process that includes  
39 representation of parents or guardians, school employees, volunteers,  
40 students, administrators, and community representatives.

41 b. A school district shall have local control over the content of the

1 policy, except that the policy shall contain, at a minimum, the  
2 following components:

3 (1) a statement prohibiting harassment, intimidation or bullying of  
4 a student;

5 (2) a definition of harassment, intimidation or bullying no less  
6 inclusive than that set forth in section 2 of this act;

7 (3) a description of the type of behavior expected from each  
8 student;

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

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

16 (6) a procedure for prompt investigation of reports of violations  
17 and complaints, identifying either the principal or the principal's  
18 designee as the person responsible for the investigation;

19 (7) the range of ways in which a school will respond once an  
20 incident of harassment, intimidation or bullying is identified;

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

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

28 (10) a statement of how the policy is to be publicized, including  
29 notice that the policy applies to participation in school-sponsored  
30 functions.

31 c. A school district shall adopt a policy and transmit a copy of its  
32 policy to the appropriate county superintendent of schools by  
33 September 1, 2003.

34 d. To assist school districts in developing policies for the  
35 prevention of harassment, intimidation or bullying, the Commissioner  
36 of Education shall develop a model policy applicable to grades  
37 kindergarten through 12. This model policy shall be issued no later  
38 than December 1, 2002.

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

43

44 4. a. A school employee, student or volunteer shall not engage in  
45 reprisal, retaliation or false accusation against a victim, witness or one  
46 with reliable information about an act of harassment, intimidation or

1 bullying.

2 b. A school employee, student or volunteer who has witnessed, or  
3 has reliable information that a student has been subject to, harassment,  
4 intimidation or bullying shall report the incident to the appropriate  
5 school official designated by the school district's policy.

6 c. A school employee who promptly reports an incident of  
7 harassment, intimidation or bullying, to the appropriate school official  
8 designated by the school district's policy, and who makes this report  
9 in compliance with the procedures in the district's policy, is immune  
10 from a cause of action for damages arising from any failure to remedy  
11 the reported incident.

12

13 5. a. Schools and school districts are encouraged to establish  
14 bullying prevention programs, and other initiatives involving school  
15 staff, students, administrators, volunteers, parents, law enforcement  
16 and community members.

17 b. To the extent funds are appropriated for these purposes, a  
18 school district shall: (1) provide training on the school district's  
19 harassment, intimidation or bullying policies to school employees and  
20 volunteers who have significant contact with students; and (2) develop  
21 a process for discussing the district's harassment, intimidation or  
22 bullying policy with students.

23 c. Information regarding the school district policy against  
24 harassment, intimidation or bullying shall be incorporated into a  
25 school's employee training program.

26

27 6. This act shall not be interpreted to prevent a victim from  
28 seeking redress under any other available law either civil or criminal.  
29 This act does not create or alter any tort liability.

30

31 7. A school district that incurs additional costs due to the  
32 implementation of the provisions of this act shall apply to the  
33 Commissioner of Education for reimbursement.

34

35 8. This act shall take effect immediately.

36

37

38

39

40 \_\_\_\_\_  
41 Requires school districts to adopt harassment and bullying prevention  
policies.

# ASSEMBLY, No. 1874

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED FEBRUARY 21, 2002

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex)**

**Assemblyman PAUL SARLO**

**District 36 (Bergen, Essex and Passaic)**

**Co-Sponsored by:**

**Assemblymen Gusciora and Hackett**

**SYNOPSIS**

Requires school districts to adopt harassment and bullying prevention policies.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/14/2002)**

1 AN ACT concerning the adoption of harassment and bullying  
2 prevention policies by public school districts and supplementing  
3 chapter 37 of Title 18A of the New Jersey Statutes.

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

7  
8 1. The Legislature finds and declares that: a safe and civil  
9 environment in school is necessary for students to learn and achieve  
10 high academic standards; harassment, intimidation or bullying, like  
11 other disruptive or violent behaviors, is conduct that disrupts both a  
12 student's ability to learn and a school's ability to educate its students  
13 in a safe environment; and since students learn by example, school  
14 administrators, faculty, staff, and volunteers should be commended for  
15 demonstrating appropriate behavior, treating others with civility and  
16 respect, and refusing to tolerate harassment, intimidation or bullying.

17  
18 2. As used this act:

19 "Harassment, intimidation or bullying" means any gesture or  
20 written, verbal or physical act taking place on school property, at any  
21 school-sponsored function or on a school bus that:

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

26 b. has the effect of insulting or demeaning any student or group of  
27 students in such a way as to disrupt or interfere with the school's  
28 educational mission or the education of any student.

