

2A:53A-17.1; 18A:37-37.1 to 18A:37-37.5 et al

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2021 **CHAPTER:** 338

NJSA: 2A:53A-17.1; 18A:37-37.1 to 18A:37-37.5 et al (Revises provisions required in school district's anti-bullying policy; provides for civil liability of parent of minor adjudicated delinquent for cyber-harassment or harassment; and increases certain fines against parents.)

BILL NO: S1790 (Substituted for A1662 (ACS))

SPONSOR(S) Pennacchio, Joseph and others

DATE INTRODUCED: 2/13/2020

COMMITTEE: **ASSEMBLY:** Education

SENATE: Education

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 12/20/2021

SENATE: 12/17/2020

DATE OF APPROVAL: 1/10/2022

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

\$1790

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A1662 (ACS)

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT): Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/JA

§4
C.2A:53A-17.1
§§5-9
C.18A:37-37.1 to
18A:37-37.5
§10
Note

P.L. 2021, CHAPTER 338, *approved January 10, 2022*
Senate, No. 1790 (*First Reprint*)

- 1 **AN ACT** concerning bullying, ¹**【designated as Mallory’s Law,】**¹
2 revising various parts of the statutory law, and supplementing Title
3 2A and 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. Section 1 of P.L.2013, c.272 (C.2C:33-4.1) is amended to
9 read as follows:
10 1. a. A person commits the crime of cyber-harassment if, while
11 making a communication in an online capacity via any electronic
12 device or through a social networking site and with the purpose to
13 harass another, the person:
14 (1) threatens to inflict injury or physical harm to any person or
15 the property of any person;
16 (2) knowingly sends, posts, comments, requests, suggests, or
17 proposes any lewd, indecent, or obscene material to or about a
18 person with the intent to emotionally harm a reasonable person or
19 place a reasonable person in fear of physical or emotional harm to
20 his person; or
21 (3) threatens to commit any crime against the person or the
22 person's property.
23 b. Cyber-harassment is a crime of the fourth degree, unless the
24 person is 21 years of age or older at the time of the offense and
25 impersonates a minor for the purpose of cyber-harassing a minor, in
26 which case it is a crime of the third degree.
27 c. If a minor under the age of 16 is adjudicated delinquent for
28 cyber-harassment, the court may order as a condition of the
29 sentence that the minor, accompanied by a parent or guardian,
30 complete, in a satisfactory manner, one or both of the following:
31 (1) a class or training program intended to reduce the tendency
32 toward cyber-harassment behavior; or
33 (2) a class or training program intended to bring awareness to
34 the dangers associated with cyber-harassment.

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:

¹Senate SED committee amendments adopted December 7, 2020.

1 d. A parent or guardian who fails to comply with a condition
2 imposed by the court pursuant to subsection c. of this section is a
3 disorderly person and shall be fined not more than ~~【\$25】~~ \$100 for a
4 first offense and not more than ~~【\$100】~~ \$500 for each subsequent
5 offense.

6 e. In addition to any other disposition or condition imposed
7 pursuant to this section, a parent or guardian having legal custody
8 of a minor who demonstrates willful or wanton disregard in the
9 exercise of the supervision and control of the conduct of a minor
10 adjudicated delinquent of cyber-harassment pursuant to this section
11 may be liable in a civil action pursuant to section 4 of
12 P.L. ,c. (C.) (pending before the Legislature as this bill).
13 (cf: P.L.2013, c.272, s.1)
14

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

17 1. Any school employee observing or having direct knowledge
18 from a participant or victim of an act of violence shall, in
19 accordance with standards established by the commissioner, file a
20 report describing the incident to the school principal in a manner
21 prescribed by the commissioner, and copy of same shall be
22 forwarded to the district superintendent.

23 The principal shall notify the district superintendent of schools
24 of the action taken regarding the incident. Two times each school
25 year, between September 1 and January 1 and between January 1
26 and June 30, at a public hearing, the superintendent of schools shall
27 report to the board of education all acts of violence, vandalism, and
28 harassment, intimidation, or bullying which occurred during the
29 previous reporting period. The report shall include the number of
30 reports of harassment, intimidation, or bullying, the status of all
31 investigations, the nature of the bullying based on one of the
32 protected categories identified in section 2 of P.L.2002, c.83
33 (C.18A:37-14), the names of the investigators, the type and nature
34 of any discipline imposed on any student engaged in harassment,
35 intimidation, or bullying, and any other measures imposed, training
36 conducted, or programs implemented, to reduce harassment,
37 intimidation, or bullying. The information shall also be reported
38 once during each reporting period to the Department of Education.
39 The report must include data broken down by the enumerated
40 categories as listed in section 2 of P.L.2002, c.83 (C.18A:37-14),
41 and data broken down by each school in the district, in addition to
42 district-wide data. It shall be a violation to improperly release any
43 confidential information not authorized by federal or State law for
44 public release.

45 The report shall be used to grade each school for the purpose of
46 assessing its effort to implement policies and programs consistent
47 with the provisions of P.L.2002, c.83 (C.18A:37-13 et seq.). The
48 district shall receive a grade determined by averaging the grades of

1 all the schools in the district. The commissioner shall promulgate
2 guidelines for a program to grade schools for the purposes of this
3 section.

4 The grade received by a school and the district shall be posted on
5 the homepage of the school's website. The grade for the district and
6 each school of the district shall be posted on the homepage of the
7 district's website. A link to the report shall be available on the
8 district's website. The information shall be posted on the websites
9 within 10 days of the receipt of a grade by the school and district.

10 If a school district's policy permits a preliminary determination
11 to be made on whether a reported incident or complaint is a report
12 outside the scope of the definition of harassment, intimidation, or
13 bullying pursuant to section 2 of P.L.2002, c.83 (C.18A:37-14), the
14 superintendent shall also provide annually to the board of education
15 information on the number of times a preliminary determination
16 was made that an incident or complaint was outside the scope of
17 that definition for the purposes of the State's monitoring of the
18 school district.

19 Verification of the reports on violence, vandalism, and
20 harassment, intimidation, or bullying shall be part of the State's
21 monitoring of the school district, and the State Board of Education
22 shall adopt regulations that impose a penalty on a school employee
23 who knowingly falsifies the report. A board of education shall
24 provide ongoing staff training, in cooperation with the Department
25 of Education, in fulfilling the reporting requirements pursuant to
26 this section. The majority representative of the school employees
27 shall have access monthly to the number and disposition of all
28 reported acts of school violence, vandalism, and harassment,
29 intimidation, or bullying.

30 (cf: P.L.2010, c.122, s.7)

31

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

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

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

43 (1) a statement prohibiting harassment, intimidation or bullying of
44 a student;

45 (2) a definition of harassment, intimidation or bullying no less
46 inclusive than that set forth in section 2 of P.L.2002, c.83 (C.18A:37-
47 14);

1 (3) a description of the type of behavior expected from each
2 student;

3 (4) consequences and appropriate remedial action for a person
4 who commits an act of harassment, intimidation or bullying. The
5 consequences for a student who commits an act of harassment,
6 intimidation, or bullying may include: for the first act of harassment,
7 intimidation, or bullying committed by a student, a copy of the results
8 of the investigation shall be placed in the student's record and the
9 student may be subject to remedial actions, including the provision of
10 counseling or behavioral intervention services, or discipline, or both,
11 as determined by the principal in consultation with appropriate school
12 staff; for the second act, a copy of the results of the investigation shall
13 be placed in the student's record and the student may be subject to
14 remedial actions, including the provision of counseling or behavioral
15 intervention services, or discipline, or both, as determined by the
16 principal, in consultation with appropriate school staff; and for the
17 third and each subsequent act, a copy of the results of the investigation
18 shall be placed in the student's record, and the principal, in
19 consultation with appropriate school staff, shall develop an individual
20 student intervention plan which shall be approved by the
21 superintendent of schools or the superintendent's designee, and may
22 include remedial actions including counseling or behavioral
23 intervention services, or progressive discipline, or both, and may
24 require the student, accompanied by a parent or guardian, to complete
25 in a satisfactory manner a class or training program to reduce
26 harassment, intimidation or bullying behavior.

27 The superintendent of schools or the superintendent's designee and
28 the principal shall consult law enforcement, as appropriate, pursuant to
29 the provisions of the Uniform State Memorandum of Agreement
30 Between Education and Law Enforcement Officials, if the student's
31 behavior may constitute a possible violation of the New Jersey Code
32 of Criminal Justice;

33 (5) a procedure for reporting an act of harassment, intimidation or
34 bullying, including a provision that permits a person to report an act of
35 harassment, intimidation or bullying anonymously; however, this shall
36 not be construed to permit formal disciplinary action solely on the
37 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 reliable
41 information regarding any such incident. The principal shall inform
42 the parents or guardians of all students involved in the alleged
43 incident, and may discuss, as appropriate, the availability of
44 counseling and other intervention services. The principal shall keep a
45 written record of the date, time, and manner of notification to the
46 parents or guardians. All acts of harassment, intimidation, or bullying
47 shall be reported in writing to the school principal within two school
48 days of when the school employee or contracted service provider

1 witnessed or received reliable information that a student had been
2 subject to harassment, intimidation, or bullying. The written report
3 shall be on a numbered form developed by the Department of
4 Education. A copy of the form shall be submitted ¹**immediately**
5 promptly¹ by the principal to the superintendent of schools ¹**and to**
6 the board of education no later than the date of the board of education
7 meeting next following the submission of the copy of the form to the
8 superintendent of schools¹. The form shall be completed even if a
9 preliminary determination is made under the school district's policy
10 that the reported incident or complaint is a report outside the scope of
11 the definition of harassment, intimidation, or bullying pursuant to
12 section 2 of P.L.2002, c.83 (C.18A:37-14), and shall be kept on file at
13 the school but shall not be included in any student record, unless the
14 incident results in disciplinary action or is otherwise required to be
15 contained in a student's record under State or federal law. ¹**The**
16 superintendent and the members of the board of education shall review
17 the copy of the form and shall each provide a signed statement to the
18 principal attesting to the fact that they have reviewed the copy of the
19 form. The signed statement shall be kept on file at the school with the
20 original written report ¹**A redacted copy of the form that removes all**
21 student identification information shall be confidentially shared with
22 the board of education after the conclusion of the investigation, if a
23 hearing is requested by a parent or guardian pursuant to subparagraph
24 (d) of paragraph (6) of this subsection¹.

25 The school district shall provide a means for a parent or guardian
26 to complete an online numbered form developed by the Department of
27 Education to confidentially report an incident of harassment,
28 intimidation, or bullying.

