

2011 DRAFTING REQUEST

Bill

Received: **01/10/2012**

Received By: **pgrant**

Wanted: **As time permits**

Companion to LRB:

For: **Timothy Cullen (608) 266-2253**

By/Representing: **Kelley Flury**

May Contact:

Drafter: **pgrant**

Subject: **Education - school boards
Education - state superintendent
Criminal Law - miscellaneous**

Addl. Drafters: **chanaman**

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **Sen.Cullen@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Bullying

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 01/10/2012	mduchek 01/18/2012		_____			Crime
	phurley 01/10/2012			_____			
	chanaman 01/11/2012			_____			
/1			jmurphy 01/19/2012	_____	ggodwin 01/19/2012	ggodwin 01/30/2012	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

↪ Not
Needed

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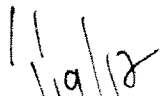
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/?	pgrant 01/10/2012			_____			
	phurley 01/10/2012			_____			
	chanaman			_____			

FE Sent For:

Grant, Peter

From: Flury, Kelley
Sent: Monday, January 09, 2012 3:43 PM
To: Grant, Peter
Subject: Drafting instructions for Cyberbullying Act

Attachments: CyberbullyingDraftingInstructions.01.09.12.doc



CyberbullyingDraf
tingInstructi...

Kelley Flury
Office of Sen. Tim Cullen
608-266-2253

§2 -
C.18A:37-13.1
§1 -
C.18A:37-13.2
§16 -
C.18A:37-15.3
§§17 - 27, 29, 30 -
C.18A:37-20 to
18A:37-32
§28 -
C.18A:3B-68
§31 - Note

P.L.2010, CHAPTER 122, *approved January 5, 2011*
Assembly, No. 3466 (*First Reprint*)
(CORRECTED COPY)

1 AN ACT concerning harassment, intimidation, and bullying in
2 school settings '[and],'¹ amending '[and supplementing]'¹
3 various parts of the statutory law 'and supplementing P.L.2002,
4 c.83 (C.18A:37-13 et seq.) and chapter 3B of Title 18A of the New
5 Jersey Statutes'¹.

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

- 9
10 1. (New section) Sections 1, 2, and 16 through '[28] 30'¹ of
11 this act and P.L.2002, c.83 (C.18A:37-13 et seq.) shall be known
12 and may be cited as the "Anti-Bullying Bill of Rights Act."
13
14 2. (New section) The Legislature finds and declares that:
15 a. A 2009 study by the United States Departments of Justice
16 and Education, "Indicators of School Crime and Safety," reported
17 that 32% of students aged 12 through 18 were bullied in the
18 previous school year. The study reported that 25% of the
19 responding public schools indicated that bullying was a daily or
20 weekly problem;
21 b. A 2009 study by the United States Centers for Disease
22 Control and Prevention, "Youth Risk Behavior Surveillance,"
23 reported that the percentage of students bullied in New Jersey is 1
24 percentage point higher than the national median;
25 c. In 2010, the chronic persistence of school bullying has led to
26 student suicides across the country, including in New Jersey;
27 d. Significant research has emerged since New Jersey enacted
28 its public school anti-bullying statute in 2002, and since the State

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AED committee amendments adopted November 15, 2010.

1 amended that law in 2007 to include cyber-bullying and in 2008 to
2 require each school district to post its anti-bullying policy on its
3 website and distribute it annually to parents or guardians of students
4 enrolled in the district;

5 e. School districts and their students, parents, teachers,
6 principals, other school staff, and board of education members
7 would benefit by the establishment of clearer standards on what
8 constitutes harassment, intimidation, and bullying, and clearer
9 standards on how to prevent, report, investigate, and respond to
10 incidents of harassment, intimidation, and bullying;

11 f. It is the intent of the Legislature in enacting this legislation
12 to strengthen the standards and procedures for preventing,
13 reporting, investigating, and responding to incidents of harassment,
14 intimidation, and bullying of students that occur in school and off
15 school premises;

16 g. Fiscal responsibility requires New Jersey to take a smarter,
17 clearer approach to fight school bullying by ensuring that existing
18 resources are better managed and used to make our schools safer for
19 students;

20 h. In keeping with the aforementioned goal of fiscal
21 responsibility and in an effort to minimize any burden placed on
22 schools and school districts, existing personnel and resources shall
23 be utilized in every possible instance to accomplish the goals of
24 increased prevention, reporting, and responsiveness to incidents of
25 harassment, intimidation, or bullying, including in the appointment
26 of school anti-bullying specialists and district anti-bullying
27 coordinators;

28 i. By strengthening standards for preventing, reporting,
29 investigating, and responding to incidents of bullying this act will
30 help to reduce the risk of suicide among students and avert not only
31 the needless loss of a young life, but also the tragedy that such loss
32 represents to the student's family and the community at large; and

33 j. Harassment, intimidation, and bullying is also a problem
34 which occurs on the campuses of institutions of higher education in
35 this State, and by requiring the public institutions to include in their
36 student codes of conduct a specific prohibition against bullying, this
37 act will be a significant step in reducing incidents of such activity.
38

39 3. Section 1 of P.L.1986, c.116 (C.18A:6-7.1) is amended to
40 read as follows:

41 1. A facility, center, school, or school system under the
42 supervision of the Department of Education and board of education
43 which cares for, or is involved in the education of children under
44 the age of 18 shall not employ for pay or contract for the paid
45 services of any teaching staff member or substitute teacher, teacher
46 aide, child study team member, school physician, school nurse,
47 custodian, school maintenance worker, cafeteria worker, school law
48 enforcement officer, school secretary or clerical worker or any other

1 person serving in a position which involves regular contact with
 2 pupils unless the employer has first determined consistent with the
 3 requirements and standards of this act, that no criminal history
 4 record information exists on file in the Federal Bureau of
 5 Investigation, Identification Division, or the State Bureau of
 6 Identification which would disqualify that individual from being
 7 employed or utilized in such capacity or position. An individual
 8 employed by a board of education or a school bus contractor
 9 holding a contract with a board of education, in the capacity of a
 10 school bus driver, shall be required to meet the criminal history
 11 record requirements pursuant to section 6 of P.L.1989, c.104
 12 (C.18A:39-19.1). A facility, center, school, or school system under
 13 the supervision of the Department of Education and board of
 14 education which cares for, or is involved in the education of
 15 children under the age of 18 may require criminal history record
 16 checks for individuals who, on an unpaid voluntary basis, provide
 17 services that involve regular contact with pupils. In the case of
 18 school districts involved in a sending-receiving relationship, the
 19 decision to require criminal history record checks for volunteers
 20 shall be made jointly by the boards of education of the sending and
 21 receiving districts.

