

SENATE, No. 4001

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JUNE 24, 2019

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Prohibits anti-Semitism in public schools and institutions of higher education.

CURRENT VERSION OF TEXT

As introduced.



S4001 SINGER, SWEENEY

2

1 AN ACT prohibiting anti-Semitism in public schools and institutions
2 of higher education, amending P.L.1973, c.380 and
3 N.J.S.18A:38-5.1, and supplementing chapter 36 and chapter 3B
4 of Title 18A of the New Jersey Statutes.

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

8
9 1. Section 1 of P.L.1973, c.380 (C.18A:36-20) is amended to
10 read as follows:

11 No pupil in a public school in this State shall be discriminated
12 against in admission to, or in obtaining any advantages, privileges
13 or courses of study of the school by reason of race, color, creed and
14 religion, sex, **[or]** national origin, or other protected category under
15 subsection f. of section 11 of P.L.1945, c.169 (C.10:5-12).

16 (cf: P.L.1973, c.380, s.1)

17

18 2. N.J.S.18A:38-5.1 is amended to read as follows:

19 18A:38-5.1. No child between the ages of four and 20 years
20 shall be excluded from any public school on account of his race,
21 creed and religion, color, national origin, **[or]** ancestry, or other
22 protected category under subsection f. of section 11 of P.L.1945,
23 c.169 (C.10:5-12). A member of any board of education who shall
24 vote to exclude from any public school any child, on account of his
25 race, creed and religion, color, national origin, **[or]** ancestry, or
26 other protected category under subsection f. of section 11 of
27 P.L.1945, c.169 (C.10:5-12) shall be guilty of a misdemeanor, and
28 punished by a fine of not less than \$50.00 nor more than \$250.00,
29 or by imprisonment in the county jail, workhouse or penitentiary of
30 the county in which the offense has been committed, for not less
31 than 30 days nor more than six months, or by both such fine and
32 imprisonment in the discretion of the court.

33 (cf: N.J.S.18A:38-5.1)

34

35 3. (New section) a. A public school in this State shall treat
36 discrimination resulting from school policies or by students or
37 employees, which is motivated by anti-Semitic intent, in the same
38 manner in which discrimination by reason of being a member of any
39 protected category under subsection f. of section 11 of P.L.1945,
40 c.169 (C.10:5-12) is treated. As used in this section, “anti-
41 Semitism” means a certain perception of the Jewish people, which
42 may be expressed as hatred toward Jewish people, rhetorical and
43 physical manifestations of anti-Semitism directed toward a person,
44 a person’s property, or toward Jewish community institutions or

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 religious facilities. Anti-Semitism related to Jewish people and to
2 Israel includes, but is not limited to:

3 (1) calling for, aiding, or justifying the killing or harming of
4 Jewish people, often in the name of a radical ideology or an
5 extremist view of religion;

6 (2) making mendacious, dehumanizing, demonizing, or
7 stereotypical allegations about Jewish people or the power of
8 Jewish people as a collective, especially, but not exclusively, the
9 myth about a worldwide Jewish conspiracy or of Jewish people
10 controlling the media, economy, government, or other societal
11 institutions;

12 (3) accusing Jewish people as a whole of being responsible for
13 real or imagined wrongdoing committed by a single Jewish person
14 or group, the State of Israel, or even for acts committed by non-
15 Jewish people;

16 (4) accusing Jewish people as a whole or the State of Israel of
17 inventing or exaggerating the Holocaust;

18 (5) accusing Jewish people of being more loyal to Israel, or to
19 the alleged priorities of Jewish people worldwide, than to the
20 interest of their own nations;

21 (6) demonizing Israel by using the symbols and images
22 associated with classic anti-Semitism to characterize Israel or
23 Israeli people, drawing comparisons of contemporary Israeli policy
24 to that of the Nazis, or blaming Israel for all inter-religious or
25 political tensions;

26 (7) applying a double standard to Israel by requiring behavior of
27 Israel that is not expected or demanded of any other democratic
28 nation, or focusing peace or human rights investigations only on
29 Israel; and

30 (8) delegitimizing Israel by denying the Jewish people their
31 right to self-determination and denying Israel the right to exist.

32 Criticism of Israel that is similar to criticism toward any other
33 country may not be regarded as anti-Semitic.

34 b. Nothing in this section shall be construed to diminish or
35 infringe upon any right protected by the First Amendment to the
36 United States Constitution or Article I, paragraph 6 of the New
37 Jersey Constitution. Nothing in this section shall be construed to
38 conflict with the "Law Against Discrimination," P.L.1945, c.169
39 (C.10:5-1 et seq.), or any other applicable State or federal anti-
40 discrimination statutes.