29 The principal shall report to the ¹**board of education**
30 superintendent¹ if a preliminary determination is made under the
31 school district's policy that the reported incident or complaint is a
32 report outside the scope of the definition of harassment, intimidation,
33 or bullying, and the ¹**board**¹ superintendent¹ may require the
34 principal to conduct an investigation of the incident, if the ¹**board**
35 superintendent¹ determines that an investigation is necessary ¹**because**
36 the incident is within the scope of the definition of harassment,
37 intimidation, or bullying. The superintendent shall notify the principal
38 of this determination in writing¹;

39 (6) a procedure for prompt investigation of reports of violations
40 and complaints, which procedure shall at a minimum provide that:

41 (a) the investigation shall be initiated by the principal or the
42 principal's designee within one school day of the report of the incident
43 and shall be conducted by a school anti-bullying specialist. The
44 principal may appoint additional personnel who are not school anti-
45 bullying specialists to assist in the investigation. The investigation
46 shall be completed as soon as possible, but not later than 10 school
47 days from the date of the written report of the incident of harassment,

1 intimidation, or bullying ¹or from the date of the written notification
2 from the superintendent to the principal to initiate an investigation
3 pursuant to paragraph (5) of this subsection¹. In the event that there is
4 information relative to the investigation that is anticipated but not yet
5 received by the end of the 10-day period, the school anti-bullying
6 specialist may amend the original report of the results of the
7 investigation to reflect the information;

8 (b) the results of the investigation shall be reported to the
9 superintendent of schools within two school days of the completion of
10 the investigation, and in accordance with regulations promulgated by
11 the State Board of Education pursuant to the "Administrative
12 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the
13 superintendent may decide to provide intervention services, establish
14 training programs to reduce harassment, intimidation, or bullying and
15 enhance school climate, impose discipline, order counseling as a result
16 of the findings of the investigation, or take or recommend other
17 appropriate action ¹including seeking further information¹;

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

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

39 (e) at the next board of education meeting following its receipt of
40 the report ¹pursuant to subparagraph (c) of paragraph (6) of this
41 subsection¹, the board shall issue a decision, in writing, to affirm,
42 reject, or modify the superintendent's decision. ¹[In addition, the
43 board may require the investigation to be reopened.]¹ The board's
44 decision may be appealed to the Commissioner of Education, in
45 accordance with the procedures set forth in law and regulation, no later
46 than 90 days after the issuance of the board's decision; and

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

6 (7) the range of ways in which a school will respond once an
7 incident of harassment, intimidation or bullying is identified, which
8 shall be defined by the principal in conjunction with the school anti-
9 bullying specialist, but shall include an appropriate combination of
10 services that are available within the district such as counseling,
11 support services, intervention services, and other programs, as defined
12 by the commissioner. In the event that the necessary programs and
13 services are not available within the district, the district may apply to
14 the Department of Education for a grant from the "Bullying Prevention
15 Fund" established pursuant to section 25 of P.L.2010, c.122
16 (C.18A:37-28) to support the provision of out-of-district programs and
17 services;

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

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

25 (10) a statement of how the policy is to be publicized, including
26 notice that the policy applies to participation in school-sponsored
27 functions;

28 (11) a requirement that a link to the policy be prominently posted
29 on the home page of the school district's website and distributed
30 annually to parents and guardians who have children enrolled in a
31 school in the school district; ¹**[and]**¹

32 (12) a requirement that the name, school phone number, school
33 address and school email address of the district anti-bullying
34 coordinator be listed on the home page of the school district's website
35 and that on the home page of each school's website the name, school
36 phone number, school address and school email address of the school
37 anti-bullying specialist and the district anti-bullying coordinator be
38 listed. The information concerning the district anti-bullying
39 coordinator and the school anti-bullying specialists shall also be
40 maintained on the department's website ¹; and

41 (13) a requirement that the school district and each school in the
42 district with a website post on its homepage the current version of the
43 document, Guidance for Parents on the Anti-Bullying Bill of Rights
44 Act, developed by the Department of Education. The School Climate
45 State Coordinator shall ensure that this document is updated as needed
46 and then promptly disseminated to all school districts¹.

47 c. A school district shall adopt a policy and transmit a copy of its
48 policy to the appropriate executive county superintendent of schools

1 by September 1, 2003. A school district shall annually conduct a re-
2 evaluation, reassessment, and review of its policy, making any
3 necessary revisions and additions. The board shall include input from
4 the school anti-bullying specialists in conducting its re-evaluation,
5 reassessment, and review. The district shall transmit a copy of the
6 revised policy to the appropriate executive county superintendent of
7 schools within 30 school days of the revision. The first revised policy
8 following the effective date of P.L.2010, c.122 (C.18A:37-13.1 et al.)
9 shall be transmitted to the executive county superintendent of schools
10 by September 1, 2011.

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

16 (2) The commissioner shall adopt amendments to the model policy
17 which reflect the provisions of P.L.2010, c.122 (C.18A:37-13.1 et al.)
18 no later than 90 days after the effective date of that act and shall
19 subsequently update the model policy as the commissioner deems
20 necessary.

21 e. Notice of the school district's policy shall appear in any
22 publication of the school district that sets forth the comprehensive
23 rules, procedures and standards of conduct for schools within the
24 school district, and in any student handbook.

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

28 (cf: P.L.2012, c.1, s.1)

29

30 4. (New section) Notwithstanding any other provision of law
31 to the contrary, a parent or guardian having legal custody of a minor
32 who demonstrates willful or wanton disregard in the exercise of the
33 supervision and control of the conduct of a minor adjudicated
34 delinquent of cyber-harassment, pursuant to section 1 of P.L.2013,
35 c.272 (C.2C:33-4.1), or harassment, pursuant to N.J.S.2C:33-4,
36 may be liable in a civil action.

37

38 5. (New section) There is hereby established within the
39 Department of Education a School Climate State Coordinator to
40 serve as a resource to parents, students, and educators. The duties
41 and responsibilities of the State coordinator shall include:

42 a. Identifying and disseminating research and resources,
43 including professional development resources, to promote best
44 practices in student social-emotional learning and the development
45 of a positive, supportive school climate in New Jersey schools;

46 b. Providing information regarding the provisions and
47 procedures of the "Anti-Bullying Bill of Rights Act," P.L.2002,
48 c.83 (C.18A:37-13 et seq.), and regulations promulgated thereto,

1 relevant provisions of the "Law Against Discrimination," P.L.1945,
2 c.169 (C.10:5-1 et seq.), and other State and federal laws addressing
3 harassment, intimidation, and bullying;

4 c. Reviewing and reporting data collected on harassment,
5 intimidation and bullying pursuant to section 1 of P.L.1982, c.163
6 (C.18A:17-46) to identify and report to the Department of
7 Education any patterns of harassment, intimidation, or bullying in
8 public schools. The department shall review the information
9 provided by the State coordinator to develop guidance and
10 strategies for public schools, parents, school staff, and other
11 agencies, as appropriate;

12 d. Assisting the Department of Education in creating public
13 information programs that educate parents, educators, and the
14 public concerning the duties of the State coordinator, the issue of
15 harassment, intimidation, and bullying, and the resources available
16 to address and prevent harassment, intimidation, and bullying;

17 e. Working collaboratively with law enforcement, the
18 Department of Education, the Division on Civil Rights in the
19 Department of Law and Public Safety, and the Department of
20 Health to develop a training program on the impact of harassment,
21 intimidation, and bullying on students and schools, that will be
22 available for school districts to use in local anti-bullying programs
23 and intervention plans;

24 f. Working collaboratively with law enforcement, including
25 organizations representing school resource officers, to develop
26 resources and training for law enforcement concerning the impact
27 of harassment, intimidation, and bullying on students and schools,
28 and the appropriate role of law enforcement in such matters
29 pursuant to the Uniform Memorandum of Agreement Between
30 Education and Law Enforcement Officials; and

31 g. Annually providing to the Commissioner of Education, the
32 State Board of Education, and pursuant to section 2 of P.L.1991,
33 c.164 (C.52:14-19.1) the Legislature, a report summarizing the
34 activities of the State coordinator, and any specific
35 recommendations concerning school climate best practices and
36 procedures.

37
38 6. (New section) The School Climate State Coordinator shall
39 consider communications received in the course of his duties,
40 including personally identifiable information regarding students,
41 parents, and others from whom information is acquired, as
42 confidential and shall not disclose this information, in accordance
43 with State and federal law.

44
45 7. (New section) The Department of Education shall post in a
46 prominent location on the homepage of its Internet website the
47 contact information for the School Climate State Coordinator. Each
48 school district shall post this information on its website at the same

1 location it makes its policy on harassment, intimidation, and
2 bullying available.

3
4 8. (New section) The School Climate State Coordinator is
5 authorized to call upon any department, office, division, or agency
6 of the State to supply the State coordinator with data and any other
7 information or assistance available to the department, office,
8 division, or agency as the State coordinator deems necessary to
9 discharge the duties under P.L. , c. (C.) (pending before the
10 Legislature as this bill). Each department, office, division, or
11 agency, to the extent not inconsistent with law, shall cooperate fully
12 with the State coordinator within the limits of its statutory
13 authority, and provide such assistance on as timely a basis as is
14 necessary to enable the State coordinator to accomplish his duties
15 pursuant to P.L. , c. (C.) (pending before the Legislature as this
16 act). The State coordinator may consult with experts or other
17 knowledgeable individuals in the public or private sector on any
18 aspect of the State coordinator's mission.

19
20 ¹9. (New section). The Legislature shall appropriate such
21 monies as necessary to fund the position of School Climate State
22 Coordinator established pursuant to section 5 of P.L. , c.
23 (C.) (pending before the Legislature as this bill), and the
24 “Bullying Prevention Fund” established pursuant to section 25 of
25 P.L. 2010, c.122 (C.18A:37-28), and such other monies as
26 necessary to implement the provisions of this act.¹

27
28 ¹**[9.] 10.¹** Sections 1 and 4 of this act shall take effect
29 immediately and the remainder of this act shall take effect on July 1
30 of the first full school year ¹**[next]**¹ following the date of
31 enactment ¹, or 180 days following the date of enactment,
32 whichever is later¹.

33
34
35
36
37 Revises provisions required in school district's anti-bullying
38 policy; provides for civil liability of parent of minor adjudicated
39 delinquent for cyber-harassment or harassment; and increases
40 certain fines against parents.

CHAPTER 338

AN ACT concerning bullying, revising various parts of the statutory law, and supplementing Title 2A and Title 18A of the New Jersey Statutes.

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

1. Section 1 of P.L.2013, c.272 (C.2C:33-4.1) is amended to read as follows:

C.2C:33-4.1 Crime of cyber-harassment.

1. a. A person commits the crime of cyber-harassment if, while making one or more communications in an online capacity via any electronic device or through a social networking site and with the purpose to harass another, the person:

- (1) threatens to inflict injury or physical harm to any person or the property of any person;
- (2) knowingly sends, posts, comments, requests, suggests, or proposes any lewd, indecent, or obscene material to or about a person with the intent to emotionally harm a reasonable person or place a reasonable person in fear of physical or emotional harm to his person; or
- (3) threatens to commit any crime against the person or the person's property.

b. Cyber-harassment is a crime of the fourth degree, unless the person is 21 years of age or older at the time of the offense and impersonates a minor for the purpose of cyber-harassing a minor, in which case it is a crime of the third degree.

c. If a minor under the age of 16 is adjudicated delinquent for cyber-harassment, the court may order as a condition of the sentence that the minor, accompanied by a parent or guardian, complete, in a satisfactory manner, one or both of the following:

- (1) a class or training program intended to reduce the tendency toward cyber-harassment behavior; or
- (2) a class or training program intended to bring awareness to the dangers associated with cyber-harassment.

d. A parent or guardian who fails to comply with a condition imposed by the court pursuant to subsection c. of this section is a disorderly person and shall be fined not more than \$100 for a first offense and not more than \$500 for each subsequent offense.

e. The trier of fact may infer that a person acted with a purpose to harass another if the person knows or should have known that any of the person's actions constituting an offense under this section are knowingly directed to or are about a judicial officer, and there is a nexus between the offense and relates to the performance of the judge's public duties. For the purposes of this subsection, "judicial officer" has the same meaning as defined in section 1 of P.L.1995, c.23 (C.47:1A-1.1).

f. In addition to any other disposition or condition imposed pursuant to this section, a parent or guardian having legal custody of a minor who demonstrates willful or wanton disregard in the exercise of the supervision and control of the conduct of a minor adjudicated delinquent of cyber-harassment pursuant to this section may be liable in a civil action pursuant to section 4 of P.L.2021, c.338 (C.2A:53A-17.1).

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

C.18A:17-46 Reporting of certain acts by school employee; report; public hearing.

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

The principal shall notify the district superintendent of schools of the action taken regarding the incident. Two times each school year, between September 1 and January 1 and between January 1 and June 30, at a public hearing, the superintendent of schools shall report to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying which occurred during the previous reporting period. The report shall include the number of reports of harassment, intimidation, or bullying, the status of all investigations, the nature of the bullying based on one of the protected categories identified in section 2 of P.L.2002, c.83 (C.18A:37-14), the names of the investigators, the type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying, and any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying. The information shall also be reported once during each reporting period to the Department of Education. The report must include data broken down by the enumerated categories as listed in section 2 of P.L.2002, c.83 (C.18A:37-14), and data broken down by each school in the district, in addition to district-wide data. It shall be a violation to improperly release any confidential information not authorized by federal or State law for public release.

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with the provisions of P.L.2002, c.83 (C.18A:37-13 et seq.). The district shall receive a grade determined by averaging the grades of all the schools in the district. The commissioner shall promulgate guidelines for a program to grade schools for the purposes of this section.

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

If a school district's policy permits a preliminary determination to be made on whether a reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying pursuant to section 2 of P.L.2002, c.83 (C.18A:37-14), the superintendent shall also provide annually to the board of education information on the number of times a preliminary determination was made that an incident or complaint was outside the scope of that definition for the purposes of the State's monitoring of the school district.

