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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(cf: P.L. 2010, c.122, s.12)

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

5. a. Schools and school districts shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. The programs or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying. A school district may implement bullying prevention programs and approaches that may be available at no cost from the Department of Education, the New Jersey State Bar Foundation, or any other entity. A school district may, at its own discretion, implement bullying prevention programs and approaches which impose a cost on the district.
A school district may apply to the Department of Education for a grant to be used for programs or approaches, or personnel established pursuant to this act, to the extent funds are appropriated for these purposes or funds are made available through the Bullying Prevention Fund established pursuant to section 25 of P.L.2010, c.122 (C.18A:37-28). A school district may make an application for a grant only after exploring bullying prevention programs and approaches that are available at no cost, and making an affirmative demonstration of that exploration in its grant application.

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

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

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

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

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

25. There is created a special fund in the Department of Education, which shall be designated the "Bullying Prevention Fund." The fund shall be maintained in a separate account and administered by the commissioner to carry out the provisions of this act. The fund shall consist of: (1) any monies appropriated by the State for the purposes of the fund; (2) any monies donated for the purposes of the fund; and (3) all interest and investment earnings received on monies in the fund. The fund shall be used to offer grants to school districts to provide training on harassment, intimidation, and bullying prevention and on the effective creation of positive school climates.
expenses.
(cf: P.L.2010, c.122, s.25)

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

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

c. The task force shall:

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

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

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

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

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

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

5. (New section) Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) or any other law to the contrary, the commissioner may adopt, immediately upon filing with the Office of Administrative Law, such rules and regulations as the commissioner deems necessary to implement the provisions of P.L. , c. (C. ) (pending before the Legislature as this bill), P.L.2010, c.122 (C.18A:37-13.2 et al.), and P.L.2002, c.83 (C.18A:37-13 et seq.). The regulations shall thereafter be amended, adopted, or readopted by the commissioner in accordance with the provisions of P.L.1968, c.410 (52:14B-1 et seq.).
6. There is appropriated from the General Fund to the Department of Education the sum of $1,000,000 to be deposited into the Bullying Prevention Fund established pursuant to section 25 of P.L.2010, c.122 (C.18A:37-28).

7. This act shall take effect immediately.

STATEMENT

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

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

The bill also establishes a seven-member Anti-Bullying Task Force in but not of the Department of Education. The task force will be comprised of members who have a background in, or special knowledge of, the legal, policy, educational, social, or psychological aspects of bullying in public schools. The task force members will be appointed as follows: one by the Senate President; one by the Speaker of the General Assembly; one jointly by the Senate President and the Speaker of the General Assembly; and four by the Governor. The task force will: provide guidance to school districts on available resources to assist in the implementation of the “Anti-Bullying Bill of Rights Act,” P.L.2010, c.122 (C.18A:37-13.2 et al.); examine the implementation of the act; draft model regulations and submit them to the Commissioner of Education for use in promulgating regulations to implement the provisions of the act; present any recommendations regarding the act deemed to be necessary and appropriate; and prepare a report within 180 days of
its organizational meeting, and annually for the following three years, on the effectiveness of the act in addressing bullying in schools. The report will be submitted to the commissioner, to the Governor, and to the Legislature, and the task force will expire upon the submission of its final report.

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

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