41
42 4. (New section) No student attending an institution of higher
43 education in this State shall be discriminated against in admission
44 to, or in obtaining any advantages, privileges, or courses of study of
45 the institution by reason of race, color, creed and religion, sex,
46 national origin, or other protected category under subsection f. of
47 section 11 of P.L.1945, c.169 (C.10:5-12).

1 5. (New section) a. An institution of higher education in this
2 State shall treat discrimination resulting from institution policies or
3 by students or employees, which is motivated by anti-Semitic
4 intent, in the same manner in which discrimination by reason of
5 being a member of any protected category under subsection f. of
6 section 11 of P.L.1945, c.169 (C.10:5-12) is treated. As used in this
7 section, “anti-Semitism” means a certain perception of the Jewish
8 people, which may be expressed as hatred toward Jewish people,
9 rhetorical and physical manifestations of anti-Semitism directed
10 toward a person, a person’s property, or toward Jewish community
11 institutions or religious facilities. Anti-Semitism related to Jewish
12 people and to Israel includes, but is not limited to:

13 (1) calling for, aiding, or justifying the killing of harming of
14 Jewish people, often in the name of a radical ideology or an
15 extremist view of religion;

16 (2) making mendacious, dehumanizing, demonizing, or
17 stereotypical allegations about Jewish people or the power of
18 Jewish people as a collective, especially, but not exclusively, the
19 myth about a world Jewish conspiracy or of Jewish people
20 controlling the media, economy, government, or other societal
21 institutions;

22 (3) accusing Jewish people as a whole of being responsible for
23 real or imagined wrongdoing committed by a single Jewish person
24 or group, the State of Israel, or even for acts committed by non-
25 Jewish people;

26 (4) accusing Jewish people as a whole or the State of Israel of
27 inventing or exaggerating the Holocaust;

28 (5) accusing Jewish people of being more loyal to Israel, or to
29 the alleged priorities of Jewish people worldwide, than to the
30 interest of their own nations;

31 (6) demonizing Israel by using the symbols and images
32 associated with classic anti-Semitism to characterize Israel or
33 Israeli people, drawing comparisons of contemporary Israeli policy
34 to that of the Nazis, or blaming Israel for all inter-religious or
35 political tensions;

36 (7) applying a double standard to Israel by requiring behavior of
37 Israel that is not expected or demanded of any other democratic
38 nation, or focusing peace or human rights investigations only on
39 Israel; and

40 (8) delegitimizing Israel by denying the Jewish people their
41 right to self-determination and denying Israel the right to exist.

42 Criticism of Israel that is similar to criticism toward any other
43 country may not be regarded as anti-Semitic.

44 b. Nothing in this section shall be construed to diminish or
45 infringe upon any right protected by the First Amendment to the
46 United States Constitution or Article I, paragraph 6 of the New
47 Jersey Constitution. Nothing in this section shall be construed to
48 conflict with the “Law Against Discrimination,” P.L.1945, c.169

1 (C.10:5-1 et seq.), or any other applicable State or federal anti-
2 discrimination statutes.

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4 6. This act shall take effect immediately.

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STATEMENT

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9 This bill would expressly prohibit anti-Semitism in public
10 schools and institutions of higher education in the State. It would
11 require that discrimination resulting from school or institution
12 policies or by students or employees, which is motivated by anti-
13 Semitic intent, be treated in the same manner in which
14 discrimination motivated by all factors enumerated in the New
15 Jersey “Law Against Discrimination” is treated. As defined under
16 the bill, anti-Semitism means a certain perception of the Jewish
17 people, which may be expressed as hatred toward Jewish people,
18 rhetorical and physical manifestations of anti-Semitism directed
19 toward a person, a person’s property, or toward Jewish community
20 institutions or religious facilities. The bill specifies particular
21 examples of anti-Semitism directed at Jewish people and at Israel.

22 Current New Jersey law provides that no student in a public
23 school in the State shall be discriminated against in admission to, or
24 in obtaining any advantages, privileges or courses of study of the
25 school by reason of race, color, creed, sex, or national origin. In
26 addition, a provision in the “Law Against Discrimination” states
27 that educational institutions, including public schools and colleges
28 and universities, are broadly prohibited from discriminating on the
29 basis of a number of factors, including creed. In practice,
30 discrimination based on an individual’s creed has been interpreted
31 to include discrimination based on religion.

32 The bill also amends current sections of State law, which provide
33 certain anti-discrimination protections to students, to clarify that
34 discrimination based on religion is prohibited and that all protected
35 categories enumerated under the “Law Against Discrimination” are
36 subject to anti-discrimination protections in public schools.