

ASSEMBLY, No. 2543

STATE OF NEW JERSEY

219th LEGISLATURE

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Sponsored by:

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District 21 (Morris, Somerset and Union)

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District 21 (Morris, Somerset and Union)

SYNOPSIS

Requires anti-bullying policy of public schools to include provision requiring principal to make preliminary determination and meet with parents of students involved in alleged bullying incident for that determination; extends time for investigating incident.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning incidents of harassment, intimidation, or
2 bullying at public schools and amending P.L.2002, c.83.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 3 of P.L.2002, c.83 (C.18A:37-15) is amended to
8 read as follows:

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

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

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

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

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

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

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

32 All acts of harassment, intimidation, or bullying shall be reported
33 verbally to the school principal on the same day when the school
34 employee or contracted service provider witnessed or received
35 reliable information regarding any such incident. The principal
36 shall inform the parents or guardians of all students involved in the
37 alleged incident, and may discuss, as appropriate, the availability of
38 counseling and other intervention services. The principal or his
39 designee, in consultation with the anti-bullying specialist, shall
40 make a preliminary determination as to whether a reported incident
41 or complaint is a report of an act of harassment, intimidation, or
42 bullying pursuant to section 2 of P.L.2002, c.83 (C.18A:37-14)
43 prior to initiating an investigation. The principal shall hold a
44 separate meeting with the parents or guardians of each student
45 involved in the alleged incident within seven days of informing

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 them of the alleged incident, in order to assist the principal in
2 making the preliminary determination. All acts of harassment,
3 intimidation, or bullying shall be reported in writing to the school
4 principal within two school days of when the school employee or
5 contracted service provider witnessed or received reliable
6 information that a student had been subject to harassment,
7 intimidation, or bullying;

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

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

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

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

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

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

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

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

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

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

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

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

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

35
36 2. This act shall take effect immediately.
37
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39 STATEMENT

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41 Current law requires each school district to adopt a policy
42 prohibiting harassment, intimidation or bullying. Under these
43 policies, after an incident of harassment, intimidation, or bullying
44 has been reported to the principal, he must inform the parents and
45 guardians of all students involved in the alleged incident. This bill
46 specifies that the policy must also include a provision that requires
47 the principal to make a preliminary determination as to whether a
48 reported incident or complaint is a report of an act of harassment,

1 intimidation, or bullying as those terms are defined by law, prior to
2 initiating an investigation. The policy must also provide that the
3 principal hold a separate meeting with the parents or guardians of
4 each student involved in the alleged incident within seven days of
5 informing them of the alleged incident, in order to assist the
6 principal in making the preliminary determination. The bill also
7 provides that the investigation of the alleged incident must be
8 completed no later than 30 days from the date the written report of
9 the incident is provided to the principal. Current law requires the
10 investigation to be completed no later than 10 days from the date
11 the written report is provided. This bill extends the time frame to
12 allow a sufficient time period for the principal to hold the meetings
13 with the parents or guardians and make a preliminary determination
14 regarding the alleged incident.