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

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

C.18A:37-15 Adoption of policy concerning harassment, intimidating or bullying by each school district.

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

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

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

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

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

(4) consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying. The consequences for a student who commits an act of harassment, intimidation, or bullying may include: for the first act of harassment, intimidation, or bullying committed by a student, a copy of the results of the investigation shall be placed in the student's record and the student may be subject to remedial actions, including the provision of counseling or behavioral intervention services, or discipline, or both, as determined by the principal in consultation with appropriate school staff; for the second act, a copy of the results of the investigation shall be placed in the student's record and the student may be subject to remedial actions, including the provision of counseling or behavioral intervention services, or discipline, or both, as determined by the principal, in consultation with appropriate school staff; and for the third and each subsequent act, a copy of the results of the investigation shall be placed in the student's record, and the principal, in consultation with appropriate school staff, shall develop an individual student intervention plan which shall be approved by the superintendent of schools or the superintendent's designee, and may include remedial actions including counseling or behavioral intervention services, or progressive discipline, or both, and may require the student, accompanied by a parent or guardian, to complete in a satisfactory manner a class or training program to reduce harassment, intimidation or bullying behavior.

The superintendent of schools or the superintendent's designee and the principal shall consult law enforcement, as appropriate, pursuant to the provisions of the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials, if the student's behavior may constitute a possible violation of the New Jersey Code of Criminal Justice;

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

All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident. The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services. The principal shall keep a written record of the date, time, and manner of notification to the parents or guardians. All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying. The written report shall be on a numbered form developed by the Department of Education. A copy of the form shall be submitted promptly by the principal to the superintendent of schools. The form shall be completed even if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying pursuant to section 2 of P.L.2002, c.83 (C.18A:37-14), and shall be kept on file at the school but shall not be included in any student record, unless the incident results in disciplinary action or is otherwise required to be contained in a student's record under State or federal law. A redacted copy of the form that removes all student identification information shall

be confidentially shared with the board of education after the conclusion of the investigation, if a hearing is requested by a parent or guardian pursuant to subparagraph (d) of paragraph (6) of this subsection.

The school district shall provide a means for a parent or guardian to complete an online numbered form developed by the Department of Education to confidentially report an incident of harassment, intimidation, or bullying.

The principal shall report to the superintendent if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying, and the superintendent may require the principal to conduct an investigation of the incident, if the superintendent determines that an investigation is necessary because the incident is within the scope of the definition of harassment, intimidation, or bullying. The superintendent shall notify the principal of this determination in writing;

(6) a procedure for prompt investigation of reports of violations and complaints, which procedure shall at a minimum provide that:

(a) the investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying or from the date of the written notification from the superintendent to the principal to initiate an investigation pursuant to paragraph (5) of this subsection. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information;

(b) the results of the investigation shall be reported to the superintendent of schools within two school days of the completion of the investigation, and in accordance with regulations promulgated by the State Board of Education pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the superintendent may decide to provide intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action including seeking further information;

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

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

(e) at the next board of education meeting following its receipt of the report pursuant to subparagraph (c) of paragraph (6) of this subsection, the board shall issue a decision, in writing, to affirm, reject, or modify the superintendent's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with the procedures set forth in law and regulation, no later than 90 days after the issuance of the board's decision; and

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

(7) the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified, which shall be defined by the principal in conjunction with the school anti-bullying specialist, but shall include an appropriate combination of services that are available within the district such as counseling, support services, intervention services, and other programs, as defined by the commissioner. In the event that the necessary programs and services are not available within the district, the district may apply to the Department of Education for a grant from the "Bullying Prevention Fund" established pursuant to section 25 of P.L.2010, c.122 (C.18A:37-28) to support the provision of out-of-district programs and services;

(8) 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;

(9) 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;

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

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

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

(13) a requirement that the school district and each school in the district with a website post on its homepage the current version of the document, Guidance for Parents on the Anti-Bullying Bill of Rights Act, developed by the Department of Education. The School Climate State Coordinator shall ensure that this document is updated as needed and then promptly disseminated to all school districts.

c. A school district shall adopt a policy and transmit a copy of its policy to the appropriate executive county superintendent of schools by September 1, 2003. A school district shall annually conduct a re-evaluation, reassessment, and review of its policy, making any necessary revisions and additions. The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review. The district shall transmit a copy of the revised policy to the appropriate executive county superintendent of schools within 30 school days of the revision. The first revised policy following the effective date of P.L.2010, c.122 (C.18A:37-13.1 et al.) shall be transmitted to the executive county superintendent of schools by September 1, 2011.

d. (1) To assist school districts in developing policies for the prevention of harassment, intimidation, or bullying, the Commissioner of Education shall develop a model policy applicable

to grades kindergarten through 12. This model policy shall be issued no later than December 1, 2002.

(2) The commissioner shall adopt amendments to the model policy which reflect the provisions of P.L.2010, c.122 (C.18A:37-13.1 et al.) no later than 90 days after the effective date of that act and shall subsequently update the model policy as the commissioner deems necessary.

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

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

C.2A:53A-17.1 Liability of parent or guardian.

4. Notwithstanding any other provision of law to the contrary, a parent or guardian having legal custody of a minor who demonstrates willful or wanton disregard in the exercise of the supervision and control of the conduct of a minor adjudicated delinquent of cyber-harassment, pursuant to section 1 of P.L.2013, c.272 (C.2C:33-4.1), or harassment, pursuant to N.J.S.2C:33-4, may be liable in a civil action.

C.18A:37-37.1 School Climate State Coordinator, established.

5. There is hereby established within the Department of Education a School Climate State Coordinator to serve as a resource to parents, students, and educators. The duties and responsibilities of the State coordinator shall include:

a. Identifying and disseminating research and resources, including professional development resources, to promote best practices in student social-emotional learning and the development of a positive, supportive school climate in New Jersey schools;

b. Providing information regarding the provisions and procedures of the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83 (C.18A:37-13 et seq.), and regulations promulgated thereto, relevant provisions of the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.), and other State and federal laws addressing harassment, intimidation, and bullying;

c. Reviewing and reporting data collected on harassment, intimidation and bullying pursuant to section 1 of P.L.1982, c.163 (C.18A:17-46) to identify and report to the Department of Education any patterns of harassment, intimidation, or bullying in public schools. The department shall review the information provided by the State coordinator to develop guidance and strategies for public schools, parents, school staff, and other agencies, as appropriate;

d. Assisting the Department of Education in creating public information programs that educate parents, educators, and the public concerning the duties of the State coordinator, the issue of harassment, intimidation, and bullying, and the resources available to address and prevent harassment, intimidation, and bullying;

e. Working collaboratively with law enforcement, the Department of Education, the Division on Civil Rights in the Department of Law and Public Safety, and the Department of Health to develop a training program on the impact of harassment, intimidation, and bullying on students and schools, that will be available for school districts to use in local anti-bullying programs and intervention plans;

f. Working collaboratively with law enforcement, including organizations representing school resource officers, to develop resources and training for law enforcement concerning the impact of harassment, intimidation, and bullying on students and schools, and the appropriate

role of law enforcement in such matters pursuant to the Uniform Memorandum of Agreement Between Education and Law Enforcement Officials; and

g. Annually providing to the Commissioner of Education, the State Board of Education, and pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) the Legislature, a report summarizing the activities of the State coordinator, and any specific recommendations concerning school climate best practices and procedures.

C.18A:37-37.2 Confidentiality.

6. The School Climate State Coordinator shall consider communications received in the course of his duties, including personally identifiable information regarding students, parents, and others from whom information is acquired, as confidential and shall not disclose this information, in accordance with State and federal law.

C.18A:37-37.3 Contact information for School Climate State Coordinator.

7. The Department of Education shall post in a prominent location on the homepage of its Internet website the contact information for the School Climate State Coordinator. Each school district shall post this information on its website at the same location it makes its policy on harassment, intimidation, and bullying available.

C.18A:37-37.4 State assistance for School Climate State Coordinator.

8. The School Climate State Coordinator is authorized to call upon any department, office, division, or agency of the State to supply the State coordinator with data and any other information or assistance available to the department, office, division, or agency as the State coordinator deems necessary to discharge the duties under P.L.2021, c.338 (C.2A:53A-17.1 et al.). Each department, office, division, or agency, to the extent not inconsistent with law, shall cooperate fully with the State coordinator within the limits of its statutory authority, and provide such assistance on as timely a basis as is necessary to enable the State coordinator to accomplish his duties pursuant to P.L.2021, c.338 (C.2A:53A-17.1 et al.). The State coordinator may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of the State coordinator's mission.

C.18A:37-37.5 Funding of School Climate State Coordinator position.

9. The Legislature shall appropriate such monies as necessary to fund the position of School Climate State Coordinator established pursuant to section 5 of P.L.2021, c.338 (C.18A:37-37.1), and the "Bullying Prevention Fund" established pursuant to section 25 of P.L. 2010, c.122 (C.18A:37-28), and such other monies as necessary to implement the provisions of this act.

10. Sections 1 and 4 of this act shall take effect immediately and the remainder of this act shall take effect on July 1 of the first full school year following the date of enactment , or 180 days following the date of enactment, whichever is later.

Approved January 10, 2022.

SENATE, No. 1790

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

Senator PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Co-Sponsored by:

Senator Turner

SYNOPSIS

“Mallory’s Law”; revises provisions required in school district’s anti-bullying policy; provides for civil liability of parent of minor adjudicated delinquent for cyber-harassment or harassment; and increases certain fines against parents.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/19/2020)

1 AN ACT concerning bullying, designated as Mallory's Law, revising
2 various parts of the statutory law, and supplementing Title 2A
3 and 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. Section 1 of P.L.2013, c.272 (C.2C:33-4.1) is amended to
9 read as follows:

10 1. a. A person commits the crime of cyber-harassment if, while
11 making a communication in an online capacity via any electronic
12 device or through a social networking site and with the purpose to
13 harass another, the person:

14 (1) threatens to inflict injury or physical harm to any person or
15 the property of any person;

16 (2) knowingly sends, posts, comments, requests, suggests, or
17 proposes any lewd, indecent, or obscene material to or about a
18 person with the intent to emotionally harm a reasonable person or
19 place a reasonable person in fear of physical or emotional harm to
20 his person; or

21 (3) threatens to commit any crime against the person or the
22 person's property.

23 b. Cyber-harassment is a crime of the fourth degree, unless the
24 person is 21 years of age or older at the time of the offense and
25 impersonates a minor for the purpose of cyber-harassing a minor, in
26 which case it is a crime of the third degree.

27 c. If a minor under the age of 16 is adjudicated delinquent for
28 cyber-harassment, the court may order as a condition of the
29 sentence that the minor, accompanied by a parent or guardian,
30 complete, in a satisfactory manner, one or both of the following:

31 (1) a class or training program intended to reduce the tendency
32 toward cyber-harassment behavior; or

33 (2) a class or training program intended to bring awareness to
34 the dangers associated with cyber-harassment.

35 d. A parent or guardian who fails to comply with a condition
36 imposed by the court pursuant to subsection c. of this section is a
37 disorderly person and shall be fined not more than **[\$25]** \$100 for a
38 first offense and not more than **[\$100]** \$500 for each subsequent
39 offense.

40 e. In addition to any other disposition or condition imposed
41 pursuant to this section, a parent or guardian having legal custody
42 of a minor who demonstrates willful or wanton disregard in the
43 exercise of the supervision and control of the conduct of a minor
44 adjudicated delinquent of cyber-harassment pursuant to this section
45 may be liable in a civil action pursuant to section 4 of
46 P.L. ,c. (C.) (pending before the Legislature as this bill).
47 (cf: P.L.2013, c.272, s.1)

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

3 1. Any school employee observing or having direct knowledge
4 from a participant or victim of an act of violence shall, in
5 accordance with standards established by the commissioner, file a
6 report describing the incident to the school principal in a manner
7 prescribed by the commissioner, and copy of same shall be
8 forwarded to the district superintendent.