22 An individual, except as provided in subsection g. of this section,
 23 shall be permanently disqualified from employment or service
 24 under this act if the individual's criminal history record check
 25 reveals a record of conviction for any crime of the first or second
 26 degree; or

27 a. An offense as set forth in chapter 14 of Title 2C of the New
 28 Jersey Statutes, or as set forth in N.J.S.2C:24-4 and 2C:24-7, or as
 29 set forth in R.S.9:6-1 et seq., or as set forth in N.J.S.2C:29-2; or

30 b. An offense involving the manufacture, transportation, sale,
 31 possession, distribution or habitual use of a "controlled dangerous
 32 substance" as defined in the "Comprehensive Drug Reform Act of
 33 1987," N.J.S.2C:35-1 et al. or "drug paraphernalia" as defined
 34 pursuant to N.J.S.2C:36-1 et seq.; or

35 c. (1) A crime involving the use of force or the threat of force
 36 to or upon a person or property including, but not limited to,
 37 robbery, aggravated assault, stalking, kidnapping, arson,
 38 manslaughter and murder; or

39 (2) A crime as set forth in chapter 39 of Title 2C of the New
 40 Jersey Statutes, a third degree crime as set forth in chapter 20 of
 41 Title 2C of the New Jersey Statutes, or a crime as listed below:

42 Recklessly endangering another person N.J.S.2C:12-2

43 Terroristic threats N.J.S.2C:12-3

44 Criminal restraint N.J.S.2C:13-2

45 Luring, enticing child into motor

46 vehicle, structure or isolated area P.L.1993, c.291

47 (C.2C:13-6)

48 Causing or risking widespread injury

1	or damage	N.J.S.2C:17-2
2	Criminal mischief	N.J.S.2C:17-3
3	Burglary	N.J.S.2C:18-2
4	Usury	N.J.S.2C:21-19
5	Threats and other improper influence	N.J.S.2C:27-3
6	Perjury and false swearing	N.J.S.2C:28-3
7	Resisting arrest	N.J.S.2C:29-2
8	Escape	N.J.S.2C:29-5
9	<u>Bias intimidation</u>	<u>N.J.S.2C:16-1;</u>

10 or

11 (3) Conspiracy to commit or an attempt to commit any of the
12 crimes described in this act.

13 d. For the purposes of this section, a conviction exists if the
14 individual has at any time been convicted under the laws of this
15 State or under any similar statutes of the United States or any other
16 state for a substantially equivalent crime or other offense.

17 e. Notwithstanding the provisions of this section, an individual
18 shall not be disqualified from employment or service under this act
19 on the basis of any conviction disclosed by a criminal record check
20 performed pursuant to this act without an opportunity to challenge
21 the accuracy of the disqualifying criminal history record.

22 f. When charges are pending for a crime or any other offense
23 enumerated in this section, the employing board of education shall
24 be notified that the candidate shall not be eligible for employment
25 until the commissioner has made a determination regarding
26 qualification or disqualification upon adjudication of the pending
27 charges.

28 g. This section shall first apply to criminal history record
29 checks conducted on or after the effective date of P.L.1998, c.31
30 (C.18A:6-7.1c et al.); except that in the case of an individual
31 employed by a board of education or a contracted service provider
32 who is required to undergo a check upon employment with another
33 board of education or contracted service provider, the individual
34 shall be disqualified only for the following offenses:

35 (1) any offense enumerated in this section prior to the effective
36 date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and

37 (2) any offense enumerated in this section which had not been
38 enumerated in this section prior to the effective date of P.L.1998,
39 c.31 (C.18A:6-7.1c et al.), if the person was convicted of that
40 offense on or after the effective date of that act.

41 (cf: P.L.2007, c.82, s.1)

42

43 4. Section 2 of P.L.2005, c.310 (C.18A:6-112) is amended to
44 read as follows:

45 2. The State Board of Education, in consultation with the New
46 Jersey Youth Suicide Prevention Advisory Council established in
47 the Department of Children and Families pursuant to P.L.2003,
48 c.214 (C.30:9A-22 et seq.), shall, as part of the professional

1 development requirement established by the State board for public
2 school teaching staff members, require each public school teaching
3 staff member to complete at least two hours of instruction in suicide
4 prevention, to be provided by a licensed health care professional
5 with training and experience in mental health issues, in each
6 professional development period. The instruction in suicide
7 prevention shall include information on the relationship between the
8 risk of suicide and incidents of harassment, intimidation, and
9 bullying and information on reducing the risk of suicide in students
10 who are members of communities identified as having members at
11 high risk of suicide.

12 (cf: P.L.2006, c.47, s.80)

13

14 5. Section 3 of P.L.1995, c.235 (C.18A:7E-3) is amended to
15 read as follows:

16 3. Report cards issued pursuant to section 2 of this act shall
17 include, but not be limited to, the following information for:

18 a. the school district and for each school within the district, as
19 appropriate:

- 20 (1) results of the elementary assessment programs;
- 21 (2) results of the Early Warning Test;
- 22 (3) results of the High School Proficiency Test;
- 23 (4) daily attendance records for students and professional staff;
- 24 (5) student graduation and dropout rates;
- 25 (6) annual student scores on the Scholastic Aptitude Test;
- 26 (7) total student enrollment, percentage of limited English
27 proficient students, percentage of students in advanced placement
28 courses, and any other school characteristics which the
29 commissioner deems appropriate;
- 30 (8) instructional resources including teacher/student ratio,
31 average class size and amount of instructional time per day, as
32 calculated by formulas specified by the commissioner; **[and]**

33 (9) a written narrative by the school principal or a designee
34 which describes any special achievements, events, problems or
35 initiatives of the school or district; and

36 (10) data identifying the number and nature of all reports of
37 harassment, intimidation, or bullying; and

38 b. the school district, as appropriate:

- 39 (1) per pupil expenditures and State aid ratio;
- 40 (2) percent of budget allocated for salaries and benefits of
41 administrative personnel;
- 42 (3) percent of budget allocated for salaries and benefits of
43 teachers;
- 44 (4) percentage increase over the previous year for salaries and
45 benefits of administrative and instructional personnel;
- 46 (5) the number of administrative personnel and the ratio of
47 administrative personnel to instructional personnel;

1 (6) a profile of the most recent graduating class concerning their
2 educational or employment plans following graduation; and

3 (7) any other information which the commissioner deems
4 appropriate.

5 For the purposes of this section, the Commissioner of Education
6 shall establish a uniform methodology for the reporting of the data
7 concerning administrative personnel on a full-time equivalent basis.
8 (cf: P.L.1995, c.235, s.3)

9
10 6. Section 13 of P.L.1991, c.393 (C.18A:12-33) is amended to
11 read as follows:

12 13. a. Each newly elected or appointed board member shall
13 complete during the first year of the member's first term a training
14 program to be prepared and offered by the New Jersey School
15 Boards Association, in consultation with the New Jersey
16 Association of School Administrators, the New Jersey Principals
17 and Supervisors Association, and the Department of Education,
18 regarding the skills and knowledge necessary to serve as a local
19 school board member. The training program shall include
20 information regarding the school district monitoring system
21 established pursuant to P.L.2005, c.235, the New Jersey Quality
22 Single Accountability Continuum, and the five key components of
23 school district effectiveness on which school districts are evaluated
24 under the monitoring system: instruction and program; personnel;
25 fiscal management; operations; and governance.

26 The board member shall complete a training program on school
27 district governance in each of the subsequent two years of the board
28 member's first term.

29 b. Within one year after each re-election or re-appointment to
30 the board of education, the board member shall complete an
31 advanced training program to be prepared and offered by the New
32 Jersey School Boards Association. This advanced training program
33 shall include information on relevant changes to New Jersey school
34 law and other information deemed appropriate to enable the board
35 member to serve more effectively.

