

[First Reprint]

**ASSEMBLY, No. 3466**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

INTRODUCED NOVEMBER 8, 2010

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**SYNOPSIS**

The "Anti-Bullying Bill of Rights Act."

**CURRENT VERSION OF TEXT**

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

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

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

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

9  
10 1. (New section) Sections 1, 2, and 16 through <sup>1</sup>[28] 30<sup>1</sup> of  
11 this act and P.L.2002, c.83 (C.18A:37-13 et seq.) shall be known  
12 and may be cited as the “Anti-Bullying Bill of Rights Act.”

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

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

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

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

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

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AED committee amendments adopted November 15, 2010.

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

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

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

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

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

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

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

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

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

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

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

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

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

43 or

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

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

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

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

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

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

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

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

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

28

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

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

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

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

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

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

7       (1) results of the elementary assessment programs;

8       (2) results of the Early Warning Test;

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

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

11       (5) student graduation and dropout rates;

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

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

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

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

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

25       b. the school district, as appropriate:

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

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

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

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

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

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

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

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

43

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

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

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

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

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

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

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

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

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

39

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

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

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

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

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

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



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

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

5

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

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

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

16

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

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

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

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

33

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

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

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

44 a. Continued and willful disobedience;

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

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

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

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

25 read as follows:

26 2. As used in this act:

27 "Electronic communication" means a communication transmitted

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

29 telephone, cellular phone, computer, or pager;

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

31 written, verbal or physical act, or any electronic communication <sup>1</sup>,

32 whether it be a single incident or a series of incidents,<sup>1</sup> that is

33 reasonably perceived as being motivated either by any actual or

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

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

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

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

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

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

41 substantially disrupts or interferes with the orderly operation of the

42 school or the rights of other students<sup>1</sup> and that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44

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

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

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

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

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

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

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

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

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

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

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

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

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

14

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

10

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

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

25 c. The school safety team shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15

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

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

30

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (c) creates a hostile <sup>1</sup>educational<sup>1</sup>environment for the student  
31 <sup>1</sup>[at the institution of higher education; or

32 (d) infringes on the rights of the student at the institution of  
33 higher education] by interfering with a student's education or by  
34 severely or pervasively causing physical or emotional harm to the  
35 student<sup>1</sup>.

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

39

40 <sup>1</sup>29. (New section) a. Nonpublic schools are encouraged to  
41 comply with the provisions of the "Anti-Bullying Bill of Rights  
42 Act," P.L.2002, c.83 (C.18A:37-13 et seq.), as amended and  
43 supplemented by P.L. , c. (C. ) (pending before the  
44 Legislature as this bill).

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

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

6  
7 <sup>1</sup>30. (New section) Nothing contained in the "Anti-Bullying Bill  
8 of Rights Act," P.L.2002, c.83 (C.18A:37-13 et seq.), as amended  
9 and supplemented by P.L. , c. (C. ) (pending before the  
10 Legislature as this bill), shall alter or reduce the rights of a student  
11 with a disability with regard to disciplinary actions or to general or  
12 special educational services and supports.<sup>1</sup>

13  
14 <sup>1</sup>[29.] <sup>1</sup>31. This act shall take effect in the first school year  
15 following enactment, but the Commissioner of Education may take  
16 such anticipatory administrative action in advance thereof as shall  
17 be necessary for the implementation of this act.