29 "Harassment, intimidation or bullying" includes, but is not limited  
30 to, any gesture or written, verbal or physical act that is reasonably  
31 perceived as being motivated either by any actual or perceived  
32 characteristic, such as race, color, religion, ancestry, national origin,  
33 gender, sexual orientation, or a mental, physical or sensory handicap,  
34 or by any other distinguishing characteristic.

35  
36 3. a. Each school district shall adopt a policy prohibiting  
37 harassment, intimidation or bullying on school property, at a school-  
38 sponsored function or on a school bus. The school district shall  
39 attempt to adopt the policy through a process that includes  
40 representation of parents or guardians, school employees, volunteers,  
41 students, administrators, and community representatives.

42 b. A school district shall have local control over the content of  
43 the policy, except that the policy shall contain and shall be consistent  
44 with the following components:

- 1 (1) a statement prohibiting harassment, intimidation or bullying of  
2 a student;
  - 3 (2) a definition of harassment, intimidation or bullying no less  
4 inclusive than that set forth in section 2 of this act;
  - 5 (3) a description of the type of behavior expected from each  
6 student;
  - 7 (4) consequences and appropriate remedial action for a person who  
8 commits an act of harassment, intimidation or bullying;
  - 9 (5) a procedure for reporting an act of harassment, intimidation or  
10 bullying, including a provision that permits a person to report an act  
11 of harassment, intimidation or bullying anonymously; however, this  
12 shall not be construed to permit formal disciplinary action solely on the  
13 basis of an anonymous report;
  - 14 (6) a procedure for prompt investigation of reports of violations  
15 and complaints, identifying either the principal or the principal's  
16 designee as the person responsible for the investigation;
  - 17 (7) the range of ways in which a school will respond once an  
18 incident of harassment, intimidation or bullying is identified;
  - 19 (8) a statement that prohibits reprisal or retaliation against any  
20 person who reports an act of harassment, intimidation or bullying and  
21 the consequence and appropriate remedial action for a person who  
22 engages in reprisal or retaliation;
  - 23 (9) consequences and appropriate remedial action for a person  
24 found to have falsely accused another as a means of retaliation or as  
25 a means of harassment, intimidation or bullying; and
  - 26 (10) a statement of how the policy is to be publicized, including  
27 notice that the policy applies to participation in school-sponsored  
28 functions.
- 29 c. A school district shall adopt a policy and transmit a copy of its  
30 policy to the appropriate county superintendent of schools by  
31 September 1, 2002.
- 32 d. To assist school districts in developing policies for the  
33 prevention of harassment, intimidation or bullying, the Commissioner  
34 of Education shall develop a model policy applicable to grades  
35 kindergarten through 12. This model policy shall be issued no later  
36 than 90 days following the effective date of this act.
- 37 e. Notice of the school district's policy shall appear in any  
38 publication of the school district that sets forth the comprehensive  
39 rules, procedures and standards of conduct for schools within the  
40 school district, and in any student handbook.
- 41
- 42 4. a. A school employee, student or volunteer shall not engage in  
43 reprisal, retaliation or false accusation against a victim, witness or one  
44 with reliable information about an act of harassment, intimidation or  
45 bullying.



1 b. A school employee, student or volunteer who has witnessed, or  
2 has reliable information that a student has been subject to, harassment,  
3 intimidation or bullying shall promptly report the incident to the  
4 appropriate school official designated by the school district's policy.

5 c. A school employee who promptly reports an incident of  
6 harassment, intimidation or bullying, to the appropriate school official  
7 designated by the school district's policy, and who makes this report  
8 in compliance with the procedures in the district's policy, is immune  
9 from a cause of action for damages arising from any failure to remedy  
10 the reported incident.

11  
12 5. a. Schools and school districts shall form bullying prevention task  
13 forces, programs, or other initiatives involving school staff, students,  
14 administrators, volunteers, parents, law enforcement and community  
15 members.

16 b. A school district shall (1) provide training on the school district's  
17 harassment, intimidation or bullying policies to school employees and  
18 volunteers who have significant contact with students, and (2) develop  
19 a process for discussing the district's harassment, intimidation or  
20 bullying policy with students.

21 c. Information regarding the school district policy against  
22 harassment, intimidation or bullying shall be incorporated into a  
23 school's employee training program.

24  
25 6. This act shall not be interpreted to prevent a victim from seeking  
26 redress under any other available law either civil or criminal. This act  
27 does not create or alter any tort liability.

28  
29 7. A school district that incurs additional costs due to the  
30 implementation of the provisions of this act shall apply to the  
31 Commissioner of Education for reimbursement.

32  
33 8. This act shall take effect immediately.

34  
35  
36 STATEMENT

37  
38 This bill requires each school district to adopt a policy prohibiting  
39 harassment, intimidation or bullying on school property, at a school-  
40 sponsored function or on a school bus.

