

§4 - T&E
§5 –
C.18A:37-32.1
§6 - Approp.

P.L.2012, CHAPTER 1, *approved March 26, 2012*
Assembly, No. 2709

1 **AN ACT** concerning harassment, intimidation, and bullying in the
2 public schools, amending P.L.2002, c.83 and P.L.2010, c.122,
3 and making an appropriation.

4

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

7

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

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

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

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

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

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

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

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

33 All acts of harassment, intimidation, or bullying shall be reported
34 verbally to the school principal on the same day when the school
35 employee or contracted service provider witnessed or received
36 reliable information regarding any such incident. The principal
37 shall inform the parents or guardians of all students involved in the
38 alleged incident, and may discuss, as appropriate, the availability of

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 counseling and other intervention services. All acts of harassment,
2 intimidation, or bullying shall be reported in writing to the school
3 principal within two school days of when the school employee or
4 contracted service provider witnessed or received reliable
5 information that a student had been subject to harassment,
6 intimidation, or bullying;

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

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

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

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

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

1 to protect the confidentiality of the students. At the hearing the
2 board may hear from the school anti-bullying specialist about the
3 incident, recommendations for discipline or services, and any
4 programs instituted to reduce such incidents;

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

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

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

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

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

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

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

42 (12) a requirement that the name, school phone number, school
43 address and school email address of the district anti-bullying
44 coordinator be listed on the home page of the school district's
45 website and that on the home page of each school's website the
46 name, school phone number, school address and school email
47 address of the school anti-bullying specialist and the district anti-
48 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. 2010, c.122, s.12)

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

36 5. a. Schools and school districts shall annually establish,
37 implement, document, and assess bullying prevention programs or
38 approaches, and other initiatives involving school staff, students,
39 administrators, volunteers, parents, law enforcement and
40 community members. The programs or approaches shall be
41 designed to create school-wide conditions to prevent and address
42 harassment, intimidation, and bullying. A school district may
43 implement bullying prevention programs and approaches that may
44 be available at no cost from the Department of Education, the New
45 Jersey State Bar Foundation, or any other entity. A school district
46 may, at its own discretion, implement bullying prevention programs
47 and approaches which impose a cost on the district.

1 A school district may apply to the Department of Education for a
2 grant to be used for programs [or], approaches, or personnel
3 established pursuant to this [subsection] act, to the extent funds are
4 appropriated for these purposes or funds are made available through
5 the Bullying Prevention Fund established pursuant to section 25 of
6 P.L.2010, c.122 (C.18A:37-28). A school district may make an
7 application for a grant only after exploring bullying prevention
8 programs and approaches that are available at no cost, and making
9 an affirmative demonstration of that exploration in its grant
10 application.

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

21 A school district may satisfy the training required pursuant to
22 this subsection by utilizing training that may be provided at no cost
23 by the Department of Education, the New Jersey State Bar
24 Foundation, or any other entity. A school district may, at its own
25 discretion, implement a training program which imposes a cost on
26 the district.

27 c. Information regarding the school district policy against
28 harassment, intimidation or bullying shall be incorporated into a
29 school's employee training program and shall be provided to full-
30 time and part-time staff, volunteers who have significant contact
31 with students, and those persons contracted by the district to
32 provide services to students.

33 (cf: P.L. 2010, c.122, s.14)

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35 3. Section 25 of P.L.2010, c.122 (C.18A:37-28) is amended to
36 read as follows:

37 25. There is created a special fund in the Department of
38 Education, which shall be designated the "Bullying Prevention
39 Fund." The fund shall be maintained in a separate account and
40 administered by the commissioner to carry out the provisions of this
41 act. The fund shall consist of: (1) any monies appropriated by the
42 State for the purposes of the fund; (2) any monies donated for the
43 purposes of the fund; and (3) all interest and investment earnings
44 received on monies in the fund. The fund shall be used to offer
45 grants to school districts to provide training on harassment,
46 intimidation, and bullying prevention and on the effective creation
47 of positive school climates, and to help fund related personnel

1 expenses.

2 (cf: P.L.2010, c.122, s.25)

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4 4. (New section) a. There is established in but not of the
5 Department of Education an Anti-Bullying Task Force. The task
6 force shall consist of seven members: one appointed by the Senate
7 President; one appointed by the Speaker of the General Assembly;
8 one appointed jointly by the Senate President and the Speaker of the
9 General Assembly; and four appointed by the Governor. Task force
10 members shall have a background in, or special knowledge of, the
11 legal, policy, educational, social, or psychological aspects of
12 bullying in public schools.