36 c. The New Jersey School Boards Association shall examine
37 options for providing training programs to school board members
38 through alternative methods such as on-line or other distance
39 learning media or through regional-based training.

40 d. Within one year after being newly elected or appointed or
41 being re-elected or re-appointed to the board of education, a board
42 member shall complete a training program on harassment,
43 intimidation, and bullying in schools, including a school district's
44 responsibilities under P.L.2002, c.83 (C.18A:37-13 et seq.). A
45 board member shall be required to complete the program only once.

46 e. Training on harassment, intimidation, and bullying in
47 schools shall be provided by the New Jersey School Boards
48 Association, in consultation with recognized experts in school

1 bullying from a cross section of academia, child advocacy
2 organizations, nonprofit organizations, professional associations,
3 and government agencies.

4 (cf: P.L.2007, c.53, s.17)

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

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

14 The principal shall notify the district superintendent of schools
15 of the action taken regarding the incident. ~~Annually~~ ~~Once~~
16 ~~during each semester of the school year~~ Two times each school
17 year, between September 1 and January 1 and between January 1
18 and June 30¹, at a public hearing, the superintendent of schools
19 shall report to the board of education all acts of violence ~~and~~ ,
20 ~~vandalism, and harassment, intimidation, or bullying~~ which
21 occurred during the previous ~~school year~~ ~~semester~~ reporting
22 period¹. The report shall include the number of reports of
23 harassment, intimidation, or bullying, the status of all
24 investigations, the nature of the bullying based on one of the
25 protected categories identified in section 2 of P.L.2002, c.83
26 (C.18A:37-14), the names of the investigators, the type and nature
27 of any discipline imposed on any student engaged in harassment,
28 intimidation, or bullying, and any other measures imposed, training
29 conducted, or programs implemented, to reduce harassment,
30 intimidation, or bullying. The information shall also be reported
31 once during each semester of the school year reporting period¹
32 to the Department of Education. The report must include data
33 broken down by the enumerated categories as listed in section 2 of
34 P.L.2002, c.83 (C.18A:37-14), and data broken down by each
35 school in the district, in addition to district-wide data. It shall be a
36 violation to improperly release any confidential information not
37 authorized by federal or State law for public release.

38 The report shall be used to grade each school for the purpose of
39 assessing its effort to identify harassment, intimidation, or
40 bullying implement policies and programs consistent with the
41 provisions of P.L.2002, c.83 (C.18A:37-13 et seq.)¹. The district
42 shall receive a grade determined by averaging the grades of all the
43 schools in the district. The commissioner shall promulgate
44 guidelines for a program to grade schools for the ~~purpose of~~
45 assessing their efforts to identify harassment, intimidation, or
46 bullying purposes of this subsection¹.

1 The grade received by a school and the district shall be posted on
2 the homepage of the school's website. The grade for the district
3 and each school of the district shall be posted on the homepage of
4 the district's website. A link to the report shall be available on the
5 district's website. The information shall be posted on the websites
6 within 10 days of the receipt of a grade by the school and district.

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

18 (cf: P.L.2007, c.42, s.1)

19
20 8. Section 3 of P.L.1982, c.163 (C.18A:17-48) is amended to
21 read as follows:

22 3. The Commissioner of Education shall each year submit a
23 report to the Education Committees of the Senate and General
24 Assembly detailing the extent of violence [and] , vandalism, and
25 harassment, intimidation, or bullying in the public schools and
26 making recommendations to alleviate the problem. The report shall
27 be made available annually to the public no later than October 1,
28 and shall be posted on the department's website.

29 (cf: P.L.1982, c.163, s.3)

30
31 9. Section 13 of P.L.2007, c.53 (C.18A:26-8.2) is amended to
32 read as follows:

33 13. a. As used in this section, "school leader" means a school
34 district staff member who holds a position that requires the
35 possession of a chief school administrator, principal, or supervisor
36 endorsement.

37 b. A school leader shall complete training on issues of school
38 ethics, school law, and school governance as part of the
39 professional development for school leaders required pursuant to
40 State Board of Education regulations. Information on the
41 prevention of harassment, intimidation, and bullying shall also be
42 included in the training. The training shall be offered through a
43 collaborative training model as identified by the Commissioner of
44 Education, in consultation with the State Advisory Committee on
45 Professional Development for School Leaders.

46 (cf: P.L.2007, c.53, s.13)

47

48 10. N.J.S.18A:37-2 is amended to read as follows:

1 18A:37-2. Any pupil who is guilty of continued and willful
2 disobedience, or of open defiance of the authority of any teacher or
3 person having authority over him, or of the habitual use of profanity
4 or of obscene language, or who shall cut, deface or otherwise injure
5 any school property, shall be liable to punishment and to suspension
6 or expulsion from school.

7 Conduct which shall constitute good cause for suspension or
8 expulsion of a pupil guilty of such conduct shall include, but not be
9 limited to, any of the following:

- 10 a. Continued and willful disobedience;
- 11 b. Open defiance of the authority of any teacher or person,
12 having authority over him;
- 13 c. Conduct of such character as to constitute a continuing
14 danger to the physical well-being of other pupils;
- 15 d. Physical assault upon another pupil;
- 16 e. Taking, or attempting to take, personal property or money
17 from another pupil, or from his presence, by means of force or fear;
- 18 f. Willfully causing, or attempting to cause, substantial damage
19 to school property;
- 20 g. Participation in an unauthorized occupancy by any group of
21 pupils or others of any part of any school or other building owned
22 by any school district, and failure to leave such school or other
23 facility promptly after having been directed to do so by the
24 principal or other person then in charge of such building or facility;
- 25 h. Incitement which is intended to and does result in
26 unauthorized occupation by any group of pupils or others of any
27 part of a school or other facility owned by any school district;
- 28 i. Incitement which is intended to and does result in truancy by
29 other pupils; **[and]**
- 30 j. Knowing possession or knowing consumption without legal
31 authority of alcoholic beverages or controlled dangerous substances
32 on school premises, or being under the influence of intoxicating
33 liquor or controlled dangerous substances while on school premises;
34 and
- 35 k. Harassment, intimidation, or bullying.

36 (cf: P.L.1981, c.59, s.1)

37

38 11. Section 2 of P.L.2002, c.83 (C.18A:37-14) is amended to
39 read as follows:

40 2. As used in this act:

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

44 "Harassment, intimidation or bullying" means any gesture, any
45 written, verbal or physical act, or any electronic communication ¹,
46 whether it be a single incident or a series of incidents,¹ that is
47 reasonably perceived as being motivated either by any actual or
48 perceived characteristic, such as race, color, religion, ancestry,

1 national origin, gender, sexual orientation, gender identity and
2 expression, or a mental, physical or sensory **[handicap]** disability,
3 or by any other distinguishing characteristic, that takes place on
4 school property, at any school-sponsored function '**[or]** ,'
5 school bus 'or off school grounds as provided for in section 16 of
6 P.L. , c. (C.) (pending before the Legislature as this bill), that
7 substantially disrupts or interferes with the orderly operation of the
8 school or the rights of other students' and that:

9 a. a reasonable person should know, under the circumstances,
10 will have the effect of physically or emotionally harming a student
11 or damaging the student's property, or placing a student in
12 reasonable fear of physical or emotional harm to his person or
13 damage to his property; **[or]**

14 b. has the effect of insulting or demeaning any student or group
15 of students '**[in such a way as to cause [substantial] disruption in,**
16 **or [substantial] interference with, the orderly operation of the**
17 **school]'**; **'or'**

18 c. creates a hostile 'educational' environment '[at school]' for
19 the student '; **[or]**

20 d. infringes on the rights of the student at school] by
21 interfering with a student's education or by severely or pervasively
22 causing physical or emotional harm to the student'.