41 "Harassment, intimidation or bullying" is defined in the bill to mean  
42 any gesture or written, verbal or physical act taking place on school  
43 property, at any school-sponsored function or on a school bus that: a  
44 reasonable person under the circumstances should know will have the  
45 effect of harming a student or damaging the student's property, or  
46 placing a student in reasonable fear of harm to his person or damage

1 to his property; or has the effect of insulting or demeaning any student  
2 or group of students in such a way as to disrupt or interfere with the  
3 school's educational mission or the education of any student.  
4 "Harassment, intimidation or bullying" is also defined to include, but  
5 not be limited to, any gesture or written, verbal or physical act that is  
6 reasonably perceived as being motivated either by any actual or  
7 perceived characteristic, such as race, color, religion, ancestry,  
8 national origin, gender, sexual orientation, or a mental, physical or  
9 sensory handicap, or by any other distinguishing characteristic.

10 A school district will determine the content of the policy, except  
11 that the policy must contain, at a minimum, the following components:

- 12
- 13 - a statement prohibiting harassment, intimidation or bullying of a  
14 student;
- 15 - a definition of harassment, intimidation or bullying;
- 16 - a description of the type of behavior expected from each student;
- 17 - consequences and appropriate remedial action for a person who  
18 commits an act of harassment, intimidation or bullying;
- 19 - a procedure for reporting an act of harassment, intimidation or  
20 bullying;
- 21 - a procedure for prompt investigation of reports of violations and  
22 complaints, identifying the person responsible for the investigation;
- 23 - the range of ways in which a school will respond once an incident  
24 is identified;
- 25 - a statement that prohibits reprisal or retaliation against any  
26 person who reports an act of harassment, intimidation or bullying and  
27 the consequence and appropriate remedial action for a person who  
28 engages in reprisal or retaliation;
- 29 - consequences and appropriate remedial action for a person found  
30 to have falsely accused another as a means of retaliation or as a means  
31 of harassment, intimidation or bullying; and
- 32 - a statement of how the policy is to be publicized.

33 The bill states that the school district must attempt to adopt its  
34 policy through a process that includes representation of various  
35 interested parties.

36 Under the bill a school district must adopt a policy and transmit a  
37 copy of its policy to the county superintendent of schools no later than  
38 September 1, 2002. In order to assist the school districts in  
39 developing their policies, the Commissioner of Education must  
40 develop a model policy no later than 90 days after the bill's effective  
41 date.

42 The bill requires school employees, students or volunteers who  
43 have witnessed, or have reliable information that a student has been  
44 subject to, harassment, intimidation or bullying to promptly report the  
45 incident to the appropriate school official. The bill prohibits school  
46 employees, students or volunteers from engaging in reprisal, retaliation

**A1874 MCKEON, SARLO**

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1 or false accusation against any victim, witness or any person with  
2 reliable information about an act of harassment, intimidation or  
3 bullying. A school employee who promptly reports an incident of  
4 harassment, intimidation or bullying to the appropriate school official  
5 is granted immunity under the provisions of the bill from a cause of  
6 action for damages arising from any failure to remedy the reported  
7 incident.

# ASSEMBLY, No. 1526

## STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

**Sponsored by:**

**Assemblyman JOSEPH AZZOLINA**

**District 13 (Middlesex and Monmouth)**

**Assemblyman SAMUEL D. THOMPSON**

**District 13 (Middlesex and Monmouth)**

**Co-Sponsored by:**

**Assemblywoman Weinberg and Assemblyman Ahearn**

**SYNOPSIS**

Requires school districts to adopt harassment and bullying prevention policies.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 6/14/2002)**

1 AN ACT concerning the adoption of harassment and bullying  
2 prevention policies by public school districts and supplementing  
3 chapter 37 of Title 18A of the New Jersey Statutes.

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

7  
8 1. The Legislature finds and declares that: a safe and civil  
9 environment in school is necessary for students to learn and achieve  
10 high academic standards; harassment, intimidation or bullying, like  
11 other disruptive or violent behaviors, is conduct that disrupts both a  
12 student's ability to learn and a school's ability to educate its students  
13 in a safe environment; and since students learn by example, school  
14 administrators, faculty, staff, and volunteers should be commended for  
15 demonstrating appropriate behavior, treating others with civility and  
16 respect, and refusing to tolerate harassment, intimidation or bullying.

17  
18 2. As used this act:

19 "Harassment, intimidation or bullying" means any gesture or  
20 written, verbal or physical act taking place on school property, at any  
21 school-sponsored function or on a school bus that:

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

26 b. has the effect of insulting or demeaning any student or group of  
27 students in such a way as to disrupt or interfere with the school's  
28 educational mission or the education of any student.

29 "Harassment, intimidation or bullying" includes, but is not limited  
30 to, any gesture or written, verbal or physical act that is reasonably  
31 perceived as being motivated either by any actual or perceived  
32 characteristic, such as race, color, religion, ancestry, national origin,  
33 gender, sexual orientation, or a mental, physical or sensory handicap,  
34 or by any other distinguishing characteristic.