13 b. Appointments to the task force shall be made no later than
14 30 days following the effective date of P.L. , c. (C.) (pending
15 before the Legislature as this bill). The task force shall organize as
16 soon as possible after the appointment of its members.

17 c. The task force shall:

18 (1) provide guidance to school districts on available resources to
19 assist in the implementation of the “Anti-Bullying Bill of Rights
20 Act,” P.L.2010, c.122 (C.18A:37-13.2 et al.);

21 (2) examine the implementation of the “Anti-Bullying Bill of
22 Rights Act”;

23 (3) draft model regulations and submit them to the
24 Commissioner of Education for use in promulgating regulations to
25 implement the provisions of the act;

26 (4) present any recommendations regarding the “Anti-Bullying
27 Bill of Rights Act” deemed to be necessary and appropriate; and

28 (5) prepare a report within 180 days of its organizational
29 meeting and annually for the following three years on the
30 effectiveness of the act in addressing bullying in schools. The
31 report shall be submitted to the commissioner, to the Governor, and
32 to the Legislature in accordance with the requirements of section 2
33 of P.L.1991, c.164 (C.52:14-19.1).

34 d. The task force shall expire upon submitting its final report to
35 the commissioner, the Legislature, and the Governor.

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37 5. (New section) Notwithstanding any provision of P.L.1968,
38 c.410 (C.52:14B-1 et seq.) or any other law to the contrary, the
39 commissioner may adopt, immediately upon filing with the Office
40 of Administrative Law, such rules and regulations as the
41 commissioner deems necessary to implement the provisions of
42 P.L. , c. (C.) (pending before the Legislature as this bill),
43 P.L.2010, c.122 (C.18A:37-13.2 et al.), and P.L.2002, c.83
44 (C.18A:37-13 et seq.). The regulations shall thereafter be amended,
45 adopted, or readopted by the commissioner in accordance with the
46 provisions of P.L.1968, c.410 (52:14B-1 et seq.).

1 6. There is appropriated from the General Fund to the
2 Department of Education the sum of \$1,000,000 to be deposited
3 into the Bullying Prevention Fund established pursuant to section
4 25 of P.L.2010, c.122 (C.18A:37-28).

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6 7. This act shall take effect immediately.

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9 STATEMENT

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11 This bill provides that, in order to meet the requirements
12 established under the “Anti-Bullying Bill of Rights Act,” P.L.2010,
13 c.122 (C.18A:37-13.2 et al.), to implement bullying prevention
14 programs and approaches and to provide training to school
15 employees and volunteers, a school district may use programs and
16 training that may be available at no cost from the Department of
17 Education, the New Jersey State Bar Foundation, or any other
18 entity. The use of any program or training that would impose a cost
19 on the district would be at the discretion of the district. In addition,
20 the bill provides that districts, prior to making an application for a
21 grant from the Bullying Prevention Fund, must explore bullying
22 prevention programs and approaches that are available at no cost,
23 and make an affirmative demonstration of that exploration in their
24 grant application.

25 The bill also provides that the appropriate combination of
26 services that must be provided by a school district once an incident
27 of harassment, intimidation, or bullying is identified will be those
28 services that are available within the district. The bill authorizes a
29 school district to apply to the Department of Education for a grant
30 from the Bullying Prevention Fund to support the provision of out-
31 of-district services if the necessary programs and services are not
32 available within the district.

33 The bill also establishes a seven-member Anti-Bullying Task
34 Force in but not of the Department of Education. The task force
35 will be comprised of members who have a background in, or special
36 knowledge of, the legal, policy, educational, social, or
37 psychological aspects of bullying in public schools. The task force
38 members will be appointed as follows: one by the Senate President;
39 one by the Speaker of the General Assembly; one jointly by the
40 Senate President and the Speaker of the General Assembly; and four
41 by the Governor. The task force will: provide guidance to school
42 districts on available resources to assist in the implementation of
43 the “Anti-Bullying Bill of Rights Act,” P.L.2010, c.122 (C.18A:37-
44 13.2 et al.); examine the implementation of the act; draft model
45 regulations and submit them to the Commissioner of Education for
46 use in promulgating regulations to implement the provisions of the
47 act; present any recommendations regarding the act deemed to be
48 necessary and appropriate; and prepare a report within 180 days of

1 its organizational meeting, and annually for the following three
2 years, on the effectiveness of the act in addressing bullying in
3 schools. The report will be submitted to the commissioner, to the
4 Governor, and to the Legislature, and the task force will expire
5 upon the submission of its final report.

6 Finally, the bill appropriates \$1 million to the Bullying
7 Prevention Fund.

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12 Provides that a school district may implement bullying
13 prevention programs and anti-bullying training programs at no cost
14 through various entities; and appropriates \$1 million.