9 The principal shall notify the district superintendent of schools
10 of the action taken regarding the incident. Two times each school
11 year, between September 1 and January 1 and between January 1
12 and June 30, at a public hearing, the superintendent of schools shall
13 report to the board of education all acts of violence, vandalism, and
14 harassment, intimidation, or bullying which occurred during the
15 previous reporting period. The report shall include the number of
16 reports of harassment, intimidation, or bullying, the status of all
17 investigations, the nature of the bullying based on one of the
18 protected categories identified in section 2 of P.L.2002, c.83
19 (C.18A:37-14), the names of the investigators, the type and nature
20 of any discipline imposed on any student engaged in harassment,
21 intimidation, or bullying, and any other measures imposed, training
22 conducted, or programs implemented, to reduce harassment,
23 intimidation, or bullying. The information shall also be reported
24 once during each reporting period to the Department of Education.
25 The report must include data broken down by the enumerated
26 categories as listed in section 2 of P.L.2002, c.83 (C.18A:37-14),
27 and data broken down by each school in the district, in addition to
28 district-wide data. It shall be a violation to improperly release any
29 confidential information not authorized by federal or State law for
30 public release.

31 The report shall be used to grade each school for the purpose of
32 assessing its effort to implement policies and programs consistent
33 with the provisions of P.L.2002, c.83 (C.18A:37-13 et seq.). The
34 district shall receive a grade determined by averaging the grades of
35 all the schools in the district. The commissioner shall promulgate
36 guidelines for a program to grade schools for the purposes of this
37 section.

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

44 If a school district's policy permits a preliminary determination
45 to be made on whether a reported incident or complaint is a report
46 outside the scope of the definition of harassment, intimidation, or
47 bullying pursuant to section 2 of P.L.2002, c.83 (C.18A:37-14), the
48 superintendent shall also provide annually to the board of education

1 information on the number of times a preliminary determination
2 was made that an incident or complaint was outside the scope of
3 that definition for the purposes of the State's monitoring of the
4 school district.

5 Verification of the reports on violence, vandalism, and
6 harassment, intimidation, or bullying shall be part of the State's
7 monitoring of the school district, and the State Board of Education
8 shall adopt regulations that impose a penalty on a school employee
9 who knowingly falsifies the report. A board of education shall
10 provide ongoing staff training, in cooperation with the Department
11 of Education, in fulfilling the reporting requirements pursuant to
12 this section. The majority representative of the school employees
13 shall have access monthly to the number and disposition of all
14 reported acts of school violence, vandalism, and harassment,
15 intimidation, or bullying.

16 (cf: P.L.2010, c.122, s.7)

17
18 3. Section 3 of P.L.2002, c.83 (C.18A:37-15) is amended to
19 read as follows:

20 3. a. Each school district shall adopt a policy prohibiting
21 harassment, intimidation or bullying on school property, at a
22 school-sponsored function or on a school bus. The school district
23 shall adopt the policy through a process that includes representation
24 of parents or guardians, school employees, volunteers, students,
25 administrators, and community representatives.

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

29 (1) a statement prohibiting harassment, intimidation or bullying
30 of a student;

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

34 (3) a description of the type of behavior expected from each
35 student;

36 (4) consequences and appropriate remedial action for a person
37 who commits an act of harassment, intimidation or bullying. The
38 consequences for a student who commits an act of harassment,
39 intimidation, or bullying may include: for the first act of
40 harassment, intimidation, or bullying committed by a student, a
41 copy of the results of the investigation shall be placed in the
42 student's record and the student may be subject to remedial actions,
43 including the provision of counseling or behavioral intervention
44 services, or discipline, or both, as determined by the principal in
45 consultation with appropriate school staff; for the second act, a
46 copy of the results of the investigation shall be placed in the
47 student's record and the student may be subject to remedial actions,
48 including the provision of counseling or behavioral intervention

1 services, or discipline, or both, as determined by the principal, in
2 consultation with appropriate school staff; and for the third and
3 each subsequent act, a copy of the results of the investigation shall
4 be placed in the student's record, and the principal, in consultation
5 with appropriate school staff, shall develop an individual student
6 intervention plan which shall be approved by the superintendent of
7 schools or the superintendent's designee, and may include remedial
8 actions including counseling or behavioral intervention services, or
9 progressive discipline, or both, and may require the student,
10 accompanied by a parent or guardian, to complete in a satisfactory
11 manner a class or training program to reduce harassment,
12 intimidation or bullying behavior.

13 The superintendent of schools or the superintendent's designee
14 and the principal shall consult law enforcement, as appropriate,
15 pursuant to the provisions of the Uniform State Memorandum of
16 Agreement Between Education and Law Enforcement Officials, if
17 the student's behavior may constitute a possible violation of the
18 New Jersey Code of Criminal Justice;

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

24 All acts of harassment, intimidation, or bullying shall be reported
25 verbally to the school principal on the same day when the school
26 employee or contracted service provider witnessed or received
27 reliable information regarding any such incident. The principal
28 shall inform the parents or guardians of all students involved in the
29 alleged incident, and may discuss, as appropriate, the availability of
30 counseling and other intervention services. The principal shall keep
31 a written record of the date, time, and manner of notification to the
32 parents or guardians. All acts of harassment, intimidation, or
33 bullying shall be reported in writing to the school principal within
34 two school days of when the school employee or contracted service
35 provider witnessed or received reliable information that a student
36 had been subject to harassment, intimidation, or bullying. The
37 written report shall be on a numbered form developed by the
38 Department of Education. A copy of the form shall be submitted
39 immediately by the principal to the superintendent of schools and to
40 the board of education no later than the date of the board of
41 education meeting next following the submission of the copy of the
42 form to the superintendent of schools. The form shall be completed
43 even if a preliminary determination is made under the school
44 district's policy that the reported incident or complaint is a report
45 outside the scope of the definition of harassment, intimidation, or
46 bullying pursuant to section 2 of P.L.2002, c.83 (C.18A:37-14), and
47 shall be kept on file at the school but shall not be included in any
48 student record, unless the incident results in disciplinary action or is

1 otherwise required to be contained in a student's record under State
2 or federal law. The superintendent and the members of the board of
3 education shall review the copy of the form and shall each provide a
4 signed statement to the principal attesting to the fact that they have
5 reviewed the copy of the form. The signed statement shall be kept
6 on file at the school with the original written report.

7 The school district shall provide a means for a parent or guardian
8 to complete an online numbered form developed by the Department
9 of Education to confidentially report an incident of harassment,
10 intimidation, or bullying.

11 The principal shall report to the board of education if a
12 preliminary determination is made under the school district's policy
13 that the reported incident or complaint is a report outside the scope
14 of the definition of harassment, intimidation, or bullying, and the
15 board may require the principal to conduct an investigation of the
16 incident, if the board determines that an investigation is necessary;

17 (6) a procedure for prompt investigation of reports of violations
18 and complaints, which procedure shall at a minimum provide that:

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

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

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

47 (d) parents or guardians of the students who are parties to the
48 investigation shall be entitled to receive information about the

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

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

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

27 (7) the range of ways in which a school will respond once an
28 incident of harassment, intimidation or bullying is identified, which
29 shall be defined by the principal in conjunction with the school anti-
30 bullying specialist, but shall include an appropriate combination of
31 services that are available within the district such as counseling,
32 support services, intervention services, and other programs, as
33 defined by the commissioner. In the event that the necessary
34 programs and services are not available within the district, the
35 district may apply to the Department of Education for a grant from
36 the "Bullying Prevention Fund" established pursuant to section 25
37 of P.L.2010, c.122 (C.18A:37-28) to support the provision of out-
38 of-district programs and services;

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

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

46 (10) a statement of how the policy is to be publicized, including
47 notice that the policy applies to participation in school-sponsored
48 functions;

1 (11) a requirement that a link to the policy be prominently
2 posted on the home page of the school district's website and
3 distributed annually to parents and guardians who have children
4 enrolled in a school in the school district; and

5 (12) a requirement that the name, school phone number, school
6 address and school email address of the district anti-bullying
7 coordinator be listed on the home page of the school district's
8 website and that on the home page of each school's website the
9 name, school phone number, school address and school email
10 address of the school anti-bullying specialist and the district anti-
11 bullying coordinator be listed. The information concerning the
12 district anti-bullying coordinator and the school anti-bullying
13 specialists shall also be maintained on the department's website.

14 c. A school district shall adopt a policy and transmit a copy of
15 its policy to the appropriate executive county superintendent of
16 schools by September 1, 2003. A school district shall annually
17 conduct a re-evaluation, reassessment, and review of its policy,
18 making any necessary revisions and additions. The board shall
19 include input from the school anti-bullying specialists in conducting
20 its re-evaluation, reassessment, and review. The district shall
21 transmit a copy of the revised policy to the appropriate executive
22 county superintendent of schools within 30 school days of the
23 revision. The first revised policy following the effective date of
24 P.L.2010, c.122 (C.18A:37-13.1 et al.) shall be transmitted to the
25 executive county superintendent of schools by September 1, 2011.

26 d. (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.2010, c.122 (C.18A:37-
33 13.1 et al.) no later than 90 days after the effective date of that act
34 and shall subsequently update the model policy as the commissioner
35 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.2012, c.1, s.1)

44
45 4. (New section) Notwithstanding any other provision of law
46 to the contrary, a parent or guardian having legal custody of a minor
47 who demonstrates willful or wanton disregard in the exercise of the
48 supervision and control of the conduct of a minor adjudicated

1 delinquent of cyber-harassment, pursuant to section 1 of P.L.2013,
2 c.272 (C.2C:33-4.1), or harassment, pursuant to N.J.S.2C:33-4,
3 may be liable in a civil action.

4
5 5. (New section) There is hereby established within the
6 Department of Education a School Climate State Coordinator to
7 serve as a resource to parents, students, and educators. The duties
8 and responsibilities of the State coordinator shall include:

9 a. Identifying and disseminating research and resources,
10 including professional development resources, to promote best
11 practices in student social-emotional learning and the development
12 of a positive, supportive school climate in New Jersey schools;

13 b. Providing information regarding the provisions and
14 procedures of the "Anti-Bullying Bill of Rights Act," P.L.2002,
15 c.83 (C.18A:37-13 et seq.), and regulations promulgated thereto,
16 relevant provisions of the "Law Against Discrimination," P.L.1945,
17 c.169 (C.10:5-1 et seq.), and other State and federal laws addressing
18 harassment, intimidation, and bullying;

19 c. Reviewing and reporting data collected on harassment,
20 intimidation and bullying pursuant to section 1 of P.L.1982, c.163
21 (C.18A:17-46) to identify and report to the Department of
22 Education any patterns of harassment, intimidation, or bullying in
23 public schools. The department shall review the information
24 provided by the State coordinator to develop guidance and
25 strategies for public schools, parents, school staff, and other
26 agencies, as appropriate;

27 d. Assisting the Department of Education in creating public
28 information programs that educate parents, educators, and the
29 public concerning the duties of the State coordinator, the issue of
30 harassment, intimidation, and bullying, and the resources available
31 to address and prevent harassment, intimidation, and bullying;

32 e. Working collaboratively with law enforcement, the
33 Department of Education, the Division on Civil Rights in the
34 Department of Law and Public Safety, and the Department of
35 Health to develop a training program on the impact of harassment,
36 intimidation, and bullying on students and schools, that will be
37 available for school districts to use in local anti-bullying programs
38 and intervention plans;

39 f. Working collaboratively with law enforcement, including
40 organizations representing school resource officers, to develop
41 resources and training for law enforcement concerning the impact
42 of harassment, intimidation, and bullying on students and schools,
43 and the appropriate role of law enforcement in such matters
44 pursuant to the Uniform Memorandum of Agreement Between
45 Education and Law Enforcement Officials; and

46 g. Annually providing to the Commissioner of Education, the
47 State Board of Education, and pursuant to section 2 of P.L.1991,
48 c.164 (C.52:14-19.1) the Legislature, a report summarizing the

1 activities of the State coordinator, and any specific
2 recommendations concerning school climate best practices and
3 procedures.

4
5 6. (New section) The School Climate State Coordinator shall
6 consider communications received in the course of his duties,
7 including personally identifiable information regarding students,
8 parents, and others from whom information is acquired, as
9 confidential and shall not disclose this information, in accordance
10 with State and federal law.