35  
36 3. a. Each school district shall adopt a policy prohibiting  
37 harassment, intimidation or bullying on school property, at a school-  
38 sponsored function or on a school bus. The school district shall  
39 attempt to adopt the policy through a process that includes  
40 representation of parents or guardians, school employees, volunteers,  
41 students, administrators, and community representatives.

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

45 (1) a statement prohibiting harassment, intimidation or bullying of  
46 a student;

- 1 (2) a definition of harassment, intimidation or bullying no less  
2 inclusive than that set forth in section 2 of this act;
  - 3 (3) a description of the type of behavior expected from each  
4 student;
  - 5 (4) consequences and appropriate remedial action for a person who  
6 commits an act of harassment, intimidation or bullying;
  - 7 (5) a procedure for reporting an act of harassment, intimidation or  
8 bullying, including a provision that permits a person to report an act  
9 of harassment, intimidation or bullying anonymously; however, this  
10 shall not be construed to permit formal disciplinary action solely on the  
11 basis of an anonymous report;
  - 12 (6) a procedure for prompt investigation of reports of violations  
13 and complaints, identifying either the principal or the principal's  
14 designee as the person responsible for the investigation;
  - 15 (7) the range of ways in which a school will respond once an  
16 incident of harassment, intimidation or bullying is identified;
  - 17 (8) a statement that prohibits reprisal or retaliation against any  
18 person who reports an act of harassment, intimidation or bullying and  
19 the consequence and appropriate remedial action for a person who  
20 engages in reprisal or retaliation;
  - 21 (9) consequences and appropriate remedial action for a person  
22 found to have falsely accused another as a means of retaliation or as  
23 a means of harassment, intimidation or bullying; and
  - 24 (10) a statement of how the policy is to be publicized, including  
25 notice that the policy applies to participation in school-sponsored  
26 functions.
- 27 c. A school district shall adopt a policy and transmit a copy of its  
28 policy to the appropriate county superintendent of schools by  
29 September 1, 2002.
- 30 d. To assist school districts in developing policies for the  
31 prevention of harassment, intimidation or bullying, the Commissioner  
32 of Education shall develop a model policy applicable to grades  
33 kindergarten through 12. This model policy shall be issued no later  
34 than December 1, 2001.
- 35 e. Notice of the school district's policy shall appear in any  
36 publication of the school district that sets forth the comprehensive  
37 rules, procedures and standards of conduct for schools within the  
38 school district, and in any student handbook.
- 39
- 40 4. a. A school employee, student or volunteer shall not engage in  
41 reprisal, retaliation or false accusation against a victim, witness or one  
42 with reliable information about an act of harassment, intimidation or  
43 bullying.
- 44 b. A school employee, student or volunteer who has witnessed, or  
45 has reliable information that a student has been subject to, harassment,  
46 intimidation or bullying shall report the incident to the appropriate

1 school official designated by the school district's policy.

2 c. A school employee who promptly reports an incident of  
3 harassment, intimidation or bullying, to the appropriate school official  
4 designated by the school district's policy, and who makes this report  
5 in compliance with the procedures in the district's policy, is immune  
6 from a cause of action for damages arising from any failure to remedy  
7 the reported incident.

8

9 5. a. Schools and school districts are encouraged to form bullying  
10 prevention task forces, programs, and other initiatives involving school  
11 staff, students, administrators, volunteers, parents, law enforcement  
12 and community members.

13 b. To the extent funds are appropriated for these purposes, a  
14 school district shall (1) provide training on the school district's  
15 harassment, intimidation or bullying policies to school employees and  
16 volunteers who have significant contact with students, and (2) develop  
17 a process for discussing the district's harassment, intimidation or  
18 bullying policy with students.

19 c. Information regarding the school district policy against  
20 harassment, intimidation or bullying shall be incorporated into a  
21 school's employee training program.

22

23 6. This act shall not be interpreted to prevent a victim from seeking  
24 redress under any other available law either civil or criminal. This act  
25 does not create or alter any tort liability.

26

27 7. A school district that incurs additional costs due to the  
28 implementation of the provisions of this act shall apply to the  
29 Commissioner of Education for reimbursement.

30

31 8. This act shall take effect immediately.

32

33

34

#### STATEMENT

35

36 This bill requires each school district to adopt a policy prohibiting  
37 harassment, intimidation or bullying on school property, at a school-  
38 sponsored function or on a school bus.