23 (cf: P.L.2007, c.129, s.1)

24

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

27 3. a. Each school district shall adopt a policy prohibiting
28 harassment, intimidation or bullying on school property, at a
29 school-sponsored function or on a school bus. The school district
30 shall **[attempt to]** adopt the policy through a process that includes
31 representation of parents or guardians, school employees,
32 volunteers, students, administrators, and community
33 representatives.

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

37 (1) a statement prohibiting harassment, intimidation or bullying
38 of a student;

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

42 (3) a description of the type of behavior expected from each
43 student;

44 (4) consequences and appropriate remedial action for a person
45 who commits an act of harassment, intimidation or bullying;

46 (5) a procedure for reporting an act of harassment, intimidation
47 or bullying, including a provision that permits a person to report an

1 act of harassment, intimidation or bullying anonymously; however,
2 this shall not be construed to permit formal disciplinary action
3 solely on the basis of an anonymous report.

4 All acts of harassment, intimidation, or bullying shall be reported
5 verbally to the school principal on the same day when the school
6 employee or contracted service provider witnessed or received
7 reliable information regarding any such incident. The principal
8 shall inform the parents or guardians of all students involved in the
9 alleged incident, and may discuss, as appropriate, the availability of
10 counseling and other intervention services. All acts of harassment,
11 intimidation, or bullying shall be reported in writing to the school
12 principal within two school days of when the school employee or
13 contracted service provider witnessed or received reliable
14 information that a student had been subject to harassment,
15 intimidation, or bullying. '[In cases in which an incident of
16 harassment, intimidation, or bullying occurs exclusively among or
17 between special education students or students with developmental
18 disabilities, in the context of a county special services school
19 district or a separate program for special education students within a
20 school district, the school employee who witnesses such an incident
21 of harassment, intimidation, or bullying shall have discretion to
22 determine whether the incident is necessary to report or whether the
23 incident may have been affected by the condition of the students
24 and thereby warrants an alternative approach more appropriate in
25 the special education context]';

26 (6) a procedure for prompt investigation of reports of violations
27 and complaints, [identifying either the principal or the principal's
28 designee as the person responsible for the investigation] which
29 procedure shall at a minimum provide that:

30 (a) the investigation shall be initiated by the principal or the
31 principal's designee within one school day of the report of the
32 incident and shall be conducted by a school anti-bullying specialist.
33 The principal may appoint additional personnel who are not school
34 anti-bullying specialists to assist in the investigation. The
35 investigation shall be completed as soon as possible, but not later
36 than 10 school days from the date of the 'written' report of the
37 incident of harassment, intimidation, or bullying ' . In the event that
38 there is information relative to the investigation that is anticipated
39 but not yet received by the end of the 10-day period, the school
40 anti-bullying specialist may amend the original report of the results
41 of the investigation to reflect the information' ;

42 (b) the results of the investigation shall be reported to the
43 superintendent of schools within two school days of the completion
44 of the investigation, and in accordance with regulations
45 promulgated by the State Board of Education pursuant to the
46 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
47 seq.), the superintendent may decide to provide intervention

1 services, establish training programs to reduce harassment,
2 intimidation, or bullying and enhance school climate, impose
3 discipline, '[or]' order counseling as a result of the findings of the
4 investigation', or take or recommend other appropriate action';

5 (c) the results of each investigation shall be reported to the
6 board of education no later than the date of the board of education
7 meeting next following the completion of the investigation, along
8 with information on any services provided, training established,
9 '[or]' discipline imposed', or 'other action taken or'
10 recommended by the superintendent;

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

27 (e) at the next board of education meeting following its receipt
28 of the report, the board shall issue a decision, in writing, to affirm,
29 reject, or modify the superintendent's decision. The board's
30 decision may be appealed to the Commissioner of Education, in
31 accordance with the procedures set forth in law and regulation, no
32 later than the 90 days after the issuance of the board's decision; and

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

38 (7) the range of ways in which a school will respond once an
39 incident of harassment, intimidation or bullying is identified, which
40 shall be defined by the principal in conjunction with the school anti-
41 bullying specialist, but shall include an appropriate combination of
42 counseling, support services, intervention services, and other
43 programs, as defined by the commissioner;

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

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

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

21 c. A school district shall adopt a policy and transmit a copy of
22 its policy to the appropriate executive county superintendent of
23 schools by September 1, 2003. A school district shall annually
24 conduct a re-evaluation, reassessment, and review of its policy,
25 making any necessary revisions and additions. The board shall
26 include input from the school anti-bullying 'specialist' specialists'
27 in conducting its re-evaluation, reassessment, and review. The
28 district shall transmit a copy of the revised policy to the appropriate
29 executive county superintendent of schools within 30 school days of
30 the revision. The first revised policy following the effective date of
31 P.L. , c. (C.) (pending before the Legislature as this bill) shall
32 be transmitted to the executive county superintendent of schools by
33 September 1, 2011.

34 d. **[To assist school districts in developing policies for the**
35 **prevention of harassment, intimidation or bullying, the**
36 **Commissioner of Education shall develop a model policy applicable**
37 **to grades kindergarten through 12. This model policy shall be**
38 **issued no later than December 1, 2002.] ~~['Deleted by amendment,~~**

39 P.L. , c. (C.) (pending before the Legislature as this bill)]
40 (1) To assist school districts in developing policies for the
41 prevention of harassment, intimidation, or bullying, the
42 Commissioner of Education shall develop a model policy applicable
43 to grades kindergarten through 12. This model policy shall be
44 issued no later than December 1, 2002.

45 (2) The commissioner shall adopt amendments to the model
46 policy which reflect the provisions of P.L. , c. (C.) (pending
47 before the Legislature as this bill) no later than 90 days after the

1 effective date of that act and shall subsequently update the model
2 policy as the commissioner deems necessary.¹

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

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

10 (cf: P.L.2007, c.303, s.7)

11

12 13. Section 4 of P.L.2002, c.83 (C.18A:37-16) is amended to
13 read as follows:

14 4. a. A member of a board of education, school employee,
15 student or volunteer shall not engage in reprisal, retaliation or false
16 accusation against a victim, witness or one with reliable information
17 about an act of harassment, intimidation or bullying.

18 b. A member of a board of education, school employee,
19 contracted service provider, student or volunteer who has
20 witnessed, or has reliable information that a student has been
21 subject to, harassment, intimidation or bullying shall report the
22 incident to the appropriate school official designated by the school
23 district's policy, or to any school administrator or safe schools
24 resource officer, who shall immediately initiate the school district's
25 procedures concerning school bullying.

