

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 1662

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED FEBRUARY 24, 2021

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Assemblyman JOE DANIELSEN

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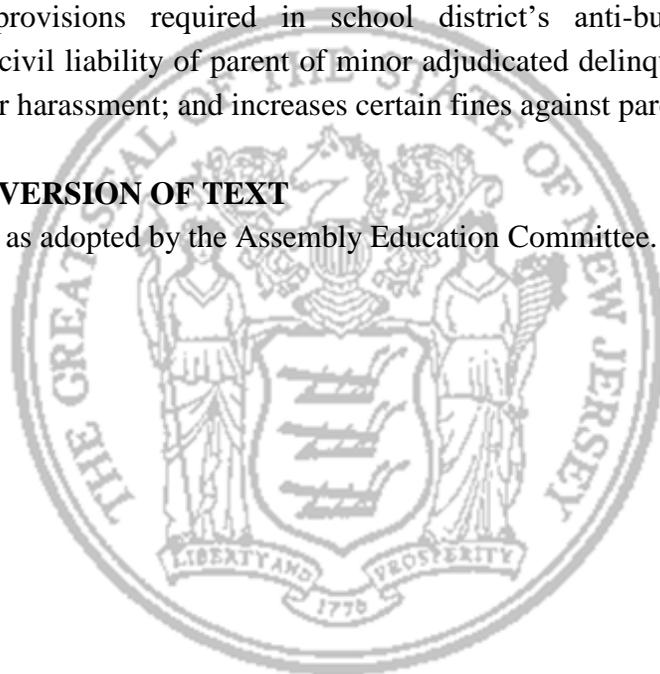
**Assemblywomen B.DeCroce, Murphy, Vainieri Huttle, Jasey,
Assemblyman Tully, Assemblywoman Swain, Assemblyman Stanley,
Assemblywoman Carter and Assemblyman DiMaio**

SYNOPSIS

Revises provisions required in school district's anti-bullying policy; provides for civil liability of parent of minor adjudicated delinquent for cyber-harassment or harassment; and increases certain fines against parents.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Education Committee.



(Sponsorship Updated As Of: 12/20/2021)

1 AN ACT concerning bullying, revising various parts of the statutory
2 law, and supplementing Title 2A and Title 18A of the New Jersey
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 1 of P.L.2013, c.272 (C.2C:33-4.1) is amended to
9 read as follows:

10 1. a. A person commits the crime of cyber-harassment if, while
11 making a communication in an online capacity via any electronic
12 device or through a social networking site and with the purpose to
13 harass another, the person:

14 (1) threatens to inflict injury or physical harm to any person or
15 the property of any person;

16 (2) knowingly sends, posts, comments, requests, suggests, or
17 proposes any lewd, indecent, or obscene material to or about a
18 person with the intent to emotionally harm a reasonable person or
19 place a reasonable person in fear of physical or emotional harm to
20 his person; or

21 (3) threatens to commit any crime against the person or the
22 person's property.

23 b. Cyber-harassment is a crime of the fourth degree, unless the
24 person is 21 years of age or older at the time of the offense and
25 impersonates a minor for the purpose of cyber-harassing a minor, in
26 which case it is a crime of the third degree.

27 c. If a minor under the age of 16 is adjudicated delinquent for
28 cyber-harassment, the court may order as a condition of the
29 sentence that the minor, accompanied by a parent or guardian,
30 complete, in a satisfactory manner, one or both of the following:

31 (1) a class or training program intended to reduce the tendency
32 toward cyber-harassment behavior; or

33 (2) a class or training program intended to bring awareness to
34 the dangers associated with cyber-harassment.

35 d. A parent or guardian who fails to comply with a condition
36 imposed by the court pursuant to subsection c. of this section is a
37 disorderly person and shall be fined not more than **[\$25]** \$100 for a
38 first offense and not more than **[\$100]** \$500 for each subsequent
39 offense.

40 e. In addition to any other disposition or condition imposed
41 pursuant to this section, a parent or guardian having legal custody
42 of a minor who demonstrates willful or wanton disregard in the
43 exercise of the supervision and control of the conduct of a minor
44 adjudicated delinquent of cyber-harassment pursuant to this section
45 may be liable in a civil action pursuant to section 4 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 P.L. ,c. (C.) (pending before the Legislature as this bill).
2 (cf: P.L.2013, c.272, s.1)

3

4 2. Section 1 of P.L.1982, c.163 (C.18A:17-46) is amended to
5 read as follows:

6 1. Any school employee observing or having direct knowledge
7 from a participant or victim of an act of violence shall, in
8 accordance with standards established by the commissioner, file a
9 report describing the incident to the school principal in a manner
10 prescribed by the commissioner, and copy of same shall be
11 forwarded to the district superintendent.