39 "Harassment, intimidation or bullying" is defined in the bill to mean  
40 any gesture or written, verbal or physical act taking place on school  
41 property, at any school-sponsored function or on a school bus that: a  
42 reasonable person under the circumstances should know will have the  
43 effect of harming a student or damaging the student's property, or  
44 placing a student in reasonable fear of harm to his person or damage  
45 to his property; or has the effect of insulting or demeaning any student  
46 or group of students in such a way as to disrupt or interfere with the

1 school's educational mission or the education of any student.  
2 "Harassment, intimidation or bullying" is also defined to include, but  
3 not be limited to, any gesture or written, verbal or physical act that is  
4 reasonably perceived as being motivated either by any actual or  
5 perceived characteristic, such as race, color, religion, ancestry,  
6 national origin, gender, sexual orientation, or a mental, physical or  
7 sensory handicap, or by any other distinguishing characteristic.

8 A school district will determine the content of the policy, except  
9 that the policy must contain, at a minimum, the following components:

- 10 - a statement prohibiting harassment, intimidation or bullying of a  
11 student;
- 12 - a definition of harassment, intimidation or bullying;
- 13 - a description of the type of behavior expected from each student;
- 14 - consequences and appropriate remedial action for a person who  
15 commits an act of harassment, intimidation or bullying;
- 16 - a procedure for reporting an act of harassment, intimidation or  
17 bullying;
- 18 - a procedure for prompt investigation of reports of violations and  
19 complaints, identifying the person responsible for the investigation;
- 20 - the range of ways in which a school will respond once an incident  
21 is identified;
- 22 - a statement that prohibits reprisal or retaliation against any  
23 person who reports an act of harassment, intimidation or bullying and  
24 the consequence and appropriate remedial action for a person who  
25 engages in reprisal or retaliation;
- 26 - consequences and appropriate remedial action for a person found  
27 to have falsely accused another as a means of retaliation or as a means  
28 of harassment, intimidation or bullying; and
- 29 - a statement of how the policy is to be publicized.

30 The bill states that the school district must attempt to adopt its  
31 policy through a process that includes representation of various  
32 interested parties.

33 Under the bill a school district must adopt a policy and transmit a  
34 copy of its policy to the county superintendent of schools by  
35 September 1, 2002. In order to assist the school districts in  
36 developing their policies, the Commissioner of Education must  
37 develop a model policy no later than December 1, 2001.

38 The bill requires school employees, students or volunteers who  
39 have witnessed, or have reliable information that a student has been  
40 subject to, harassment, intimidation or bullying to report the incident  
41 to the appropriate school official. The bill prohibits school employees,  
42 students or volunteers from engaging in reprisal, retaliation or false  
43 accusation against any victim, witness or any person with reliable  
44 information about an act of harassment, intimidation or bullying. A  
45 school employee who promptly reports an incident of harassment,  
46 intimidation or bullying to the appropriate school official is granted



**A1526 AZZOLINA, THOMPSON**

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- 1 immunity under the provisions of the bill from a cause of action for
- 2 damages arising from any failure to remedy the reported incident.

# ASSEMBLY EDUCATION COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 1874 and 1526**

# **STATE OF NEW JERSEY**

DATED: JUNE 17, 2002

The Assembly Education Committee favorably reports an Assembly Committee Substitute for Assembly Bill Nos. 1874 and 1526.

This committee substitute requires each school district to adopt a policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus.

"Harassment, intimidation or bullying" is defined in the substitute to mean any gesture or written, verbal or physical act that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory handicap, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus and that: 1) a reasonable person should know, under the circumstances, will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his person or damage to his property; or 2) has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

A school district will determine the content of the policy, except that the policy must contain, at a minimum, the following components:

- a statement prohibiting harassment, intimidation or bullying of a student;
- a definition of harassment, intimidation or bullying that is no less inclusive than that established in the substitute;
- a description of the type of behavior expected from each student;
- consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying;
- a procedure for reporting an act of harassment, intimidation or bullying;
- a procedure for prompt investigation of reports of violations and complaints, identifying the person responsible for the investigation;
- the range of ways in which a school will respond once an incident is identified;

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

- consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or bullying; and

- a statement of how the policy is to be publicized.

The substitute states that the school district must attempt to adopt its policy through a process that includes representation of various interested parties.

Under the substitute a school district must adopt a policy and transmit a copy of its policy to the county superintendent of schools by September 1, 2003. In order to assist the school districts in developing their policies, the Commissioner of Education must develop a model policy no later than December 1, 2002.

The substitute requires school employees, students or volunteers who have witnessed, or have reliable information that a student has been subject to, harassment, intimidation or bullying to report the incident to the appropriate school official. The substitute prohibits school employees, students or volunteers from engaging in reprisal, retaliation or false accusation against any victim, witness or any person with reliable information about an act of harassment, intimidation or bullying. A school employee who promptly reports an incident of harassment, intimidation or bullying to the appropriate school official is granted immunity under the provisions of the substitute from a cause of action for damages arising from any failure to remedy the reported incident.

