

ASSEMBLY, No. 5579

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JUNE 8, 2023

Sponsored by:

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Co-Sponsored by:

Assemblywoman McKnight

SYNOPSIS

Clarifies policy analysis and development under “Anti-Bullying Bill of Rights Act”; strengthens investigations; amends definition of harassment, intimidation, and bullying; and allows anti-bullying specialists to receive remuneration.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/15/2023)

1 AN ACT concerning harassment, intimidation, and bullying and
2 amending and supplementing P.L.2002, c.83 and P.L.2010,
3 c.122.

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

7
8 1. Section 2 of P.L.2002, c.83 (C.18A:37-14) is amended to
9 read as follows:

10 2. As used in this act:

11 "Electronic communication" means a communication transmitted
12 by means of an electronic device, including, but not limited to, a
13 telephone, cellular phone, computer, or pager;

14 "Harassment, intimidation or bullying" means any gesture, any
15 written, verbal or physical act, or any electronic communication,
16 whether it be a single incident or a series of incidents, that is
17 reasonably perceived as being motivated either by any actual or
18 perceived characteristic, such as race, color, religion, ancestry,
19 national origin, gender, sexual orientation, gender identity and
20 expression, or a mental, physical or sensory disability, or by any
21 other distinguishing characteristic, by one student against another
22 student, that takes place on school property, at any school-
23 sponsored function, on a school bus, or off school grounds as
24 provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3), that
25 substantially disrupts or interferes with the orderly operation of the
26 school or the rights of other students and that:

27 a. a reasonable person should know, under the circumstances,
28 will have the effect of physically or emotionally harming a student
29 or damaging the student's property, or placing a student in
30 reasonable fear of physical or emotional harm to his person or
31 damage to his property;

32 b. has the effect of insulting or demeaning any student or group
33 of students; or

34 c. creates a hostile educational environment for the student by
35 interfering with a student's education or by severely or pervasively
36 causing physical or emotional harm to the student.

37 (cf: P.L.2010, c.122, s.11)

38
39 2. Section 3 of P.L.2002, c.83 (C.18A:37-15) is amended to
40 read as follows:

41 3. a. Each school district shall adopt a policy prohibiting
42 harassment, intimidation or bullying by a student on school
43 property, at a school-sponsored function or on a school bus. The
44 school district shall adopt the policy through a process that includes
45 representation of parents or guardians, school employees,

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 volunteers, students, administrators, and community
2 representatives.

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

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

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

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

13 (4) consequences and appropriate remedial action for a **[person]**
14 student who commits an act of harassment, intimidation or bullying.

15 The consequences for a student who commits an act of harassment,
16 intimidation, or bullying may include: for the first act of
17 harassment, intimidation, or bullying committed by a student, a
18 copy of the results of the investigation shall be placed in the
19 student's record and the student may be subject to remedial actions,
20 including the provision of counseling or behavioral intervention
21 services, or discipline, or both, as determined by the principal in
22 consultation with appropriate school staff; for the second act, a
23 copy of the results of the investigation shall be placed in the
24 student's record and the student may be subject to remedial actions,
25 including the provision of counseling or behavioral intervention
26 services, or discipline, or both, as determined by the principal, in
27 consultation with appropriate school staff; and for the third and
28 each subsequent act, a copy of the results of the investigation shall
29 be placed in the student's record, and the principal, in consultation
30 with appropriate school staff, shall develop an individual student
31 intervention plan which shall be approved by the superintendent of
32 schools or the superintendent's designee, and may include remedial
33 actions including counseling or behavioral intervention services, or
34 progressive discipline, or both, and may require the student,
35 accompanied by a parent or guardian, to complete in a satisfactory
36 manner a class or training program to reduce harassment,
37 intimidation or bullying behavior.

38 The superintendent of schools or the superintendent's designee
39 and the principal shall consult law enforcement, as appropriate,
40 pursuant to the provisions of the Uniform State Memorandum of
41 Agreement Between Education and Law Enforcement Officials, if
42 the student's behavior may constitute a possible violation of the
43 New Jersey Code of Criminal Justice;

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

1 All acts of harassment, intimidation, or bullying shall be reported
2 verbally to the school principal on the same day when the school
3 employee or contracted service provider witnessed or received
4 reliable information regarding any such incident. The principal
5 shall inform the parents or guardians of all students involved in the
6 alleged incident, and may discuss, as appropriate, the availability of
7 counseling and other intervention services. The principal shall keep
8 a written record of the date, time, and manner of notification to the
9 parents or guardians. All acts of harassment, intimidation, or
10 bullying shall be reported in writing to the school principal within
11 two school days of when the school employee or contracted service
12 provider witnessed or received reliable information that a student
13 had been subject to harassment, intimidation, or bullying. The
14 written report shall be on a numbered form developed by the
15 Department of Education. A copy of the form shall be submitted
16 promptly by the principal to the superintendent of schools. The
17 form shall be completed even if a preliminary determination is
18 made under the school district's policy that the reported incident or
19 complaint is a report outside the scope of the definition of
20 harassment, intimidation, or bullying pursuant to section 2 of
21 P.L.2002, c.83 (C.18A:37-14), and shall be kept on file at the
22 school but shall not be included in any student record, unless the
23 incident results in disciplinary action or is otherwise required to be
24 contained in a student's record under State or federal law. A
25 redacted copy of the form that removes all student identification
26 information shall be confidentially shared with the board of
27 education after the conclusion of the investigation, if a hearing is
28 requested by a parent or guardian pursuant to subparagraph (d) of
29 paragraph (6) of this subsection.