11
12 7. (New section) The Department of Education shall post in a
13 prominent location on the homepage of its Internet website the
14 contact information for the School Climate State Coordinator. Each
15 school district shall post this information on its website at the same
16 location it makes its policy on harassment, intimidation, and
17 bullying available.

18
19 8. (New section) The School Climate State Coordinator is
20 authorized to call upon any department, office, division, or agency
21 of the State to supply the State coordinator with data and any other
22 information or assistance available to the department, office,
23 division, or agency as the State coordinator deems necessary to
24 discharge the duties under P.L. , c. (C.) (pending before the
25 Legislature as this bill). Each department, office, division, or
26 agency, to the extent not inconsistent with law, shall cooperate fully
27 with the State coordinator within the limits of its statutory
28 authority, and provide such assistance on as timely a basis as is
29 necessary to enable the State coordinator to accomplish his duties
30 pursuant to P.L. , c. (C.) (pending before the Legislature as this
31 act). The State coordinator may consult with experts or other
32 knowledgeable individuals in the public or private sector on any
33 aspect of the State coordinator's mission.

34
35 9. Sections 1 and 4 of this act shall take effect immediately and
36 the remainder of this act shall take effect on July 1 of the first full
37 school year next following the date of enactment.

38

39

40

STATEMENT

41

42 Under current law, all acts of harassment, intimidation, or
43 bullying must be reported in writing to the school principal within
44 two school days of when the school employee or contracted service
45 provider witnessed or received reliable information that a student
46 had been subject to harassment, intimidation, or bullying. This bill
47 provides that the written report must be on a numbered form
48 developed by the Department of Education (DOE). The principal

1 will be responsible for immediately submitting the form to the
2 superintendent of schools and to the board of education. Under the
3 provisions of the bill, the form must be completed, even if a
4 preliminary determination is made under the school district's policy
5 that the reported incident or complaint is a report outside the scope
6 of the definition of harassment, intimidation, or bullying under the
7 "Anti-Bullying Bill of Rights Act," P.L.2002, c.83 (C.18A:37-
8 13 et seq.). The bill requires a school district to provide a means
9 for a parent or guardian to complete an online form to report an
10 incident of harassment, intimidation, or bullying.

11 Pursuant to the provisions of the bill, the district's anti-bullying
12 policy must include specific consequences for a student who
13 commits an act of harassment, intimidation or bullying. Under the
14 bill, for the first and second acts of harassment, intimidation, or
15 bullying committed by a student, a copy of the results of the
16 investigation will be placed in the student's record and the student
17 may be subject to remedial actions, including the provision of
18 counseling or behavioral intervention services, or discipline, or
19 both, as determined by the principal in consultation with
20 appropriate school staff; and for the third and each subsequent act, a
21 copy of the results of the investigation will be placed in the
22 student's record, and the principal, in consultation with appropriate
23 school staff, will develop an individual student intervention plan
24 which will be approved by the superintendent and may include
25 remedial actions and may require the student, accompanied by a
26 parent or guardian, to complete a class or training program to
27 reduce harassment, intimidation, or bullying behavior.

28 The bill requires that as part of the information provided by the
29 superintendent of schools twice a year to the board of education
30 regarding acts of violence, vandalism, and bullying which occurred
31 during the previous reporting period, the superintendent will
32 provide the board with information on the number of reports that
33 were determined, pursuant to the district's preliminary
34 determination process, not to meet the statutory definition of
35 bullying.

36 Currently, under the provisions of the cyber-harassment statute,
37 section 1 of P.L.2013, c.272 (C.2C:33-4.1), the court may order a
38 parent or guardian of a minor under the age of 16 who has been
39 adjudicated delinquent of cyber-harassment to attend classes or
40 training with the minor. Failure to comply with these conditions
41 results in a disorderly persons offense and the imposition of a fine
42 of not more than \$25 for a first offense and not more than \$100 for
43 each subsequent offense.

44 The bill would increase the monetary penalty against the parent
45 or guardian for failure to comply with the class or training program
46 as follows: (1) the \$25 fine for a first offense would be increased to
47 \$100; and (2) the \$100 fine for each subsequent offense would be
48 increased to \$500.

1 In addition, civil liability may be imposed on a parent or
2 guardian, having legal custody of the minor, who demonstrates a
3 willful or wanton disregard in the exercise of the supervision and
4 control of a minor adjudicated delinquent of cyber-harassment or
5 harassment.

6 The bill also establishes within the DOE a School Climate State
7 Coordinator. The duties and responsibilities of the State coordinator
8 will include:

9 (1) Identifying and disseminating research and resources to
10 promote best practices in student social-emotional learning and the
11 development of a positive, supportive school climate in schools;

12 (2) Providing information regarding the provisions and
13 procedures of the “Anti-Bullying Bill of Rights Act,” and other
14 State and federal laws addressing harassment, intimidation, and
15 bullying;

16 (3) Reviewing and reporting data collected on harassment,
17 intimidation and bullying to identify and report to the DOE any
18 patterns of harassment, intimidation, or bullying in public schools;

19 (4) Assisting the DOE in creating public information programs
20 that educate parents, educators, and the public concerning the duties
21 of the State coordinator, the issue of harassment, intimidation, and
22 bullying and the resources available to address it;

23 (5) Working collaboratively with law enforcement, the DOE, the
24 Division on Civil Rights in the Department of Law and Public
25 Safety, and the Department of Health to develop a training program
26 on the impact of harassment, intimidation, and bullying on students
27 and schools;

28 (6) Working collaboratively with law enforcement to develop
29 resources and training for law enforcement concerning the impact
30 of harassment, intimidation, and bullying on students and schools,
31 and the appropriate role of law enforcement in such matters; and

32 (7) Annually providing to the Commissioner of Education, the
33 State Board of Education, and the Legislature, a report summarizing
34 the activities of the State coordinator, and any specific
35 recommendations concerning school climate best practices and
36 procedures.

37 The bill, named Mallory’s Law, is in response to the tragic case
38 of 12-year old Mallory Grossman who was subjected to unrelenting
39 bullying at school and online leading up to her suicide. The bill
40 attempts to address this issue by placing more stringent safeguards
41 in the “Anti-Bullying Bill of Rights Act.”

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1790

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 2021

The Assembly Education Committee reports favorably Senate Bill No. 1790 (1R).

This bill provides for civil liability of the parent of a minor adjudicated delinquent for cyber-harassment or harassment. Currently, under the provisions of the cyber-harassment statute, section 1 of P.L.2013, c.272 (C.2C:33-4.1), the court may order a parent or guardian of a minor under the age of 16 who has been adjudicated delinquent of cyber-harassment to attend classes or training with the minor. Failure to comply with these conditions results in a disorderly persons offense and the imposition of a fine of not more than \$25 for a first offense and not more than \$100 for each subsequent offense. The bill would increase the monetary penalty against the parent or guardian for failure to comply with the class or training program as follows: (1) the \$25 fine for a first offense would be increased to \$100; and (2) the \$100 fine for each subsequent offense would be increased to \$500. In addition, civil liability may be imposed on a parent or guardian having legal custody of the minor who demonstrates a willful or wanton disregard in the exercise of the supervision and control of a minor adjudicated delinquent of cyber-harassment or harassment.

The bill requires that as part of the information provided by the superintendent of schools twice a year to the board of education regarding acts of violence, vandalism, and bullying which occurred during the previous reporting period, the superintendent will provide the board with information on the number of reports that were determined, pursuant to the district's preliminary determination process, not to meet the statutory definition of bullying.

Pursuant to the provisions of the bill, the district's anti-bullying policy must include specific consequences for a student who commits an act of harassment, intimidation or bullying. Under the bill, for the first and second acts of harassment, intimidation, or bullying committed by a student, a copy of the results of the investigation will be placed in the student's record and the student may be subject to remedial actions, including the provision of counseling or behavioral intervention services, or discipline, or both, as determined by the principal in consultation with appropriate school staff; and for the third

and each subsequent act, a copy of the results of the investigation will be placed in the student's record, and the principal, in consultation with appropriate school staff, will develop an individual student intervention plan which will be approved by the superintendent and may include remedial actions and may require the student, accompanied by a parent or guardian, to complete a class or training program to reduce harassment, intimidation, or bullying behavior.

The bill also provides that the written report that is required under current law to be provided to the school principal within two school days of when a school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying, must be on a numbered form developed by the Department of Education (DOE). The principal will be responsible for promptly submitting a copy of the form to the superintendent of schools.

Under the provisions of the bill, the form must be completed even if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying under the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83 (C.18A:37-13 et seq.). A redacted copy of this form that removes all student identification information would be confidentially shared with the board of education after the conclusion of the investigation, if a hearing is requested by a parent or guardian. The bill requires a school district to provide a means for a parent or guardian to complete an online form to report an incident of harassment, intimidation, or bullying.

The bill requires a principal to report to the superintendent if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying. The superintendent may require the principal to conduct an investigation of the incident, if the superintendent determines that an investigation is necessary, because the incident is within the scope of the definition of harassment, intimidation, or bullying. The superintendent must notify the principal of this determination in writing.

Under the bill, an investigation into a violation or complaint of harassment, intimidation, or bullying must be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying or from the date the principal receives written notification from the superintendent directing the principal to initiate an investigation into an incident preliminarily determined to be outside the scope of the definition of harassment, intimidation, or bullying. The bill provides that the superintendent of schools may seek further information following receipt of the results of an investigation.

The bill provides that a school district's anti-bullying policy must also include a requirement that the school district and each school in the district with a website post on its homepage the current version of the document, Guidance for Parents on the Anti-Bullying Bill of Rights Act, developed by the DOE. The School Climate State Coordinator, a position created under the bill, will ensure that this document is updated as needed and then promptly disseminated to all school districts.

The bill establishes the position of School Climate State Coordinator within the DOE to serve as a resource to parents, students, and educators. The bill provides that the Legislature will appropriate such monies as necessary to fund the position of School Climate State Coordinator, and the "Bullying Prevention Fund," and such other monies as necessary to implement the provisions of this act.

The bill provides that sections 1 and 4 of the bill would take effect immediately. The remaining sections of the bill would take effect on July 1 of the first full school year following the date of enactment, or 180 days following the date of enactment, whichever is later.

As reported by the committee, this bill is identical to the Assembly Committee Substitute for Assembly Bill No. 1662, which was reported by the committee on this same date.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1790

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 7, 2020

The Senate Education Committee favorably reports Senate Bill No. 1790 with committee amendments.

As amended, this bill provides that the form that must be provided to the school principal within two school days of when a school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying, must be submitted promptly by the principal to the superintendent of schools.

Under the provisions of the bill, the form must be completed even if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying under the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83 (C.18A:37-13 et seq.). As amended, a redacted copy of this form that removes all student identification information shall be confidentially shared with the board of education after the conclusion of the investigation, if a hearing is requested by a parent or guardian pursuant to the provisions of the bill.

As amended, the bill requires a principal to report to the superintendent if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying. The superintendent may require the principal to conduct an investigation of the incident, if the superintendent determines that an investigation is necessary, because the incident is within the scope of the definition of harassment, intimidation, or bullying. The superintendent must notify the principal of this determination in writing.

As amended, an investigation into a violation or complaint of harassment, intimidation, or bullying must be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying or from the date the principal receives written notification from the superintendent directing the principal to initiate an investigation into an incident preliminarily determined to be outside the scope of the

definition of harassment, intimidation, or bullying. As amended, the bill provides that the superintendent of schools may seek further information following receipt of the results of an investigation.

As amended, the bill provides that a school district's anti-bullying policy must also include a requirement that the school district and each school in the district with a website post on its homepage the current version of the document, Guidance for Parents on the Anti-Bullying Bill of Rights Act, developed by the Department of Education. The School Climate State Coordinator, a position created under the bill, will ensure that this document is updated as needed and then promptly disseminated to all school districts.

The bill establishes the position of School Climate State Coordinator within the DOE. As amended, the bill provides that the Legislature will appropriate such monies as necessary to fund the position of School Climate State Coordinator, and the "Bullying Prevention Fund," and such other monies as necessary to implement the provisions of this act.

The bill provides that sections 1 and 4 of this act shall take effect immediately. As amended, the remaining sections of the bill shall take effect on July 1 of the first full school year following the date of enactment, or 180 days following the date of enactment, whichever is later.