26 c. A member of a board of education or a school employee who
27 promptly reports an incident of harassment, intimidation or
28 bullying, to the appropriate school official designated by the school
29 district's policy, or to any school administrator or safe schools
30 resource officer, and who makes this report in compliance with the
31 procedures in the district's policy, is immune from a cause of action
32 for damages arising from any failure to remedy the reported
33 incident.

34 d. A school administrator who receives a report of harassment,
35 intimidation, or bullying from a district employee, and fails to
36 initiate or conduct an investigation, or who should have known of
37 an incident of harassment, intimidation, or bullying and fails to take
38 sufficient action to minimize or eliminate the harassment,
39 intimidation, or bullying, may be subject to disciplinary action.

40 (cf: P.L.2002, c.83, s.4)

41

42 14. Section 5 of P.L.2002, c.83 (C.18A:37-17) is amended to
43 read as follows:

44 5. a. Schools and school districts **[are encouraged to]** shall
45 annually establish, implement, document, and assess bullying
46 prevention programs or approaches, and other initiatives involving
47 school staff, students, administrators, volunteers, parents, law
48 enforcement and community members. The programs or

1 approaches shall be designed to create school-wide conditions to
2 prevent and address harassment, intimidation, and bullying.

3 A school district may apply to the Department of Education for a
4 grant to be used for programs or approaches established pursuant to
5 this subsection, to the extent funds are appropriated for these
6 purposes or funds are made available through the Bullying
7 Prevention Fund established pursuant to section 25 of
8 P.L. , c. (C.) (pending before the Legislature as this bill).

9 b. **[To the extent funds are appropriated for these purposes, a]**
10 A school district shall: (1) provide training on the school district's
11 harassment, intimidation, or bullying policies to school employees
12 and volunteers who have significant contact with students; [and]
13 (2) ensure that the training includes instruction on preventing
14 bullying on the basis of the protected categories enumerated in
15 section 2 of P.L.2002, c.83 (C.18A:37-14) and other distinguishing
16 characteristics that may incite incidents of discrimination,
17 harassment, intimidation, or bullying; and (3) develop a process for
18 discussing the district's harassment, intimidation or bullying policy
19 with students.

20 c. Information regarding the school district policy against
21 harassment, intimidation or bullying shall be incorporated into a
22 school's employee training program and shall be provided to full-
23 time and part-time staff, volunteers who have significant contact
24 with students, and those persons contracted by the district to
25 provide services to students.

26 (cf: P.L.2002, c.83, s.5)

27

28 15. Section 2 of P.L.2005, c.276 (C.52:17B-71.8) is amended to
29 read as follows:

30 2. a. The Police Training Commission in the Division of
31 Criminal Justice in the Department of Law and Public Safety, in
32 consultation with the Attorney General, shall develop a training
33 course for safe schools resource officers and public school
34 employees assigned by a board of education to serve as a school
35 liaison to law enforcement. The Attorney General, in conjunction
36 with the Police Training Commission, shall ensure that the training
37 course is developed within 180 days of the effective date of this act.
38 The course shall at a minimum provide comprehensive and
39 consistent training in current school resource officer practices and
40 concepts. The course shall include training in the protection of
41 students from harassment, intimidation, and bullying, including
42 incidents which occur through electronic communication. The
43 course shall be made available to:

44 (1) any law enforcement officer or public school employee
45 referred by the board of education of the public school to which
46 assignment as a safe schools resource officer or school liaison to
47 law enforcement is sought; and

1 (2) any safe schools resource officer or school liaison to law
2 enforcement assigned to a public school prior to the effective date
3 of P.L.2005, c.276 (C.52:17B-71.8 et al.).

4 b. The training course developed by the commission pursuant
5 to subsection a. of this section shall be offered at each school
6 approved by the commission to provide police training courses
7 pursuant to the provisions of P.L.1961, c.56 (C.52:17B-66 et seq.).
8 The commission shall ensure that an individual assigned to instruct
9 the course is proficient and experienced in current school resource
10 officer practices and concepts.

11 c. The commission shall award a certificate to each individual
12 who successfully completes the course.

13 d. The Police Training Commission, in consultation with the
14 Commissioner of Education, shall adopt rules and regulations
15 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
16 (C.52:14B-1 et seq.), to implement the provisions of this section.
17 (cf: P.L.2005, c.276, s.2)

18
19 16. (New section) The policy adopted by each school district
20 pursuant to section 3 of P.L.2002, c.83 (C.18A:37-15) shall include
21 provisions for appropriate responses to harassment, intimidation, or
22 bullying ¹, as defined in section 2 of P.L.2002, c.83 (C.18A:37-
23 14),¹ that occurs off school grounds, in cases in which a school
24 employee is made aware of such actions ¹ [, and such actions create
25 a hostile environment at school for the student, infringe on the
26 rights of the student at school, or disrupt the education process or
27 orderly operation of a school]¹. The responses to harassment,
28 intimidation, or bullying that occurs off school grounds shall be
29 consistent with the board of education's code of student conduct
30 and other provisions of the board's policy on harassment,
31 intimidation, or bullying.

32
33 17. (New section) a. The principal in each school in a school
34 district shall appoint a school anti-bullying specialist. When a
35 school guidance counselor, school psychologist, or another
36 individual similarly trained is currently employed in the school, the
37 principal shall appoint that individual to be the school anti-bullying
38 specialist. If no individual meeting this criteria is currently
39 employed in the school, the principal shall appoint a school anti-
40 bullying specialist from currently employed school personnel. The
41 school anti-bullying specialist shall:

42 (1) chair the school safety team as provided in section 18 of
43 P.L. c. , (C.) (pending before the Legislature as this bill);

44 (2) lead the investigation of incidents of harassment,
45 intimidation, and bullying in the school; and

46 (3) act as the primary school official responsible for preventing,
47 identifying, and addressing incidents of harassment, intimidation,
48 and bullying in the school.

1 b. The superintendent of schools shall appoint a district anti-
2 bullying coordinator. The superintendent shall make every effort to
3 appoint an employee of the school district to this position. The
4 district anti-bullying coordinator shall:

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

8 (2) collaborate with school anti-bullying specialists in the
9 district, the board of education, and the superintendent of schools to
10 prevent, identify, and respond to harassment, intimidation, and
11 bullying of students in the district;

12 (3) provide data, in collaboration with the superintendent of
13 schools, to the Department of Education regarding harassment,
14 intimidation, and bullying of students; and

15 (4) execute such other duties related to school harassment,
16 intimidation, and bullying as requested by the superintendent of
17 schools.

18 c. The district anti-bullying coordinator shall meet at least
19 twice a school year '[, once in the first semester and once in the
20 second semester,]' with the school anti-bullying specialists in the
21 district to discuss and strengthen procedures and policies to prevent,
22 identify, and address harassment, intimidation, and bullying in the
23 district.

