

# ASSEMBLY, No. 4931

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

**Sponsored by:**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Assemblyman KEVIN J. ROONEY**

**District 40 (Bergen, Essex, Morris and Passaic)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Assemblywoman Vainieri Huttie**

**SYNOPSIS**

Requires school districts to establish procedures for online reporting of harassment, intimidation, and bullying.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/5/2020)**

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1 AN ACT concerning harassment, intimidation, and bullying in  
2 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:

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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 P.L.2002, c.83  
22 (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 Beginning on the 120th day following the effective date of  
33 P.L. , c. (pending before the Legislature as this bill), the policy  
34 shall include a procedure that permits a person to electronically  
35 report an act of harassment, intimidation or bullying using an online  
36 reporting form, which form shall be accessible through the official  
37 Internet website of the school district.

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

**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 principal within two school days of when the school employee or  
2 contracted service provider witnessed or received reliable  
3 information that a student had been subject to harassment,  
4 intimidation, or bullying;

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

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

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

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

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

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

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

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

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

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39 2. This act shall take effect immediately.

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#### STATEMENT

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44 This bill requires school districts to establish procedures for the  
45 online reporting of acts of harassment, intimidation, or bullying.

46 Under the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83  
47 (C.18A:37-13 et seq.), as amended and supplemented by P.L.2010,  
48 c.122 (C.18A:37-13.1 et al.), school districts are required to adopt a

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1 policy prohibiting harassment, intimidation, or bullying. Current  
2 law requires this policy to contain a procedure for the reporting of  
3 acts of harassment, intimidation, or bullying, including a provision  
4 that permits a person to anonymously report these acts.

5 This bill amends the “Anti-Bullying Bill of Rights Act” to  
6 provide that beginning on the 120th day following the enactment of  
7 the bill, each school district’s policy would also be required to  
8 include a procedure that permits a person to electronically report an  
9 act of harassment, intimidation, or bullying using an online  
10 reporting form, which would be accessible through the official  
11 Internet website of the school district. In addition, the bill requires  
12 a link to the online reporting form to be prominently posted on the  
13 home page of the school district's website and distributed annually  
14 to parents and guardians who have children enrolled in the district.

15 Under current law, the Commissioner of Education is required to  
16 develop a model policy to assist school districts in developing  
17 policies for the prevention of harassment, intimidation, or bullying.  
18 This bill also requires the commissioner to adopt amendments to the  
19 model policy to establish procedures for the electronic reporting of  
20 harassment, intimidation, or bullying using online reporting forms.