COMMITTEE AMENDMENTS:

The committee amended the bill to remove reference to "Mallory's Law" in the title of the bill.

The committee amended the bill to make numerous changes to the information that must be included in a school district's anti-bullying policy and to certain reporting procedures that must be followed once a report or complaint of harassment, intimidation, or bullying is made. The committee amendments provide that a copy of the written form that must be submitted to a school principal within two school days of when the school employee or contract service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying, must be promptly submitted by a principal to the superintendent of schools.

The amendments eliminated the requirement that the principal also submit this form to the board of education no later than the date of the board of education meeting next following the submission of the copy of the form to the superintendent of schools.

The committee amended the bill to eliminate the requirements that the superintendent and members of the board of education review a copy of the form, that the superintendent and members of the board of education sign a statement attesting to the fact that they have reviewed such form, and that the signed statement be kept on file at the school with the original report. The amendments provide that a copy of the form that removes all student identification information will be

confidentially shared with the board of education after the conclusion of the investigation if a parent or guardian of a student who is a party to the investigation requests a hearing pursuant to provisions of the bill.

The committee amended the bill to provide that the principal will report to the superintendent of schools if a preliminary determination is made that the reported incident or complaint is outside the scope of the definition of harassment, intimidation, or bullying. The amendments provide that the superintendent may require the principal to conduct an investigation if the superintendent determines that an investigation is necessary because the incident is within the scope of the definition of harassment, intimidation, or bullying. The amendments require the superintendent to notify the principal of this determination in writing.

The committee amended the bill to permit the investigation of a report under the district's anti-bullying policy to be completed not later than 10 school days from the date of written notification from the superintendent to the principal to initiate an investigation following a preliminary determination that the reported incident or complaint is outside the scope of the definition of harassment, intimidation, or bullying.

The committee amended the bill to allow the superintendent of schools to seek out further information following receipt of the results of the investigation.

The amendments eliminate a provision in the bill allowing a board of education to require an investigation be reopened following its receipt of the report pursuant to the provisions of the bill.

The committee amended the bill to require that a school district's anti-bullying policy include a requirement that the school district and each school in the district with a website post on its homepage the current version of the document, Guidance for Parents on the Anti-Bullying Bill of Rights Act, developed by the Department of Education. The amendments require the School Climate State Coordinator to ensure this document is updated as needed and then promptly disseminated to all school districts.

The committee amended the bill to require the Legislature to appropriate such monies as necessary to fund the position of School Climate State Coordinator, and the "Bullying Prevention Fund," and such other monies as necessary to implement the provisions of the bill.

The committee amended the effective date to provide that sections 2, 3, and 5 through 9 of the bill will take effect on July 1 of the first full school year following the date of enactment, or 180 days following the date of enactment, whichever is later.

ASSEMBLY, No. 1662

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Co-Sponsored by:

Assemblywomen B.DeCroce, Murphy and Vainieri Huttle

SYNOPSIS

“Mallory’s Law”; revises provisions required in school district’s anti-bullying policy; provides for civil liability of parent of minor adjudicated delinquent for cyber-harassment or harassment; and increases certain fines against parents.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 1/27/2020)

1 AN ACT concerning bullying, designated as Mallory's Law, revising
2 various parts of the statutory law, and supplementing Title 2A of
3 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. Section 1 of P.L.2013, c.272 (C.2C:33-4.1) is amended to
9 read as follows:

10 1. a. A person commits the crime of cyber-harassment if,
11 while making a communication in an online capacity via any
12 electronic device or through a social networking site and with the
13 purpose to harass another, the person:

14 (1) threatens to inflict injury or physical harm to any person or
15 the property of any person;

16 (2) knowingly sends, posts, comments, requests, suggests, or
17 proposes any lewd, indecent, or obscene material to or about a
18 person with the intent to emotionally harm a reasonable person or
19 place a reasonable person in fear of physical or emotional harm to
20 his person; or

21 (3) threatens to commit any crime against the person or the
22 person's property.

23 b. Cyber-harassment is a crime of the fourth degree, unless the
24 person is 21 years of age or older at the time of the offense and
25 impersonates a minor for the purpose of cyber-harassing a minor, in
26 which case it is a crime of the third degree.

27 c. If a minor under the age of 16 is adjudicated delinquent for
28 cyber-harassment, the court may order as a condition of the
29 sentence that the minor, accompanied by a parent or guardian,
30 complete, in a satisfactory manner, one or both of the following:

31 (1) a class or training program intended to reduce the tendency
32 toward cyber-harassment behavior; or

33 (2) a class or training program intended to bring awareness to
34 the dangers associated with cyber-harassment.

35 d. A parent or guardian who fails to comply with a condition
36 imposed by the court pursuant to subsection c. of this section is a
37 disorderly person and shall be fined not more than **[\$25]** \$100 for a
38 first offense and not more than **[\$100]** \$500 for each subsequent
39 offense.

40 e. In addition to any other disposition or condition imposed
41 pursuant to this section, a parent or guardian having legal custody
42 of a minor who demonstrates willful or wonton disregard in the
43 exercise of the supervision and control of the conduct of a minor
44 adjudicated delinquent of cyber-harassment pursuant to this section
45 may be liable in a civil action pursuant to section 5 of P.L. , c.
46 (C.) (pending before the Legislature as this bill).

47 (cf: P.L.2013, c.272, s.1)

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

3 1. Any school employee observing or having direct knowledge
4 from a participant or victim of an act of violence shall, in
5 accordance with standards established by the commissioner, file a
6 report describing the incident to the school principal in a manner
7 prescribed by the commissioner, and copy of same shall be
8 forwarded to the district superintendent.

9 The principal shall notify the district superintendent of schools
10 of the action taken regarding the incident. Two times each school
11 year, between September 1 and January 1 and between January 1
12 and June 30, at a public hearing, the superintendent of schools shall
13 report to the board of education all acts of violence, vandalism, and
14 harassment, intimidation, or bullying which occurred during the
15 previous reporting period. The report shall include the number of
16 reports of harassment, intimidation, or bullying, the status of all
17 investigations, the nature of the bullying based on one of the
18 protected categories identified in section 2 of P.L.2002, c.83
19 (C.18A:37-14), the names of the investigators, the type and nature
20 of any discipline imposed on any student engaged in harassment,
21 intimidation, or bullying, and any other measures imposed, training
22 conducted, or programs implemented, to reduce harassment,
23 intimidation, or bullying. The information shall also be reported
24 once during each reporting period to the Department of Education.
25 The report must include data broken down by the enumerated
26 categories as listed in section 2 of P.L.2002, c.83 (C.18A:37-14),
27 and data broken down by each school in the district, in addition to
28 district-wide data. It shall be a violation to improperly release any
29 confidential information not authorized by federal or State law for
30 public release.

31 The report shall be used to grade each school for the purpose of
32 assessing its effort to implement policies and programs consistent
33 with the provisions of P.L.2002, c.83 (C.18A:37-13 et seq.). The
34 district shall receive a grade determined by averaging the grades of
35 all the schools in the district. The commissioner shall promulgate
36 guidelines for a program to grade schools for the purposes of this
37 section.

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

44 If a school district's policy permits a preliminary determination
45 to be made on whether a reported incident or complaint is a report
46 outside the scope of the definition of harassment, intimidation, or
47 bullying pursuant to section 2 of P.L.2002, c.83 (C.18A:37-14), the
48 superintendent shall also provide to the board of education at the

1 public hearings information on the number of times a preliminary
2 determination was made that an incident or complaint was outside
3 the scope of that definition.

4 Verification of the reports on violence, vandalism, and
5 harassment, intimidation, or bullying shall be part of the State's
6 monitoring of the school district, and the State Board of Education
7 shall adopt regulations that impose a penalty on a school employee
8 who knowingly falsifies the report. A board of education shall
9 provide ongoing staff training, in cooperation with the Department
10 of Education, in fulfilling the reporting requirements pursuant to
11 this section. The majority representative of the school employees
12 shall have access monthly to the number and disposition of all
13 reported acts of school violence, vandalism, and harassment,
14 intimidation, or bullying.

15 (cf: P.L.2010, c.122, s.7)

16
17 3. Section 3 of P.L.2002, c.83 (C.18A:37-15) is amended to
18 read as follows:

19 3. a. Each school district shall adopt a policy prohibiting
20 harassment, intimidation or bullying on school property, at a
21 school-sponsored function or on a school bus. The school district
22 shall adopt the policy through a process that includes representation
23 of parents or guardians, school employees, volunteers, students,
24 administrators, and community representatives.

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

28 (1) a statement prohibiting harassment, intimidation or bullying
29 of a student;

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

33 (3) a description of the type of behavior expected from each
34 student;

35 (4) consequences and appropriate remedial action for a person
36 who commits an act of harassment, intimidation or bullying. The
37 consequences for a student who commits an act of harassment,
38 intimidation, or bullying shall include: for the first act of
39 harassment, intimidation, or bullying committed by a student, a
40 copy of the results of the investigation shall be placed in the
41 student's record and the student may be subject to discipline
42 imposed by the superintendent of schools pursuant to paragraph (6)
43 of subsection b. of this section; for the second act, a copy of the
44 results of the investigation shall be placed in the student's record
45 and the student shall be subject to a plan of disciplinary action
46 established by the superintendent of schools pursuant to paragraph
47 (6) of subsection b. of this section; and for the third and each
48 subsequent act, a copy of the results of the investigation shall be

1 placed in the student's record, and the executive county
2 superintendent shall be informed and shall impose the appropriate
3 discipline and require the student, accompanied by a parent or
4 guardian, to complete, in a satisfactory manner, a class or training
5 program to reduce the tendency toward harassment, intimidation or
6 bullying behavior, as selected by the executive county
7 superintendent. The executive county superintendent may apply for
8 a court order to compel the participation of the student, parent, or
9 guardian in the class or training program and the court may, in its
10 discretion, impose a fine for failure to comply with its order. The
11 executive county superintendent shall also notify the appropriate
12 law enforcement official of a possible violation of the New Jersey
13 Code of Criminal Justice;

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

19 All acts of harassment, intimidation, or bullying shall be reported
20 verbally to the school principal on the same day when the school
21 employee or contracted service provider witnessed or received
22 reliable information regarding any such incident. The principal
23 shall inform the parents or guardians of all students involved in the
24 alleged incident, and may discuss, as appropriate, the availability of
25 counseling and other intervention services. All acts of harassment,
26 intimidation, or bullying shall be reported in writing to the school
27 principal within two school days of when the school employee or
28 contracted service provider witnessed or received reliable
29 information that a student had been subject to harassment,
30 intimidation, or bullying. The written report shall be on a
31 numbered form developed by the Department of Education. The
32 form shall also include information on when each parent or
33 guardian was informed of the alleged incident and the manner in
34 which they were informed. A copy of the form shall be submitted
35 immediately by the principal to the superintendent of schools, the
36 executive county superintendent, and to the parents or guardians of
37 students involved in the alleged incident in accordance with federal
38 and State law and regulation. The form shall be completed even if a
39 preliminary determination is made under the school district's policy
40 that the reported incident or complaint is a report outside the scope
41 of the definition of harassment, intimidation, or bullying pursuant to
42 section 2 of P.L.2002, c.83 (C.18A:37-14), and shall be kept on file
43 at the school but shall not be included in any student record. If a
44 school district's policy permits a preliminary determination to be
45 made on a reported incident or complaint, that determination shall
46 be made by a safe schools resource officer if one has been assigned
47 to the school by the board of education.