24
25 18. (New section) a. A school district shall form a school
26 safety team in each school in the district to develop, foster, and
27 maintain a positive school climate by focusing on the on-going,
28 systemic process and practices in the school and to address school
29 climate issues such as harassment, intimidation, or bullying. A
30 school safety team shall meet at least two times per school year '[,
31 once in the first semester and once in the second semester]'

32 b. A school safety team shall consist of the principal or his
33 designee who, if possible, shall be a senior administrator in the
34 school and the following appointees of the principal: a teacher in
35 the school; a school anti-bullying specialist; a parent of a student in
36 the school; and other members to be determined by the principal.
37 The school anti-bullying specialist shall serve as the chair of the
38 school safety team.

39 c. The school safety team shall:

40 (1) receive any complaints of harassment, intimidation, or
41 bullying of students that have been reported to the principal;

42 (2) receive copies of any report prepared after an investigation
43 of an incident of harassment, intimidation, or bullying;

44 (3) identify and address patterns of harassment, intimidation, or
45 bullying of students in the school;

46 (4) review and strengthen school climate and the policies of the
47 school in order to prevent and address harassment, intimidation, or
48 bullying of students;

1 (5) educate the community, including students, teachers,
2 administrative staff, and parents, to prevent and address harassment,
3 intimidation, or bullying of students;

4 (6) participate in the training required pursuant to the provisions
5 of P.L.2002, c.83 (C.18A:37-13 et seq.) and other training which
6 the principal or the district anti-bullying coordinator may request;

7 (7) collaborate with the district anti-bullying coordinator in the
8 collection of district-wide data and in the development of district
9 policies to prevent and address harassment, intimidation, or
10 bullying of students; and

11 (8) execute such other duties related to harassment, intimidation,
12 and bullying as requested by the principal or district anti-bullying
13 coordinator.

14 d. The members of a school safety team shall be provided
15 professional development opportunities that address effective
16 practices of successful school climate programs or approaches.

17 'e. Notwithstanding any provision of this section to the contrary,
18 a parent who is a member of the school safety team shall not
19 participate in the activities of the team set forth in paragraphs (1),
20 (2), or (3) of subsection c. of this section or any other activities of
21 the team which may compromise the confidentiality of a student.'
22

23 19. (New section) a. Beginning with the '[2011-2012] 2012-
24 2013' school year, all candidates for teaching certification 'who
25 have completed a teacher preparation program at a regionally-
26 accredited institution of higher education' shall 'have' satisfactorily
27 '[complete] completed' a program on harassment, intimidation,
28 and bullying prevention.

29 b. Beginning with the '[2010-2011] 2011-2012' school year,
30 any person seeking certification through the alternate route shall,
31 within one year of being employed, satisfactorily complete a
32 program on harassment, intimidation, and bullying prevention.

33 c. The State Board of Education shall establish the appropriate
34 requirements of the program on harassment, intimidation, and
35 bullying prevention.

36 d. The State board shall, as part of the professional
37 development requirement established by the State board for public
38 school teachers, require each public school teacher to complete at
39 least two hours of instruction on harassment, intimidation, or
40 bullying prevention in each professional development period.
41

42 20. (New section) Beginning with the '[2011-2012] 2012-
43 2013' school year, all candidates for administrative 'and
44 supervisory' certification shall 'have' satisfactorily '[complete]
45 completed' a program on harassment, intimidation, and bullying
46 prevention.

1 21. (New section) a. The Department of Education, in
2 consultation with the Division on Civil Rights in the Department of
3 Law and Public Safety shall develop a guidance document for use
4 by parents or guardians, students, and school districts to assist in
5 resolving complaints concerning student harassment, intimidation,
6 or bullying behaviors and the implementation of P.L.2002, c.83
7 (C.18A:37-13 et seq.) by school districts. The document shall
8 include:

9 (1) a school district's obligations under P.L.2002, c.83
10 (C.18A:37-13 et seq.);

11 (2) best practices for the prevention, intervention, and
12 remediation of harassment, intimidation, or bullying in schools,
13 including methods to identify and assist student populations at high
14 risk for harassment, intimidation, or bullying;

15 (3) a clear explanation of the procedures for petitioning the
16 Commissioner of Education to hear and decide disputes concerning
17 P.L.2002, c.83 (C.18A:37-13 et seq.);

18 (4) a clear explanation of the Division on Civil Rights'
19 jurisdiction and services in regard to specific types of harassment,
20 intimidation, or bullying; and

21 (5) a clear explanation of the process for appealing final agency
22 determinations to the Appellate Division of the Superior Court.

23 b. The guidance document shall be available on the Department
24 of Education's and the Division on Civil Rights' Internet sites and
25 on every school district's Internet site at an easily accessible
26 location.

27

28 22. (New section) a. The Commissioner of Education shall
29 establish a formal protocol pursuant to which the office of the
30 executive county superintendent of schools shall investigate a
31 complaint that documents an allegation of a violation of P.L.2002,
32 c.83 (C.18A:37-13 et seq.) by a school district located within the
33 county, when the complaint has not been adequately addressed on
34 the local level. The office of the executive county superintendent
35 shall report its findings, and if appropriate, issue an order for the
36 school district to develop and implement corrective actions that are
37 specific to the facts of the case.

38 b. The commissioner shall ensure that the personnel of the
39 office of the executive county superintendent of schools who are
40 responsible for conducting the investigations receive training and
41 technical support on the use of the complaint investigation protocol.
42

43 23. (New section) a. The Commissioner of Education, in
44 consultation with recognized experts in school bullying from a cross
45 section of academia, child advocacy organizations, nonprofit
46 organizations, professional associations, and government agencies,
47 shall establish inservice workshops and training programs to train
48 selected public school employees to act as district anti-bullying

1 coordinators and school anti-bullying specialists in accordance with
2 the provisions of P.L. , c. (C.) (pending before the Legislature
3 as this bill). The commissioner shall seek to make the workshops
4 and training programs available and administered online through the
5 department's website or other existing online resources. The
6 commissioner shall evaluate the effectiveness of the consulting
7 group on an annual basis. The inservice training programs may
8 utilize the offices of the executive county superintendent of schools,
9 or such other institutions, agencies, or persons as the commissioner
10 deems appropriate. Each board of education shall provide time for
11 the inservice training during the usual school schedule in order to
12 ensure that appropriate personnel are prepared to act in the district
13 as district anti-bullying coordinators and school anti-bullying
14 specialists.

15 b. Upon completion of the initial inservice training program,
16 the commissioner shall ensure that programs and workshops that
17 reflect the most current information on harassment, intimidation,
18 and bullying in schools are prepared and made available to district
19 anti-bullying coordinators and school anti-bullying specialists at
20 regular intervals.

21
22 24. (New section) The Commissioner of Education shall
23 develop, in consultation with the Division on Civil Rights, and
24 make available on the Department of Education's Internet site, an
25 online tutorial on harassment, intimidation, and bullying. The
26 online tutorial shall, at a minimum, include best practices in the
27 prevention of harassment, intimidation, and bullying, applicable
28 laws, and such other information that the commissioner determines
29 to be appropriate. The online tutorial shall be accompanied by a
30 test to assess a person's understanding of the information provided
31 in the tutorial.

32
33 25. (New section) There is created a special fund in the
34 Department of Education, which shall be designated the "Bullying
35 Prevention Fund." The fund shall be maintained in a separate
36 account and administered by the commissioner to carry out the
37 provisions of this act. The fund shall consist of: (1) any monies
38 appropriated by the State for the purposes of the fund; (2) any
39 monies donated for the purposes of the fund; and (3) all interest and
40 investment earnings received on monies in the fund. The fund shall
41 be used to offer grants to school districts to provide training on
42 harassment, intimidation, and bullying prevention and on the
43 effective creation of positive school climates.