# SENATE, No. 149

## STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

**Sponsored by:**

**Senator BARBARA BUONO**

**District 18 (Middlesex)**

**Senator ANTHONY R. BUCCO**

**District 25 (Morris)**

**Co-Sponsored by:**

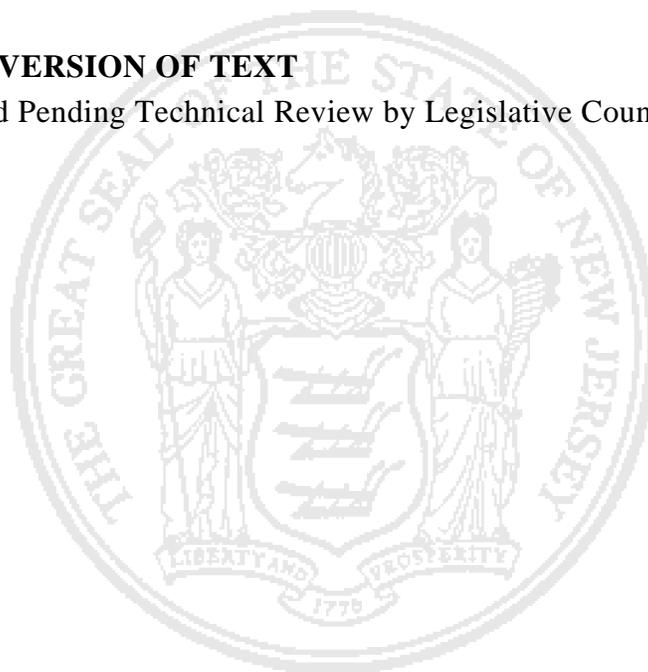
**Senators Cafiero, Baer, Ciesla, Coniglio, B.Smith, Turner, Vitale and Sweeney**

**SYNOPSIS**

Requires school districts to adopt harassment and bullying prevention policies; appropriates \$250,000.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 5/17/2002)**

1 AN ACT concerning the adoption of harassment and bullying  
2 prevention policies by public school districts, supplementing  
3 chapter 37 of Title 18A of the New Jersey Statutes and making an  
4 appropriation.

5

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

8

9 1. The Legislature finds and declares that: a safe and civil  
10 environment in school is necessary for students to learn and achieve  
11 high academic standards; harassment, intimidation or bullying, like  
12 other disruptive or violent behaviors, is conduct that disrupts both a  
13 student's ability to learn and a school's ability to educate its students  
14 in a safe environment; and since students learn by example, school  
15 administrators, faculty, staff, and volunteers should be commended for  
16 demonstrating appropriate behavior, treating others with civility and  
17 respect, and refusing to tolerate harassment, intimidation or bullying.

18

19 2. As used in this act:

20 "Harassment, intimidation or bullying" means any gesture or  
21 written, verbal or physical act taking place on school property, at any  
22 school-sponsored function or on a school bus that:

23 a. a reasonable person should know, under the circumstances, will  
24 have the effect of harming a student or damaging the student's  
25 property, or placing a student in reasonable fear of harm to his person  
26 or damage to his property; or

27 b. has the effect of insulting or demeaning any student or group of  
28 students in such a way as to disrupt or interfere with the school's  
29 educational mission or the education of any student.

30 "Harassment, intimidation or bullying" includes, but is not limited  
31 to, any gesture or written, verbal or physical act that is reasonably  
32 perceived as being motivated either by any actual or perceived  
33 characteristic, such as race, color, religion, ancestry, national origin,  
34 gender, sexual orientation, or a mental, physical or sensory handicap,  
35 or by any other distinguishing characteristic.

36

37 3. a. Each school district shall adopt a policy prohibiting  
38 harassment, intimidation or bullying on school property, at a school-  
39 sponsored function or on a school bus. The school district shall  
40 attempt to adopt the policy through a process that includes  
41 representation of parents or guardians, school employees, volunteers,  
42 students, administrators, and community representatives.