1 The school district shall provide a means for a parent or guardian
2 to complete an online numbered form developed by the Department
3 of Education to confidentially report an incident of harassment,
4 intimidation, or bullying;

5 (6) a procedure for prompt investigation of reports of violations
6 and complaints, which procedure shall at a minimum provide that:

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

10 The principal may appoint additional personnel who are not school
11 anti-bullying specialists to assist in the investigation. The
12 investigation shall be completed as soon as possible, but not later
13 than 10 school days from the date of the written report of the
14 incident of harassment, intimidation, or bullying. In the event that
15 there is information relative to the investigation that is anticipated
16 but not yet received by the end of the 10-day period, the school
17 anti-bullying specialist may amend the original report of the results
18 of the investigation to reflect the information;

19 (b) the results of the investigation shall be reported to the
20 superintendent of schools within two school days of the completion
21 of the investigation, and in accordance with regulations
22 promulgated by the State Board of Education pursuant to the
23 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
24 seq.), the superintendent may decide to provide intervention
25 services, establish training programs to reduce harassment,
26 intimidation, or bullying and enhance school climate, impose
27 discipline in accordance with the provisions of this section, order
28 counseling as a result of the findings of the investigation, or take or
29 recommend other appropriate action;

30 (c) the results of each investigation shall be reported to the
31 board of education no later than the date of the board of education
32 meeting next following the completion of the investigation, along
33 with information on any services provided, training established,
34 discipline imposed, or other action taken or recommended by the
35 superintendent;

36 (d) parents or guardians of the students who are parties to the
37 investigation shall be entitled to receive information about the
38 investigation, in accordance with federal and State law and
39 regulation, including the nature of the investigation, whether the
40 district found evidence of harassment, intimidation, or bullying, or
41 whether discipline was imposed or services provided to address the
42 incident of harassment, intimidation, or bullying. This information
43 shall be provided in writing within 5 school days after the results of
44 the investigation are reported to the board. A parent or guardian
45 may request a hearing before the board after receiving the
46 information, and the hearing shall be held within 10 days of the
47 request. The board shall meet in executive session for the hearing
48 to protect the confidentiality of the students. At the hearing the

- 1 board may hear from the school anti-bullying specialist about the
2 incident, recommendations for discipline or services, and any
3 programs instituted to reduce such incidents;
- 4 (e) at the next board of education meeting following its receipt
5 of the report, the board shall issue a decision, in writing, to affirm,
6 reject, or modify the superintendent's decision. The board's
7 decision may be appealed to the Commissioner of Education, in
8 accordance with the procedures set forth in law and regulation, no
9 later than 90 days after the issuance of the board's decision; and
- 10 (f) a parent, student, guardian, or organization may file a
11 complaint with the Division on Civil Rights within 180 days of the
12 occurrence of any incident of harassment, intimidation, or bullying
13 based on membership in a protected group as enumerated in the
14 "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.);
- 15 (7) the range of ways in which a school will respond once an
16 incident of harassment, intimidation or bullying is identified, which
17 shall be defined by the principal in conjunction with the school anti-
18 bullying specialist, but shall include an appropriate combination of
19 services that are available within the district such as counseling,
20 support services, intervention services, and other programs, as
21 defined by the commissioner. In the event that the necessary
22 programs and services are not available within the district, the
23 district may apply to the Department of Education for a grant from
24 the "Bullying Prevention Fund" established pursuant to section 25
25 of P.L.2010, c.122 (C.18A:37-28) to support the provision of out-
26 of-district programs and services;
- 27 (8) a statement that prohibits reprisal or retaliation against any
28 person who reports an act of harassment, intimidation or bullying
29 and the consequence and appropriate remedial action for a person
30 who engages in reprisal or retaliation;
- 31 (9) consequences and appropriate remedial action for a person
32 found to have falsely accused another as a means of retaliation or as
33 a means of harassment, intimidation or bullying;
- 34 (10) a statement of how the policy is to be publicized, including
35 notice that the policy applies to participation in school-sponsored
36 functions;
- 37 (11) a requirement that a link to the policy be prominently posted
38 on the home page of the school district's website and distributed
39 annually to parents and guardians who have children enrolled in a
40 school in the school district; and
- 41 (12) a requirement that the name, school phone number, school
42 address and school email address of the district anti-bullying
43 coordinator be listed on the home page of the school district's
44 website and that on the home page of each school's website the
45 name, school phone number, school address and school email
46 address of the school anti-bullying specialist and the district anti-
47 bullying coordinator be listed. The information concerning the

1 district anti-bullying coordinator and the school anti-bullying
2 specialists shall also be maintained on the department's website.

3 c. A school district shall adopt a policy and transmit a copy of
4 its policy to the appropriate executive county superintendent of
5 schools by September 1, 2003. A school district shall annually
6 conduct a re-evaluation, reassessment, and review of its policy,
7 making any necessary revisions and additions. The board shall
8 include input from the school anti-bullying specialists in conducting
9 its re-evaluation, reassessment, and review. The district shall
10 transmit a copy of the revised policy to the appropriate executive
11 county superintendent of schools within 30 school days of the
12 revision. The first revised policy following the effective date of
13 P.L.2010, c.122 (C.18A:37-13.1 et al.) shall be transmitted to the
14 executive county superintendent of schools by September 1, 2011.

15 d. (1) To assist school districts in developing policies for the
16 prevention of harassment, intimidation, or bullying, the
17 Commissioner of Education shall develop a model policy applicable
18 to grades kindergarten through 12. This model policy shall be
19 issued no later than December 1, 2002.

20 (2) The commissioner shall adopt amendments to the model
21 policy which reflect the provisions of P.L.2010, c.122 (C.18A:37-
22 13.1 et al.) no later than 90 days after the effective date of that act
23 and shall subsequently update the model policy as the commissioner
24 deems necessary.

25 e. Notice of the school district's policy shall appear in any
26 publication of the school district that sets forth the comprehensive
27 rules, procedures and standards of conduct for schools within the
28 school district, and in any student handbook.

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

32 (cf: P.L.2012, c.1, s.1)

33
34 4. Section 17 of P.L.2010, c.122 (C.18A:37-20) is amended to
35 read as follows:

36 17. a. The principal in each school in a school district shall
37 appoint a school anti-bullying specialist. When a safe schools
38 resource officer has been assigned to the school by the board of
39 education, the principal shall appoint that individual to be the
40 school anti-bullying specialist. If a safe schools resource officer
41 has not been assigned to the school, and a school guidance
42 counselor, school psychologist, or another individual similarly
43 trained is currently employed in the school, the principal shall
44 appoint that individual to be the school anti-bullying specialist. If
45 no individual meeting this criteria is currently employed in the
46 school, the principal shall appoint a school anti-bullying specialist
47 from currently employed school personnel. The school anti-
48 bullying specialist shall:

(1) chair the school safety team as provided in section 18 of P.L.2010, c.122 (C.18A:37-21);

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

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

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

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

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

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

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

c. The district anti-bullying coordinator shall meet at least twice a school year with the school anti-bullying specialists in the district to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.

(cf: P.L.2010, c.122, s.17)

5. (New section) Notwithstanding any other provision of law to the contrary, a parent or guardian having legal custody of a minor who demonstrates willful or wonton disregard in the exercise of the supervision and control of the conduct of a minor adjudicated delinquent of cyber-harassment, pursuant to section 1 of P.L.2013, c.272 (C.2C:33-4.1), or harassment, pursuant to N.J.S.2C:33-4, may be liable in a civil action.

6. Sections 1 and 5 of this act shall take effect immediately and the remainder of this act shall take effect on July 1 of the first full school year next following the date of enactment.

STATEMENT

Under current law, all acts of harassment, intimidation, or bullying must be reported in writing to the school principal within two school days of when the school employee or contracted service

1 provider witnessed or received reliable information that a student
2 had been subject to harassment, intimidation, or bullying. This bill
3 provides that the written report must be on a numbered form
4 developed by the Department of Education. The principal will be
5 responsible for immediately submitting the form to the
6 superintendent of schools, the executive county superintendent, and
7 to the parents or guardians of students involved in the alleged
8 incident in accordance with federal and State law and regulations.
9 Under the provisions of the bill, the form must be completed, even
10 if a preliminary determination is made under the school district's
11 policy that the reported incident or complaint is a report outside the
12 scope of the definition of harassment, intimidation, or bullying
13 under the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83
14 (C.18A:37-13 et seq.). If a school district's policy permits a
15 preliminary determination to be made on a reported incident or
16 complaint, the determination will be required to be made by a safe
17 schools resource officer, if one has been assigned to the school by
18 the board of education. The bill also requires a school district to
19 provide a means for a parent or guardian to complete an online form
20 to report an incident of harassment, intimidation, or bullying.

21 Pursuant to the provisions of the bill, the district's anti-bullying
22 policy must include specific consequences for a student who
23 commits an act of harassment, intimidation or bullying. Under the
24 bill, for the first act of harassment, intimidation, or bullying
25 committed by a student, a copy of the results of the investigation
26 will be placed in the student's record and the student may be subject
27 to discipline imposed by the superintendent; for the second act, a
28 copy of the results of the investigation will be placed in the
29 student's record and the student will be subject to a plan of
30 disciplinary action established by the superintendent; and for the
31 third act, a copy of the results of the investigation will be placed in
32 the student's record, and the executive county superintendent will
33 be informed and will impose the appropriate discipline and require
34 the student, accompanied by a parent or guardian, to complete a
35 class or training program to reduce the tendency toward harassment,
36 intimidation or bullying behavior. The executive county
37 superintendent will also notify the appropriate law enforcement
38 official of a possible violation of the New Jersey Code of Criminal
39 Justice.

40 The bill also requires that if a safe schools resource officer has
41 been assigned to a school, that individual must be appointed by the
42 principal to the position of school anti-bullying specialist.
43 Additionally, the bill requires that as part of the information
44 provided by the superintendent of schools twice a year to the board
45 of education regarding acts of violence, vandalism, and bullying
46 which occurred during the previous reporting period, the
47 superintendent will provide the board with information on the
48 number of reports that were determined, pursuant to the district's

1 preliminary determination process, not to meet the statutory
2 definition of bullying.

3 Currently, under the provisions of the cyber-harassment statute,
4 section 1 of P.L.2013, c.272 (C.2C:33-4.1), the court may order a
5 parent or guardian of a minor under the age of 16 who has been
6 adjudicated delinquent of cyber-harassment to attend classes or
7 training with the minor. Failure to comply with these conditions
8 results in a disorderly persons offense and the imposition of a fine
9 of not more than \$25 for a first offense and not more than \$100 for
10 each subsequent offense.

11 The bill would increase the monetary penalty against the parent
12 or guardian for failure to comply with the class or training program
13 as follows: (1) the \$25 fine for a first offense would be increased to
14 \$100; and (2) the \$100 fine for each subsequent offense would be
15 increased to \$500.

16 In addition, civil liability may be imposed on a parent or
17 guardian, having legal custody of the minor, who demonstrates a
18 willful or wanton disregard in the exercise of the supervision and
19 control of a minor adjudicated delinquent of cyber-harassment or
20 harassment.

21 The bill, named Mallory's Law, is in response to the tragic case
22 of 12-year old Mallory Grossman who was subjected to unrelenting
23 bullying at school and online leading up to her suicide. The bill
24 attempts to address this issue by placing more stringent safeguards
25 in the "Anti-Bullying Bill of Rights Act."

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 1662

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 2021

The Assembly Education Committee reports favorably Assembly Committee Substitute for Assembly Bill No. 1662.

This committee substitute provides for civil liability of the parent of a minor adjudicated delinquent for cyber-harassment or harassment. Currently, under the provisions of the cyber-harassment statute, section 1 of P.L.2013, c.272 (C.2C:33-4.1), the court may order a parent or guardian of a minor under the age of 16 who has been adjudicated delinquent of cyber-harassment to attend classes or training with the minor. Failure to comply with these conditions results in a disorderly persons offense and the imposition of a fine of not more than \$25 for a first offense and not more than \$100 for each subsequent offense. The bill would increase the monetary penalty against the parent or guardian for failure to comply with the class or training program as follows: (1) the \$25 fine for a first offense would be increased to \$100; and (2) the \$100 fine for each subsequent offense would be increased to \$500. In addition, civil liability may be imposed on a parent or guardian, having legal custody of the minor, who demonstrates a willful or wanton disregard in the exercise of the supervision and control of a minor adjudicated delinquent of cyber-harassment or harassment.

The bill requires that as part of the information provided by the superintendent of schools twice a year to the board of education regarding acts of violence, vandalism, and bullying which occurred during the previous reporting period, the superintendent will provide the board with information on the number of reports that were determined, pursuant to the district's preliminary determination process, not to meet the statutory definition of bullying.