44
45 26. (New section) The week beginning with the first Monday in
46 October of each year is designated as a "Week of Respect" in the
47 State of New Jersey. School districts, in order to recognize the
48 importance of character education, shall observe the week by

1 providing age-appropriate instruction focusing on preventing
2 harassment, intimidation, or bullying as defined in section 2 of
3 P.L.2002, c.83 (C.18A:37-14). Throughout the school year the
4 school district shall provide ongoing age-appropriate instruction on
5 preventing harassment, intimidation, and bullying in accordance
6 with the core curriculum content standards.
7

8 27. (New section) Nothing contained ^{'in'} P.L. , c. (C.)
9 (pending before the Legislature as this bill) shall be construed as
10 affecting the provisions of any collective bargaining agreement or
11 individual contract of employment in effect on that act's effective
12 date.
13

14 28. (New section) a. A public institution of higher education
15 shall adopt a policy to be included in its student code of conduct
16 prohibiting harassment, intimidation, or bullying. The policy shall
17 contain, at a minimum:

18 (1) A statement prohibiting harassment, intimidation, or
19 bullying;

20 (2) Disciplinary actions which may result if a student commits
21 an act of harassment, intimidation, or bullying; and

22 (3) A definition of harassment, intimidation, or bullying that at a
23 minimum includes any gesture, any written, verbal or physical act,
24 or any electronic communication¹, whether it be a single incident or
25 a series of incidents.¹ that is reasonably perceived as being
26 motivated either by any actual or perceived characteristic, such as
27 race, color, religion, ancestry, national origin, gender, sexual
28 orientation, gender identity and expression, or a mental, physical or
29 sensory disability, or by any other distinguishing characteristic, that
30 takes place on the property of the institution of higher education or
31 at any function sponsored by the institution of higher education¹,
32 that substantially disrupts or interferes with the orderly operation of
33 the institution or the rights of other students¹ and that:

34 (a) a reasonable person should know, under the circumstances,
35 will have the effect of physically or emotionally harming a student
36 or damaging the student's property, or placing a student in
37 reasonable fear of physical or emotional harm to his person or
38 damage to his property;

39 (b) has the effect of insulting or demeaning any student or group
40 of students ^{'[in such a way as to cause disruption in, or}
41 ^{interference with, the orderly operation of the institution of higher}
42 ^{education]'}; ^{'or'}

43 (c) creates a hostile ^{'educational'}environment for the student
44 ^{'[at the institution of higher education; or}

45 (d) infringes on the rights of the student at the institution of
46 higher education] by interfering with a student's education or by

1 severely or pervasively causing physical or emotional harm to the
2 student¹.

3 b. The institution shall distribute the policy by email to each
4 student within seven days of the start of each semester and shall
5 post the policy on its website.
6

7 ²9. (New section) a. Nonpublic schools are encouraged to
8 comply with the provisions of the "Anti-Bullying Bill of Rights
9 Act," P.L.2002, c.83 (C.18A:37-13 et seq.), as amended and
10 supplemented by P.L. , c. (C.) (pending before the
11 Legislature as this bill).

12 b. In the case of a faith-based nonpublic school, no provision of
13 the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83 (C.18A:37-
14 13 et seq.), as amended and supplemented by P.L. , c. (C.)
15 (pending before the Legislature as this bill), shall be interpreted to
16 prohibit or abridge the legitimate statement, expression or free
17 exercise of the beliefs or tenets of that faith by the religious
18 organization operating the school or by the school's faculty, staff,
19 or student body.¹

20
21 ³0. (New section) Nothing contained in the "Anti-Bullying Bill
22 of Rights Act," P.L.2002, c.83 (C.18A:37-13 et seq.), as amended
23 and supplemented by P.L. , c. (C.) (pending before the
24 Legislature as this bill), shall alter or reduce the rights of a student
25 with a disability with regard to disciplinary actions or to general or
26 special educational services and supports.¹

27
28 ¹[29.] 31.¹ This act shall take effect in the first school year
29 following enactment, but the Commissioner of Education may take
30 such anticipatory administrative action in advance thereof as shall
31 be necessary for the implementation of this act.
32
33
34
35

36 _____
The "Anti-Bullying Bill of Rights Act."

Cyberbullying Act Drafting Instructions

Last session the Legislature passed legislation creating 118.46 of the Wisconsin Statutes, "Policy on bullying." This law required school districts to adopt policies that define and prohibit bullying on school grounds and at school-related events. The Department of Public Instruction developed a model school policy as well as a model program for raising awareness about bullying and how to respond to bullying incidents.

This bill specifically addresses harassment using electronic communications, sometimes known as cyberbullying. Because this type of harassment is done using electronic devices and social media off the school grounds, school districts may feel that they can not intervene or discipline offenders. This bill makes it clear that such harassment that spills over to create an intimidating or disruptive atmosphere on school grounds is cause for discipline of students.

This bill specifically adds bullying by electronic means to section 118.46 of the statutes.

The bill updates section 947.0125 "Unlawful use of computerized communication systems" to prohibit the use of social media to frighten, intimidate, threaten, abuse or harass another person.

Finally, the bill codifies in statute the tracking and reporting provision in DPI's model policy on bullying. Specifically, the bill requires districts to maintain records on the number and types of bullying reports made, and the sanctions imposed for incidents found to be in violation of the bullying policy. The bill requires districts to prepare an annual summary report and present it to the school board, which includes trends in bullying behavior and recommendations on how to further reduce bullying behavior. The annual report must be posted on districts' websites. Many school districts are already doing this because they are following DPI's model policy on bullying.

Adding Cyberbullying to Statute on School Bullying

Under 118.46, change #1 to "a definition of bullying that includes bullying by electronic means."

Tracking and reporting requirement for school districts

Under 118.46, add #1ⁿ A requirement that a school district maintain records on the number and types of bullying reports made, and the sanctions imposed for incidents found to be in violation of the bullying policy; to prepare an annual summary report and present it to the school board, which includes trends in bullying behavior and recommendations on how to further reduce bullying behavior; and to post the report on the district's website.

Clarifying that off-campus bullying that disrupts the school environment can be cause for discipline by school district

✓ Draft something like the provision in New Jersey's law **AB 3466**, enacted in 2011, that allows enforcement of anti-bullying laws for incidents occurring off school grounds so long as "such actions create a hostile environment at school for the student, infringe on the rights of the student at school, or disrupt the education process or orderly operation of a school."

see p 16

Update unlawful use of computerized communication systems to reflect cyberbullying

Under 947.0125(2), add (g) With intent to frighten, intimidate, threaten, abuse or harass another person, posts a message electronically where other persons can view the message and in that message threatens to inflict injury or physical harm to any person or the property of any person.

0125

Under 947.013(3), add (h) With intent to harass, annoy or offend another person, posts a message electronically where another person can view the message and in that message uses any obscene, lewd or profane language or suggests lewd or lascivious act.

