

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1790

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 2021

The Assembly Education Committee reports favorably Senate Bill No. 1790 (1R).

This bill provides for civil liability of the parent of a minor adjudicated delinquent for cyber-harassment or harassment. Currently, under the provisions of the cyber-harassment statute, section 1 of P.L.2013, c.272 (C.2C:33-4.1), the court may order a parent or guardian of a minor under the age of 16 who has been adjudicated delinquent of cyber-harassment to attend classes or training with the minor. Failure to comply with these conditions results in a disorderly persons offense and the imposition of a fine of not more than \$25 for a first offense and not more than \$100 for each subsequent offense. The bill would increase the monetary penalty against the parent or guardian for failure to comply with the class or training program as follows: (1) the \$25 fine for a first offense would be increased to \$100; and (2) the \$100 fine for each subsequent offense would be increased to \$500. In addition, civil liability may be imposed on a parent or guardian having legal custody of the minor who demonstrates a willful or wanton disregard in the exercise of the supervision and control of a minor adjudicated delinquent of cyber-harassment or harassment.

The bill requires that as part of the information provided by the superintendent of schools twice a year to the board of education regarding acts of violence, vandalism, and bullying which occurred during the previous reporting period, the superintendent will provide the board with information on the number of reports that were determined, pursuant to the district's preliminary determination process, not to meet the statutory definition of bullying.

Pursuant to the provisions of the bill, the district's anti-bullying policy must include specific consequences for a student who commits an act of harassment, intimidation or bullying. Under the bill, for the first and second acts of harassment, intimidation, or bullying committed by a student, a copy of the results of the investigation will be placed in the student's record and the student may be subject to remedial actions, including the provision of counseling or behavioral intervention services, or discipline, or both, as determined by the principal in consultation with appropriate school staff; and for the third

and each subsequent act, a copy of the results of the investigation will be placed in the student's record, and the principal, in consultation with appropriate school staff, will develop an individual student intervention plan which will be approved by the superintendent and may include remedial actions and may require the student, accompanied by a parent or guardian, to complete a class or training program to reduce harassment, intimidation, or bullying behavior.

The bill also provides that the written report that is required under current law to be provided to the school principal within two school days of when a school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying, must be on a numbered form developed by the Department of Education (DOE). The principal will be responsible for promptly submitting a copy of the form to the superintendent of schools.

Under the provisions of the bill, the form must be completed even if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying under the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83 (C.18A:37-13 et seq.). A redacted copy of this form that removes all student identification information would be confidentially shared with the board of education after the conclusion of the investigation, if a hearing is requested by a parent or guardian. The bill requires a school district to provide a means for a parent or guardian to complete an online form to report an incident of harassment, intimidation, or bullying.

The bill requires a principal to report to the superintendent if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying. The superintendent may require the principal to conduct an investigation of the incident, if the superintendent determines that an investigation is necessary, because the incident is within the scope of the definition of harassment, intimidation, or bullying. The superintendent must notify the principal of this determination in writing.

Under the bill, an investigation into a violation or complaint of harassment, intimidation, or bullying must 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 or from the date the principal receives written notification from the superintendent directing the principal to initiate an investigation into an incident preliminarily determined to be outside the scope of the definition of harassment, intimidation, or bullying. The bill provides that the superintendent of schools may seek further information following receipt of the results of an investigation.

The bill provides that a school district's anti-bullying policy must also include a requirement that the school district and each school in the district with a website post on its homepage the current version of the document, Guidance for Parents on the Anti-Bullying Bill of Rights Act, developed by the DOE. The School Climate State Coordinator, a position created under the bill, will ensure that this document is updated as needed and then promptly disseminated to all school districts.

The bill establishes the position of School Climate State Coordinator within the DOE to serve as a resource to parents, students, and educators. The bill provides that the Legislature will appropriate such monies as necessary to fund the position of School Climate State Coordinator, and the "Bullying Prevention Fund," and such other monies as necessary to implement the provisions of this act.

The bill provides that sections 1 and 4 of the bill would take effect immediately. The remaining sections of the bill would take effect on July 1 of the first full school year following the date of enactment, or 180 days following the date of enactment, whichever is later.

As reported by the committee, this bill is identical to the Assembly Committee Substitute for Assembly Bill No. 1662, which was reported by the committee on this same date.