Pursuant to the provisions of the bill, the district's anti-bullying policy must include specific consequences for a student who commits an act of harassment, intimidation or bullying. Under the bill, for the first and second acts of harassment, intimidation, or bullying committed by a student, a copy of the results of the investigation will be placed in the student's record and the student may be subject to remedial actions, including the provision of counseling or behavioral intervention services, or discipline, or both, as determined by the principal in consultation with appropriate school staff; and for the third

and each subsequent act, a copy of the results of the investigation will be placed in the student's record, and the principal, in consultation with appropriate school staff, will develop an individual student intervention plan which will be approved by the superintendent and may include remedial actions and may require the student, accompanied by a parent or guardian, to complete a class or training program to reduce harassment, intimidation, or bullying behavior.

The bill also provides that the written report that is required under current law to be provided to the school principal within two school days of when a school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying, must be on a numbered form developed by the Department of Education (DOE). The principal will be responsible for promptly submitting a copy of the form to the superintendent of schools.

Under the provisions of the bill, the form must be completed even if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying under the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83 (C.18A:37-13 et seq.). A redacted copy of this form that removes all student identification information would be confidentially shared with the board of education after the conclusion of the investigation, if a hearing is requested by a parent or guardian. The bill requires a school district to provide a means for a parent or guardian to complete an online form to report an incident of harassment, intimidation, or bullying.

The bill requires a principal to report to the superintendent if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying. The superintendent may require the principal to conduct an investigation of the incident, if the superintendent determines that an investigation is necessary, because the incident is within the scope of the definition of harassment, intimidation, or bullying. The superintendent must notify the principal of this determination in writing.

Under the bill, an investigation into a violation or complaint of harassment, intimidation, or bullying must be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying or from the date the principal receives written notification from the superintendent directing the principal to initiate an investigation into an incident preliminarily determined to be outside the scope of the definition of harassment, intimidation, or bullying. The bill provides that the superintendent of schools may seek further information following receipt of the results of an investigation.

The bill provides that a school district's anti-bullying policy must also include a requirement that the school district and each school in the district with a website post on its homepage the current version of the document, Guidance for Parents on the Anti-Bullying Bill of Rights Act, developed by the DOE. The School Climate State Coordinator, a position created under the bill, will ensure that this document is updated as needed and then promptly disseminated to all school districts.

The bill establishes the position of School Climate State Coordinator within the DOE to serve as a resource to parents, students, and educators. The bill provides that the Legislature will appropriate such monies as necessary to fund the position of School Climate State Coordinator, and the "Bullying Prevention Fund," and such other monies as necessary to implement the provisions of this act.

The bill provides that sections 1 and 4 of the bill would take effect immediately. The remaining sections of the bill would take effect on July 1 of the first full school year following the date of enactment, or 180 days following the date of enactment, whichever is later.

As reported by the committee, this bill is identical to Senate Bill No. 1790 (1R), which was also reported by the committee on this same date.

Bill S1790 Sca (1R)

Session 2020 - 2021



Revises provisions required in school district's anti-bullying policy; provides for civil liability of parent of minor adjudicated delinquent for cyber-harassment or harassment; and increases certain fines against parents.*

Bills and Joint Resolutions Signed by the Governor

Identical Bill Number: A1662

Last Session Bill Number: A5270 S3433

This bill has not been certified by OLS for a fiscal note.

Primary Sponsor:

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Diegnan, Patrick J., Jr.
Quijano, Annette
Jimenez, Angelica M.
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DiMaio, John

2/13/2020

Introduced in the Senate, Referred to Senate Education Committee

12/7/2020

Reported from Senate Committee with Amendments, 2nd Reading

12/17/2020

Passed by the Senate (40-0)

12/17/2020

Received in the Assembly, Referred to Assembly Education Committee

2/24/2021

Reported out of Assembly Committee, 2nd Reading

12/20/2021

Substituted for A1662 (ACS)

12/20/2021

Passed Assembly (Passed Both Houses) (66-1-4)

1/10/2022

Approved P.L.2021, c.338.

Introduced

(12 pages) [PDF Format](#) [HTML Format](#)

Statement - SED 12/7/20

(3 pages) [PDF Format](#) [HTML Format](#)

Statement - AED 2/24/21 1R

(3 pages) [PDF Format](#) [HTML Format](#)

Reprint

(11 pages) [PDF Format](#) [HTML Format](#)

Advance Law

(10 pages) [PDF Format](#) [HTML Format](#)

Pamphlet Law

(7 pages) [PDF Format](#) [HTML Format](#)

Committee Voting:

SED - 12/7/2020 - r/Sca

Yes: 5 No: 0 Not Voting: 0 Abstain: 1

Roll Call

Ruiz, M. Teresa (P) - **Yes**

Beach, James - **Yes**

Cunningham, Sandra B. - **Yes**

Doherty, Michael J. - **Abstain**

Pou, Nellie - **Yes**

Thompson, Samuel D. - **Yes**

~~AED - 2/24/2021 - r/favorably~~

Yes: 6 No: 0 Not Voting: 0 Abstain: 0

Roll Call

Lampitt, Pamela R. (P) - **Yes**

Jasey, Mila M. (V) - **Yes**

Murphy, Carol A. - **Yes**

Quijano, Annette - **Yes**

Simonsen, Erik K. - **Yes**

Stanfield, Jean - **Yes**

Session Voting:

Sen. 12/17/2020 - 3RDG FINAL PASSAGE

Yes: 40 No: 0 Not Voting: 0

Roll Call

Addiego, Dawn Marie - **Yes**

Bateman, Christopher - **Yes**

Beach, James - **Yes**

Brown, Chris A. - **Yes**

Bucco, Anthony M. - **Yes**

Cardinale, Gerald - **Yes**

Codey, Richard J. - **Yes**

Connors, Christopher J. - **Yes**

Corrado, Kristin M. - **Yes**

Cruz-Perez, Nilsa I. - **Yes**

Cryan, Joseph P. - **Yes**

Cunningham, Sandra B. - **Yes**

Diegnan, Patrick J. - **Yes**

Doherty, Michael J. - **Yes**

Gill, Nia H. - **Yes**

Gopal, Vin - **Yes**

Greenstein, Linda R. - **Yes**

Holzapfel, James W. - **Yes**

Kean, Thomas H. - **Yes**

Lagana, Joseph A. - **Yes**

Madden, Fred H. - **Yes**

O'Scanlon, Declan J. - **Yes**

Oroho, Steven V. - **Yes**

Pennacchio, Joseph - **Yes**

Pou, Nellie - **Yes**

Rice, Ronald L. - **Yes**
Ruiz, M. Teresa - **Yes**
Sacco, Nicholas J. - **Yes**
Sarlo, Paul A. - **Yes**
Scutari, Nicholas P. - **Yes**
Singer, Robert W. - **Yes**
Singleton, Troy - **Yes**
Smith, Bob - **Yes**
Stack, Brian P. - **Yes**
Sweeney, Stephen M. - **Yes**
Testa, Michael L. - **Yes**
Thompson, Samuel D. - **Yes**
Turner, Shirley K. - **Yes**
Vitale, Joseph F. - **Yes**
Weinberg, Loretta - **Yes**

Asm. 12/20/2021 - SUB FOR A-1662

Yes: 0 **No:** 0 **Not Voting:** 80 **Abstain:** 0 - Voice Vote Passed

Asm. 12/20/2021 - 3RDG FINAL PASSAGE

Yes: 66 **No:** 1 **Not Voting:** 9 **Abstain:** 4

Roll Call

Armato, John - **Yes**
Auth, Robert - **Abstain**
Benson, Daniel R. - **Yes**
Bergen, Brian - **Yes**
Bramnick, Jon M. - **Not Voting**
Burzichelli, John J. - **Yes**
Calabrese, Clinton - **Not Voting**
Caputo, Ralph R. - **Not Voting**
Carter, Linda S. - **Yes**
Catalano, John - **Abstain**
Chaparro, Annette - **Yes**
Chiaravalloti, Nicholas - **Yes**
Clifton, Robert D. - **Yes**
Conaway, Herb - **Yes**
Coughlin, Craig J. - **Yes**
Dancer, Ronald S. - **Yes**
Danielsen, Joe - **Yes**
DeAngelo, Wayne P. - **Yes**
DeCroce, BettyLou - **Yes**
DeFuccio, DeAnne C. - **Yes**
DePhillips, Christopher P. - **Yes**
DiMaio, John - **Abstain**

DiMaso, Serena - **Yes**
Downey, Joann - **Yes**
Dunn, Aura K. - **Yes**
Egan, Joseph V. - **Yes**
Freiman, Roy - **Yes**
Giblin, Thomas P. - **Not Voting**
Gove, DiAnne C. - **Yes**
Greenwald, Louis D. - **Yes**
Holley, Jamel C. - **Yes**
Houghtaling, Eric - **Yes**
Jasey, Mila M. - **Yes**
Jimenez, Angelica M. - **Yes**
Johnson, Gordon M. - **Yes**
Karabinchak, Robert J. - **Yes**
Kean, Sean T. - **Not Voting**
Kennedy, James J. - **Yes**
Lampitt, Pamela R. - **Yes**
Lopez, Yvonne - **Yes**
Mazzeo, Vincent - **Yes**
McClellan, Antwan L. - **Yes**
McGuckin, Gregory P. - **Abstain**
McKeon, John F. - **Yes**
McKnight, Angela V. - **Yes**
Mejia, Pedro - **Yes**
Moen, William F. - **Yes**
Moriarty, Paul D. - **Yes**
Mosquera, Gabriela M. - **Yes**
Mukherji, Raj - **Yes**
Munoz, Nancy F. - **Not Voting**
Murphy, Carol A. - **Yes**
Peters, Ryan E. - **Yes**
Peterson, Erik - **No**
Pintor Marin, Eliana - **Yes**
Quijano, Annette - **Not Voting**
Reynolds-Jackson, Verlina - **Yes**
Rooney, Kevin J. - **Yes**
Rumpf, Brian E. - **Yes**
Schaer, Gary S. - **Yes**
Scharfenberger, Gerry - **Yes**
Simonsen, Erik K. - **Yes**
Space, Parker - **Not Voting**
Spearman, William W. - **Yes**
Speight, Shanique - **Yes**
Stanfield, Jean - **Yes**

Stanley, Sterley S. - **Yes**
Sumter, Shavonda E. - **Yes**
Swain, Lisa - **Yes**
Taliaferro, Adam J. - **Yes**
Thomson, Edward H. - **Yes**
Timberlake, Britnee N. - **Yes**
Tucker, Cleopatra G. - **Yes**
Tully, P. Christopher - **Yes**
Vainieri Huttie, Valerie - **Yes**
Verrelli, Anthony S. - **Yes**
Webber, Jay - **Yes**
Wimberly, Benjie E. - **Yes**
Wirths, Harold J. - **Yes**
Zwicker, Andrew - **Not Voting**

**indicates synopsis was amended*

Bill A1662 Acs (ACS)

Session 2020 - 2021



Revises provisions required in school district's anti-bullying policy; provides for civil liability of parent of minor adjudicated delinquent for cyber-harassment or harassment; and increases certain fines against parents.*

Substituted by another Bill

Identical Bill Number: S1790

Last Session Bill Number: A5270 S3433

This bill has not been certified by OLS for a fiscal note.

Primary Sponsor:

Quijano, Annette
Jimenez, Angelica M.
Danielsen, Joe

Co-Sponsor:

DeCroce, BettyLou
Murphy, Carol A.
Vainieri Huttel, Valerie
Jasey, Mila M.
Tully, P. Christopher
Swain, Lisa
Stanley, Sterley S.
Carter, Linda S.
DiMaio, John

1/14/2020

Introduced, Referred to Assembly Education Committee

2/24/2021

Reported from Assembly Comm. as a Substitute, 2nd Reading

12/20/2021

Substituted by S1790 (1R)

Introduced

(11 pages) [PDF Format](#) [HTML Format](#)

Statement - AED 2/24/21 ACS

(3 pages) [PDF Format](#) [HTML Format](#)

Assembly Committee Substitute

(11 pages) [PDF Format](#) [HTML Format](#)

Committee Voting:

AED - 2/24/2021 - r/ACS

Yes: 6 No: 0 Not Voting: 0 Abstain: 0

Roll Call

Lampitt, Pamela R. (P) - **Yes**

Jasey, Mila M. (V) - **Yes**

Murphy, Carol A. - **Yes**

Quijano, Annette - **Yes**

Simonsen, Erik K. - **Yes**

Stanfield, Jean - **Yes**

**indicates synopsis was amended*