BILL

Date (time) needed

1/20
per PG

LRB - 37781-1

PG&CMH: med:

(in ill)

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] **to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .** of the statutes; **relating to:** . . . school bullying and unlawful . . . use of . . . computer systems, and providing a . . . penalty . . .

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: **create** → **anal:** → **title:** → **head**

For the subheading, execute: **create** → **anal:** → **title:** → **sub**

For the sub-subheading, execute: **create** → **anal:** → **title:** → **sub-sub**

For the analysis text, in the component bar:

For the text paragraph, execute: **create** → **anal:** → **text**

(attached)

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

ANALYSTS

Current law requires the Department of Public Instruction, (DPI) to develop a model school policy on bullying by pupils and ^{requires} each school board ~~must~~ ^{to} adopt a policy prohibiting bullying. A school board may adopt DPI's model policy.

The model policy must include certain elements. For example, it must ~~include a definition of~~ ^{define} bullying; ~~and~~ identify the property ^{owned, leased, or used by} owned, leased, or used by the school district on which ~~bullying~~ the policy applies; and require ^{that} school district officials and employees ~~to~~ report incidents of bullying.

This bill requires that ^{the definition of bullying in} DPI's model policy include bullying by electronic means. The bill also requires that the model policy include ^a

requirements that ^a school board maintain records on bullying incidents, ^{and the} discipline imposed on pupils for bullying, annually prepare a report that includes trends in bullying behavior and recommendations on how to reduce the number of bullying incidents, and post the report on the school district's web site. Finally, the bill requires the model policy to include appropriate responses to bullying that occurs off school grounds in certain circumstances.

INS
Acmh

Section #. 118.46 (1) (intro.) of the statutes is amended to read:

118.46 (1) (intro.) ~~By March 1, 2010, the~~ ^{The} department shall do all of the following:

History: 2009 a. 309.

Section #. 118.46 (1) (a) 1. of the statutes is amended to read:

118.46 (1) (a) 1. A definition of bullying.

that includes bullying by
electronic means

History: 2009 a. 309.

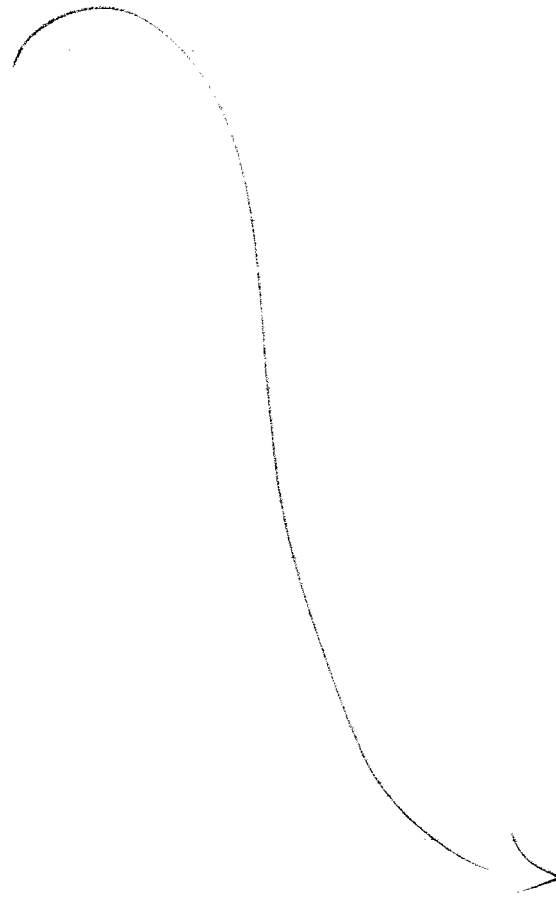
SEC. # CR. 118.46 (1)(a) 11. and 12.

118.46 (1)(a) 11. A requirement that a school board maintain records on the number and types of ~~bullying~~ ^{on bullying incidents} reports made under subd. 6. and the discipline imposed on pupils under subd. 7., ~~and~~ ^{report} annually prepare a summary ^{behavior} that includes trends in bullying and recommendations on how to reduce the number of bullying incidents, and ~~school board shall~~ post the report on its Web site.

12. Provisions for appropriate responses to bullying that occurs off school grounds but ^{nevertheless} at school ~~such bullying~~ creates a hostile environment for the pupil bullied, infringes on the rights of the pupil bullied at school, or disrupts the

educational process or orderly operation
of a school.

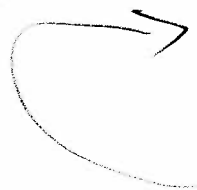
HHS
CMT



Section #. 118.46 (2) of the statutes is amended to read:

118.46 (2) ~~By August 15, 2010, each~~ ^{Each} school board shall adopt a policy prohibiting bullying by pupils. The school board may adopt the model policy under sub. (1) (a). The school board shall provide a copy of the policy to any person who requests it. Annually, the school board shall distribute the policy to all pupils enrolled in the school district and to their parents or guardians.

History: 2009 a. 309.

 INS CMH

(End)

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3778/lins
CMH:.....

1 Insert A cmh

Current law prohibits a person from sending an e-mail message to another person if that message threatens to harm any person or property and if the sender intends to frighten, intimidate, threaten, abuse, or harass any person. A person who violates the prohibition is guilty of a Class B misdemeanor and is subject to a maximum fine of \$1,000 or imprisonment of not more than 90 days, or both. This bill prohibits a person from posting an electronic message where others can view it if that message threatens to harm any person or property and if the person who posts it intends to frighten, intimidate, threaten, abuse, or harass another person. A person who violates this new prohibition is guilty of a Class B misdemeanor.

Current law also prohibits a person from sending an e-mail message to another person if that message uses any obscene, lewd, or profane language or suggests any lewd or lascivious act and if the sender intends to harass, annoy, or offend another person. A person who violates the prohibition is subject to a forfeiture of up to \$1,000. This bill prohibits a person from posting an electronic message where others can view it if that message uses any obscene, lewd, or profane language or suggests any lewd or lascivious act and if the sender intends to harass, annoy, or offend another person.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

2

3 Insert CMH

A person who violates this new prohibition is subject to a forfeiture of up to \$1,000.

4 **SECTION 1.** 947.0125 (2) (a) of the statutes is amended to read:

5 947.0125 (2) (a) With intent to frighten, intimidate, threaten, abuse, or harass
6 another person, sends a message to the person on an electronic mail or other
7 computerized communication system or posts a message electronically where other
8 persons can view the message and in that sent or posted message threatens to inflict
9 injury or physical harm to any person or the property of any person.

History: 1995 a. 353.

10 **SECTION 2.** 947.0125 (3) (a) of the statutes is amended to read:

11 947.0125 (3) (a) With intent to harass, annoy, or offend another person, sends
12 a message to the person on an electronic mail or other computerized communication

- 1 system or posts a message electronically where other persons can view the message
- 2 and in that sent or posted message uses any obscene, lewd or profane language or
- 3 suggests any lewd or lascivious act.

History: 1995 a. 353.

Godwin, Gigi

From: Flury, Kelley
Sent: Monday, January 30, 2012 10:41 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-3778/1 Topic: Bullying

Please Jacket LRB 11-3778/1 for the SENATE.