30 The school district shall provide a means for a parent or guardian
31 to complete an online numbered form developed by the Department
32 of Education to confidentially report an incident of harassment,
33 intimidation, or bullying.

34 The principal shall report to the superintendent if a preliminary
35 determination is made under the school district's policy that the
36 reported incident or complaint is a report outside the scope of the
37 definition of harassment, intimidation, or bullying, and the
38 superintendent may require the principal to conduct an investigation
39 of the incident, if the superintendent determines that an
40 investigation is necessary because the incident is within the scope
41 of the definition of harassment, intimidation, or bullying. The
42 superintendent shall notify the principal of this determination in
43 writing;

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

46 (a) the investigation shall be initiated by the principal or the
47 principal's designee within one school day of the report of the
48 incident and shall be conducted by a school anti-bullying specialist.

1 The principal may appoint additional personnel who are not school
2 anti-bullying specialists to assist in the investigation. The
3 investigation shall be completed as soon as possible, but not later
4 than 10 school days from the date of the written report of the
5 incident of harassment, intimidation, or bullying or from the date of
6 the written notification from the superintendent to the principal to
7 initiate an investigation pursuant to paragraph (5) of this subsection.
8 In the event that there is information relative to the investigation
9 that is anticipated but not yet received by the end of the 10-day
10 period, the school anti-bullying specialist may amend the original
11 report of the results of the investigation to reflect the information;

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

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

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

45 (e) at the next board of education meeting following its receipt of
46 the report pursuant to subparagraph (c) of paragraph (6) of this
47 subsection, the board shall issue a decision, in writing, to affirm,
48 reject, or modify the superintendent's decision. The board's

1 decision may be appealed to the Commissioner of Education, in
2 accordance with the procedures set forth in law and regulation, no
3 later than 90 days after the issuance of the board's decision; and

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

9 (g) (i) the district shall develop and issue guidance for the
10 school anti-bullying specialist and any additional personnel
11 appointed to assist in the investigation. The guidance shall include
12 general points of inquiry, access to past investigation files, and a
13 rubric for the investigator to complete over the course of the
14 investigation.

15 (ii) the district shall develop and issue guidance for the parents
16 or guardians of students enrolled in grades K through 8 and students
17 enrolled in grades 9 through 12, as applicable. The guidance shall
18 outline what the investigation process entails and identify what
19 resources are available to a student during the investigation process.

20 (iii) guidance issued pursuant to this subparagraph shall comply
21 with the provisions of federal and State law governing disclosure of
22 student records including, but not limited to, the "Family
23 Educational Rights and Privacy Act of 1974," (20 U.S.C. s. 1232g);

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

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

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

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

46 (11) a requirement that a link to the policy be prominently posted
47 on the home page of the school district's website and distributed

1 annually to parents and guardians who have children enrolled in a
2 school in the school district;

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

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

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

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

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

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

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

48 (cf: P.L.2021, c.338, s.3)

1 3. Section 17 of P.L.2010, c.122 (C.18A:37-20) is amended to
2 read as follows:

3 17. a. The principal in each school in a school district shall
4 appoint a school anti-bullying specialist. When a school guidance
5 counselor, school psychologist, or another individual similarly
6 trained is currently employed in the school, the principal shall
7 appoint that individual to be the school anti-bullying specialist. If
8 no individual meeting this criteria is currently employed in the
9 school, the principal shall appoint a school anti-bullying specialist
10 from currently employed school personnel. The school anti-
11 bullying specialist shall:

12 (1) chair the school safety team as provided in section 18 of
13 P.L.2010, c.122 (C.18A:37-21);

14 (2) lead the investigation of incidents of harassment,
15 intimidation, and bullying in the school; **[and]**

16 (3) act as the primary school official responsible for preventing,
17 identifying, and addressing incidents of harassment, intimidation,
18 and bullying in the school; and

19 (4) be eligible to receive a stipend in an amount not to exceed
20 \$1,000, which shall be paid in two installments over the course of
21 the school year.