12 The principal shall notify the district superintendent of schools
13 of the action taken regarding the incident. Two times each school
14 year, between September 1 and January 1 and between January 1
15 and June 30, at a public hearing, the superintendent of schools shall
16 report to the board of education all acts of violence, vandalism, and
17 harassment, intimidation, or bullying which occurred during the
18 previous reporting period. The report shall include the number of
19 reports of harassment, intimidation, or bullying, the status of all
20 investigations, the nature of the bullying based on one of the
21 protected categories identified in section 2 of P.L.2002, c.83
22 (C.18A:37-14), the names of the investigators, the type and nature
23 of any discipline imposed on any student engaged in harassment,
24 intimidation, or bullying, and any other measures imposed, training
25 conducted, or programs implemented, to reduce harassment,
26 intimidation, or bullying. The information shall also be reported
27 once during each reporting period to the Department of Education.
28 The report must include data broken down by the enumerated
29 categories as listed in section 2 of P.L.2002, c.83 (C.18A:37-14),
30 and data broken down by each school in the district, in addition to
31 district-wide data. It shall be a violation to improperly release any
32 confidential information not authorized by federal or State law for
33 public release.

34 The report shall be used to grade each school for the purpose of
35 assessing its effort to implement policies and programs consistent
36 with the provisions of P.L.2002, c.83 (C.18A:37-13 et seq.). The
37 district shall receive a grade determined by averaging the grades of
38 all the schools in the district. The commissioner shall promulgate
39 guidelines for a program to grade schools for the purposes of this
40 section.

41 The grade received by a school and the district shall be posted on
42 the homepage of the school's website. The grade for the district and
43 each school of the district shall be posted on the homepage of the
44 district's website. A link to the report shall be available on the
45 district's website. The information shall be posted on the websites
46 within 10 days of the receipt of a grade by the school and district.

47 If a school district's policy permits a preliminary determination
48 to be made on whether a reported incident or complaint is a report

1 outside the scope of the definition of harassment, intimidation, or
2 bullying pursuant to section 2 of P.L.2002, c.83 (C.18A:37-14), the
3 superintendent shall also provide annually to the board of education
4 information on the number of times a preliminary determination
5 was made that an incident or complaint was outside the scope of
6 that definition for the purposes of the State's monitoring of the
7 school district.

8 Verification of the reports on violence, vandalism, and
9 harassment, intimidation, or bullying shall be part of the State's
10 monitoring of the school district, and the State Board of Education
11 shall adopt regulations that impose a penalty on a school employee
12 who knowingly falsifies the report. A board of education shall
13 provide ongoing staff training, in cooperation with the Department
14 of Education, in fulfilling the reporting requirements pursuant to
15 this section. The majority representative of the school employees
16 shall have access monthly to the number and disposition of all
17 reported acts of school violence, vandalism, and harassment,
18 intimidation, or bullying.

19 (cf: P.L.2010, c.122, s.7)

20

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

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

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

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

34 (2) a definition of harassment, intimidation or bullying no less
35 inclusive than that set forth in section 2 of P.L.2002, c.83 (C.18A:37-
36 14);

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

39 (4) consequences and appropriate remedial action for a person
40 who commits an act of harassment, intimidation or bullying. The
41 consequences for a student who commits an act of harassment,
42 intimidation, or bullying may include: for the first act of harassment,
43 intimidation, or bullying committed by a student, a copy of the results
44 of the investigation shall be placed in the student's record and the
45 student may be subject to remedial actions, including the provision of
46 counseling or behavioral intervention services, or discipline, or both,
47 as determined by the principal in consultation with appropriate school
48 staff; for the second act, a copy of the results of the investigation shall

1 be placed in the student's record and the student may be subject to
2 remedial actions, including the provision of counseling or behavioral
3 intervention services, or discipline, or both, as determined by the
4 principal, in consultation with appropriate school staff; and for the
5 third and each subsequent act, a copy of the results of the investigation
6 shall be placed in the student's record, and the principal, in
7 consultation with appropriate school staff, shall develop an individual
8 student intervention plan which shall be approved by the
9 superintendent of schools or the superintendent's designee, and may
10 include remedial actions including counseling or behavioral
11 intervention services, or progressive discipline, or both, and may
12 require the student, accompanied by a parent or guardian, to complete
13 in a satisfactory manner a class or training program to reduce
14 harassment, intimidation or bullying behavior.