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

- 1 (1) a statement prohibiting harassment, intimidation or bullying of  
2 a student;
  - 3 (2) a definition of harassment, intimidation or bullying no less  
4 inclusive than that set forth in section 2 of this act;
  - 5 (3) a description of the type of behavior expected from each  
6 student;
  - 7 (4) consequences and appropriate remedial action for a person who  
8 commits an act of harassment, intimidation or bullying;
  - 9 (5) a procedure for reporting an act of harassment, intimidation or  
10 bullying, including a provision that permits a person to report an act  
11 of harassment, intimidation or bullying anonymously; however, this  
12 shall not be construed to permit formal disciplinary action solely on the  
13 basis of an anonymous report;
  - 14 (6) a procedure for prompt investigation of reports of violations  
15 and complaints, identifying either the principal or the principal's  
16 designee as the person responsible for the investigation;
  - 17 (7) the range of ways in which a school will respond once an  
18 incident of harassment, intimidation or bullying is identified;
  - 19 (8) a statement that prohibits reprisal or retaliation against any  
20 person who reports an act of harassment, intimidation or bullying and  
21 the consequence and appropriate remedial action for a person who  
22 engages in reprisal or retaliation;
  - 23 (9) consequences and appropriate remedial action for a person  
24 found to have falsely accused another as a means of retaliation or as  
25 a means of harassment, intimidation or bullying; and
  - 26 (10) a statement of how the policy is to be publicized, including  
27 notice that the policy applies to participation in school-sponsored  
28 functions.
- 29 c. A school district shall adopt a policy and transmit a copy of its  
30 policy to the appropriate county superintendent of schools by  
31 September 1, 2002.
- 32 d. To assist school districts in developing policies for the  
33 prevention of harassment, intimidation or bullying, the Commissioner  
34 of Education shall develop a model policy applicable to grades  
35 kindergarten through 12. This model policy shall be issued no later  
36 than December 1, 2001.
- 37 e. Notice of the school district's policy shall appear in any  
38 publication of the school district that sets forth the comprehensive  
39 rules, procedures and standards of conduct for schools within the  
40 school district, and in any student handbook.
- 41
- 42 4. a. A school employee, student or volunteer shall not engage in  
43 reprisal, retaliation or false accusation against a victim, witness or one  
44 with reliable information about an act of harassment, intimidation or  
45 bullying.



1 "Harassment, intimidation or bullying" is defined in the bill to mean  
2 any gesture or written, verbal or physical act taking place on school  
3 property, at any school-sponsored function or on a school bus that: a  
4 reasonable person should know, under the circumstances, will have the  
5 effect of harming a student or damaging the student's property, or  
6 placing a student in reasonable fear of harm to his person or damage  
7 to his property; or has the effect of insulting or demeaning any student  
8 or group of students in such a way as to disrupt or interfere with the  
9 school's educational mission or the education of any student.

10 "Harassment, intimidation or bullying" is also defined to include, but  
11 not be limited to, any gesture or written, verbal or physical act that is  
12 reasonably perceived as being motivated either by any actual or  
13 perceived characteristic, such as race, color, religion, ancestry,  
14 national origin, gender, sexual orientation, or a mental, physical or  
15 sensory handicap, or by any other distinguishing characteristic.

16 A school district will determine the content of the policy, except  
17 that the policy must contain, at a minimum, the following components:

- 18 - a statement prohibiting harassment, intimidation or bullying of a  
19 student;
- 20 - a definition of harassment, intimidation or bullying;
- 21 - a description of the type of behavior expected from each student;
- 22 - consequences and appropriate remedial action for a person who  
23 commits an act of harassment, intimidation or bullying;
- 24 - a procedure for reporting an act of harassment, intimidation or  
25 bullying;
- 26 - a procedure for prompt investigation of reports of violations and  
27 complaints, identifying the person responsible for the investigation;
- 28 - the range of ways in which a school will respond once an incident  
29 is identified;
- 30 - a statement that prohibits reprisal or retaliation against any  
31 person who reports an act of harassment, intimidation or bullying and  
32 the consequence and appropriate remedial action for a person who  
33 engages in reprisal or retaliation;
- 34 - consequences and appropriate remedial action for a person found  
35 to have falsely accused another as a means of retaliation or as a means  
36 of harassment, intimidation or bullying; and
- 37 - a statement of how the policy is to be publicized.

38 The bill states that the school district must attempt to adopt its  
39 policy through a process that includes representation of various  
40 interested parties.

41 Under the bill a school district must adopt a policy and transmit a  
42 copy of its policy to the county superintendent of schools by  
43 September 1, 2002. In order to assist the school districts in  
44 developing their policies, the Commissioner of Education must  
45 develop a model policy no later than December 1, 2001.



1       The bill requires school employees, students or volunteers who  
2 have witnessed, or have reliable information that a student has been  
3 subject to, harassment, intimidation or bullying to report the incident  
4 to the appropriate school official. The bill prohibits school employees,  
5 students or volunteers from engaging in reprisal, retaliation or false  
6 accusation against any victim, witness or any person with reliable  
7 information about an act of harassment, intimidation or bullying. A  
8 school employee who promptly reports an incident of harassment,  
9 intimidation or bullying to the appropriate school official is granted  
10 immunity under the provisions of the bill from a cause of action for  
11 damages arising from any failure to remedy the reported incident.

12       The bill includes an appropriation of \$250,000 to provide funding  
13 to school districts for teacher training on the district's policy on  
14 harassment, intimidation and bullying.