22 b. The superintendent of schools shall appoint a district anti-
23 bullying coordinator. The superintendent shall make every effort to
24 appoint an employee of the school district to this position. The
25 district anti-bullying coordinator shall:

26 (1) be responsible for coordinating and strengthening the school
27 district's policies to prevent, identify, and address harassment,
28 intimidation, and bullying of students;

29 (2) collaborate with school anti-bullying specialists in the
30 district, the board of education, and the superintendent of schools to
31 prevent, identify, and respond to harassment, intimidation, and
32 bullying of students in the district;

33 (3) provide data, in collaboration with the superintendent of
34 schools, to the Department of Education regarding harassment,
35 intimidation, and bullying of students; and

36 (4) execute such other duties related to school harassment,
37 intimidation, and bullying as requested by the superintendent of
38 schools.

39 c. The district anti-bullying coordinator shall meet at least
40 twice a school year with the school anti-bullying specialists in the
41 district to discuss and strengthen procedures and policies to prevent,
42 identify, and address harassment, intimidation, and bullying in the
43 district.

44 d. A school district may seek reimbursement from the
45 Department of Education for the amounts paid to the district's anti-
46 bullying specialists pursuant to paragraph (4) of subsection a. of
47 this section. In order to be eligible for reimbursement, the school
48 district shall demonstrate that funding the stipend for the anti-

1 bullying specialist creates a financial burden on the district. The
2 department shall provide full reimbursement to a district that
3 demonstrates a financial burden in accordance with this subsection.
4 (cf: P.L.2010, c.122, s.17)

5
6 4. (New section) a. The board of education of a school district
7 shall create a School Safety Committee to ensure appropriate
8 review and implementation of the district's harassment,
9 intimidation, and bullying policies. The committee shall meet at
10 least two times per year.

11 b. The committee shall be comprised of five members who
12 include the principal of a school in the district, or a designee; two
13 teachers, one of whom is a member of a child study team in the
14 district; and two members of the community with relevant
15 experience and expertise in matters involving harassment,
16 intimidation, and bullying in schools.

17 c. The committee shall:

18 (1) review any proposed changes to the school district's
19 harassment, intimidation, or bullying policy;

20 (2) ensure the schools in the district are complying with the
21 provisions of the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83
22 (C.18A:37-13 et seq.);

23 (3) coordinate with the school safety teams throughout the
24 district to hold at least two public meetings a year to allow parents
25 and students in the district to discuss concerns surrounding
26 harassment, intimidation, and bullying in the district; and

27 (4) ensure students and parents have access to information and
28 resources on harassment, intimidation, and bullying.

29 d. Notwithstanding any provision of this section to the
30 contrary, a community member who is a member of the School
31 Safety Committee shall not participate in the activities of the
32 committee which may compromise the confidentiality of a student.

33
34 5. (New section) a. The board of education of a school district
35 shall develop a Responsible Use Policy that outlines, in simple and
36 accessible language, the terms of responsible use, by a student, of
37 the Internet and the consequences that may arise when the Internet
38 is misused. The policy shall include allowable uses of school
39 district Internet services and consequences for use that violates the
40 school district's policy; ethical use and cyberbullying policies;
41 plagiarism and copyright policies; appropriate use of equipment and
42 accounts policies; New Jersey policies on cyberbullying and
43 harassment, intimidation, and bullying; and age-appropriate
44 guidelines for cellphone use during school hours.

45 b. A school district shall provide the parent or guardian of an
46 enrolled student with a copy of the Responsible Use Policy.

1 6. This act shall take effect in the first full school year
2 following the date of enactment.

3

4

5

STATEMENT

6

7 This bill amends the definition of harassment, intimidation, and
8 bullying and requires school districts to: develop guidance
9 concerning the district's harassment, intimidation, and bullying
10 policy; create a School Safety Committee; and develop a
11 Responsible Use Policy. The bill also permits school districts to
12 pay a stipend to the district's anti-bullying specialists.

13 The bill amends the definition of harassment, intimidation, or
14 bullying to apply only to students. Under the bill, a school district
15 will develop and issue guidance surrounding the district's
16 harassment, intimidation, and bullying policy for the anti-bullying
17 specialist and for students. This guidance will be provided to the
18 anti-bullying specialist, the parent or guardian of a student enrolled
19 in grades K through 8, and students enrolled in grades 9 through 12.

20 The bill provides that a school anti-bullying specialist is eligible
21 to receive a stipend in an amount not to exceed \$1,000. The bill
22 permits the district to seek reimbursement from the Department of
23 Education for the amounts paid to the district's anti-bullying
24 specialist if the school district can demonstrate that funding the
25 stipend creates a financial burden on the district.

26 Under the bill, the board of education of a school district will
27 create a School Safety Committee to ensure appropriate review and
28 implementation of the district's harassment, intimidation, and
29 bullying policies. The committee, which is to meet at least two
30 times per year, will be comprised of members that include the
31 principal of a school in the district; two teachers, one of whom is a
32 member of a child study team in the district; and two members of
33 the community with relevant experience in harassment,
34 intimidation, and bullying in schools.

35 Under the bill, a board of education is to develop a Responsible
36 Use Policy that outlines, in simple and accessible language, the
37 terms of responsible use of the Internet and consequences that may
38 arise when the Internet is misused, and provide a copy of the policy
39 to the parents or guardians of enrolled students.