15 The superintendent of schools or the superintendent's designee and
16 the principal shall consult law enforcement, as appropriate, pursuant to
17 the provisions of the Uniform State Memorandum of Agreement
18 Between Education and Law Enforcement Officials, if the student's
19 behavior may constitute a possible violation of the New Jersey Code
20 of Criminal Justice;

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

26 All acts of harassment, intimidation, or bullying shall be reported
27 verbally to the school principal on the same day when the school
28 employee or contracted service provider witnessed or received reliable
29 information regarding any such incident. The principal shall inform
30 the parents or guardians of all students involved in the alleged
31 incident, and may discuss, as appropriate, the availability of
32 counseling and other intervention services. The principal shall keep a
33 written record of the date, time, and manner of notification to the
34 parents or guardians. All acts of harassment, intimidation, or bullying
35 shall be reported in writing to the school principal within two school
36 days of when the school employee or contracted service provider
37 witnessed or received reliable information that a student had been
38 subject to harassment, intimidation, or bullying. The written report
39 shall be on a numbered form developed by the Department of
40 Education. A copy of the form shall be submitted promptly by the
41 principal to the superintendent of schools. The form shall be
42 completed even if a preliminary determination is made under the
43 school district's policy that the reported incident or complaint is a
44 report outside the scope of the definition of harassment, intimidation,
45 or bullying pursuant to section 2 of P.L.2002, c.83 (C.18A:37-14), and
46 shall be kept on file at the school but shall not be included in any
47 student record, unless the incident results in disciplinary action or is
48 otherwise required to be contained in a student's record under State or

1 federal law. A redacted copy of the form that removes all student
2 identification information shall be confidentially shared with the board
3 of education after the conclusion of the investigation, if a hearing is
4 requested by a parent or guardian pursuant to subparagraph (d) of
5 paragraph (6) of this subsection.

6 The school district shall provide a means for a parent or guardian
7 to complete an online numbered form developed by the Department of
8 Education to confidentially report an incident of harassment,
9 intimidation, or bullying.

10 The principal shall report to the superintendent if a preliminary
11 determination is made under the school district's policy that the
12 reported incident or complaint is a report outside the scope of the
13 definition of harassment, intimidation, or bullying, and the
14 superintendent may require the principal to conduct an investigation of
15 the incident, if the superintendent determines that an investigation is
16 necessary because the incident is within the scope of the definition of
17 harassment, intimidation, or bullying. The superintendent shall notify
18 the principal of this determination in writing;

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

21 (a) the investigation shall be initiated by the principal or the
22 principal's designee within one school day of the report of the incident
23 and shall be conducted by a school anti-bullying specialist. The
24 principal may appoint additional personnel who are not school anti-
25 bullying specialists to assist in the investigation. The investigation
26 shall be completed as soon as possible, but not later than 10 school
27 days from the date of the written report of the incident of harassment,
28 intimidation, or bullying or from the date of the written notification
29 from the superintendent to the principal to initiate an investigation
30 pursuant to paragraph (5) of this subsection. In the event that there is
31 information relative to the investigation that is anticipated but not yet
32 received by the end of the 10-day period, the school anti-bullying
33 specialist may amend the original report of the results of the
34 investigation to reflect the information;

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

45 (c) the results of each investigation shall be reported to the board
46 of education no later than the date of the board of education meeting
47 next following the completion of the investigation, along with

1 information on any services provided, training established, discipline
2 imposed, or other action taken or recommended by the superintendent;

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

19 (e) at the next board of education meeting following its receipt of
20 the report pursuant to subparagraph (c) of paragraph (6) of this
21 subsection, the board shall issue a decision, in writing, to affirm,
22 reject, or modify the superintendent's decision. The board's decision
23 may be appealed to the Commissioner of Education, in accordance
24 with the procedures set forth in law and regulation, no later than 90
25 days after the issuance of the board's decision; and

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

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

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

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

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

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

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

20 (13) a requirement that the school district and each school in the
21 district with a website post on its homepage the current version of the
22 document, Guidance for Parents on the Anti-Bullying Bill of Rights
23 Act, developed by the Department of Education. The School Climate
24 State Coordinator shall ensure that this document is updated as needed
25 and then promptly disseminated to all school districts.

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

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

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

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

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

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

9

10 4. (New section) Notwithstanding any other provision of law
11 to the contrary, a parent or guardian having legal custody of a minor
12 who demonstrates willful or wanton disregard in the exercise of the
13 supervision and control of the conduct of a minor adjudicated
14 delinquent of cyber-harassment, pursuant to section 1 of P.L.2013,
15 c.272 (C.2C:33-4.1), or harassment, pursuant to N.J.S.2C:33-4,
16 may be liable in a civil action.