15       Harassment, intimidation and bullying affects students both  
16 emotionally and physically and disrupts their learning environment. In  
17 addition, a recent report from the National Association of Attorneys  
18 General cites bullying and harassment as primary causes of youth  
19 violence. It is imperative that policies be in place that prevent these  
20 types of destructive behaviors in our schools.

# SENATE EDUCATION COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 149 and 729**

# **STATE OF NEW JERSEY**

DATED: MAY 30, 2002

The Senate Education Committee favorably reports a Senate Committee Substitute for Senate Bill No. 149 and 729.

This committee substitute requires each school district to adopt a policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus.

"Harassment, intimidation or bullying" is defined in the substitute to mean any gesture or written, verbal or physical act that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory handicap, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus and that: 1) a reasonable person should know, under the circumstances, will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his person or damage to his property; or 2) has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

A school district will determine the content of the policy, except that the policy must contain, at a minimum, the following components:

- a statement prohibiting harassment, intimidation or bullying of a student;
- a definition of harassment, intimidation or bullying;
- a description of the type of behavior expected from each student;
- consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying;
- a procedure for reporting an act of harassment, intimidation or bullying;
- a procedure for prompt investigation of reports of violations and complaints, identifying the person responsible for the investigation;
- the range of ways in which a school will respond once an incident is identified;
- a statement that prohibits reprisal or retaliation against any

person who reports an act of harassment, intimidation or bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation;

- consequences and appropriate remedial action for a person found to have falsely accused another as a means of retaliation or as a means of harassment, intimidation or bullying; and

- a statement of how the policy is to be publicized.

The substitute states that the school district must attempt to adopt its policy through a process that includes representation of various interested parties.

Under the substitute a school district must adopt a policy and transmit a copy of its policy to the county superintendent of schools by September 1, 2003. In order to assist the school districts in developing their policies, the Commissioner of Education must develop a model policy no later than December 1, 2002.

The substitute requires school employees, students or volunteers who have witnessed, or have reliable information that a student has been subject to, harassment, intimidation or bullying to report the incident to the appropriate school official. The substitute prohibits school employees, students or volunteers from engaging in reprisal, retaliation or false accusation against any victim, witness or any person with reliable information about an act of harassment, intimidation or bullying. A school employee who promptly reports an incident of harassment, intimidation or bullying to the appropriate school official is granted immunity under the provisions of the substitute from a cause of action for damages arising from any failure to remedy the reported incident.

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**Press Releases**

PO BOX 004  
TRENTON, NJ 08625

Contact: Kevin Davitt  
609-777-2600

RELEASE: September 06, 2002

[Previous Screen](#)

### **Governor McGreevey Signs Law Requiring Schools to Develop Anti-Bully Policies**

(METUCHEN)—In an effort to prevent violent behavior in New Jersey’s schools, Governor James E. McGreevey signed legislation today at the Edgar Middle School in Metuchen that would require school districts to adopt policies prohibiting bullying.

“Our children deserve to receive a quality education in a safe environment, where they are free from threats and harassment,” said McGreevey. “By requiring our schools to develop policies that prohibit bullying and encourage respect, students and parents can be assured that cruel and harmful treatment—whether at school, on the bus, or at a school function—will not be tolerated.”

"Given the correlation between bullying relationships and acts of school violence, I believe that we must prevent this chain reaction before it starts," said Senator Buono. "We can no longer act like bullying is harmless, with no long-term effects. Bullying incidents can have a life-long--and sometimes life-ending--impact."

With input from parents, school employees, students, administrators and the community, the new law will require school districts to adopt policies prohibiting bullying, harassment and intimidation on school property, at school-sponsored functions, or on school buses.

While the school district will have control over the content of the policy, the new law seeks some uniformity by requiring each district to include certain components including a statement prohibiting harassment and bullying, a definition of bullying, the consequences for committing such acts, procedures for reporting and investigating violations, prohibition of retaliation and public awareness measures.

The legislation defines bullying, harassment and intimidation as any verbal, written or physical act—motivated by race, religion, gender, sexual orientation, ancestry, national origin, gender identity and mental or physical disabilities—that damages a student’s property or insults, harms or instills fear in the student.

Senate Bill 149, which unanimously passed the Senate, was sponsored by Senators Barbara Buono (D-Middlesex), Diane Allen (R-Burlington, Camden), Anthony Bucco (R-Morris), and Robert Singer (R-Burlington, Monmouth, Ocean, Mercer). The Senate bill was substituted by the Assembly Committee Substitute for Assembly Bills 1874 and 1526. Assembly sponsors include Assemblymen John McKeon (D-Essex), Paul Sarlo (D-Bergen, Essex, Passaic), Joseph Azzolina (R-Middlesex, Monmouth) and Samuel Thompson (R-

Middlesex, Monmouth).



State of New Jersey Governor's Office

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