17

18 5. (New section) There is hereby established within the
19 Department of Education a School Climate State Coordinator to
20 serve as a resource to parents, students, and educators. The duties
21 and responsibilities of the State coordinator shall include:

22 a. Identifying and disseminating research and resources,
23 including professional development resources, to promote best
24 practices in student social-emotional learning and the development
25 of a positive, supportive school climate in New Jersey schools;

26 b. Providing information regarding the provisions and
27 procedures of the "Anti-Bullying Bill of Rights Act," P.L.2002,
28 c.83 (C.18A:37-13 et seq.), and regulations promulgated thereto,
29 relevant provisions of the "Law Against Discrimination," P.L.1945,
30 c.169 (C.10:5-1 et seq.), and other State and federal laws addressing
31 harassment, intimidation, and bullying;

32 c. Reviewing and reporting data collected on harassment,
33 intimidation and bullying pursuant to section 1 of P.L.1982, c.163
34 (C.18A:17-46) to identify and report to the Department of
35 Education any patterns of harassment, intimidation, or bullying in
36 public schools. The department shall review the information
37 provided by the State coordinator to develop guidance and
38 strategies for public schools, parents, school staff, and other
39 agencies, as appropriate;

40 d. Assisting the Department of Education in creating public
41 information programs that educate parents, educators, and the
42 public concerning the duties of the State coordinator, the issue of
43 harassment, intimidation, and bullying, and the resources available
44 to address and prevent harassment, intimidation, and bullying;

45 e. Working collaboratively with law enforcement, the
46 Department of Education, the Division on Civil Rights in the
47 Department of Law and Public Safety, and the Department of
48 Health to develop a training program on the impact of harassment,

1 intimidation, and bullying on students and schools, that will be
2 available for school districts to use in local anti-bullying programs
3 and intervention plans;

4 f. Working collaboratively with law enforcement, including
5 organizations representing school resource officers, to develop
6 resources and training for law enforcement concerning the impact
7 of harassment, intimidation, and bullying on students and schools,
8 and the appropriate role of law enforcement in such matters
9 pursuant to the Uniform Memorandum of Agreement Between
10 Education and Law Enforcement Officials; and

11 g. Annually providing to the Commissioner of Education, the
12 State Board of Education, and pursuant to section 2 of P.L.1991,
13 c.164 (C.52:14-19.1) the Legislature, a report summarizing the
14 activities of the State coordinator, and any specific
15 recommendations concerning school climate best practices and
16 procedures.

17

18 6. (New section) The School Climate State Coordinator shall
19 consider communications received in the course of his duties,
20 including personally identifiable information regarding students,
21 parents, and others from whom information is acquired, as
22 confidential and shall not disclose this information, in accordance
23 with State and federal law.

24

25 7. (New section) The Department of Education shall post in a
26 prominent location on the homepage of its Internet website the
27 contact information for the School Climate State Coordinator. Each
28 school district shall post this information on its website at the same
29 location it makes its policy on harassment, intimidation, and
30 bullying available.

31

32 8. (New section) The School Climate State Coordinator is
33 authorized to call upon any department, office, division, or agency
34 of the State to supply the State coordinator with data and any other
35 information or assistance available to the department, office,
36 division, or agency as the State coordinator deems necessary to
37 discharge the duties under P.L. , c. (C.) (pending before the
38 Legislature as this bill). Each department, office, division, or
39 agency, to the extent not inconsistent with law, shall cooperate fully
40 with the State coordinator within the limits of its statutory
41 authority, and provide such assistance on as timely a basis as is
42 necessary to enable the State coordinator to accomplish his duties
43 pursuant to P.L. , c. (C.) (pending before the Legislature as this
44 act). The State coordinator may consult with experts or other
45 knowledgeable individuals in the public or private sector on any
46 aspect of the State coordinator's mission.

1 9. (New section). The Legislature shall appropriate such monies
2 as necessary to fund the position of School Climate State
3 Coordinator established pursuant to section 5 of P.L. , c.
4 (C.) (pending before the Legislature as this bill), and the
5 “Bullying Prevention Fund” established pursuant to section 25 of
6 P.L. 2010, c.122 (C.18A:37-28), and such other monies as
7 necessary to implement the provisions of this act.

8

9 10. Sections 1 and 4 of this act shall take effect immediately and
10 the remainder of this act shall take effect on July 1 of the first full
11 school year following the date of enactment, or 180 days following
12 the date of enactment, whichever is later.