

Anti-Bullying Bill of Rights

This Act defines harassment, intimidation, and bullying. It requires schools to implement bullying prevention programs. It requires school principals appoint anti-bullying specialists for their schools and it mandates forming school safety teams for each school.

This legislation requires teachers, school board members, school leaders, and other education personnel to get training about recognizing and preventing harassment, intimidation, and bullying by students. It addresses reporting such incidents to a district board of education, on school report cards, and by the state department of education. It requires the state department of education to develop guidance documents explaining how complaints about harassment, intimidation, and bullying must be resolved.

This legislation requires public institutions of higher education to adopt a policy in the code of student conduct prohibiting harassment, intimidation, and bullying.

The legislation creates a Bullying Prevention Fund within the department of education to provide grants to train school personnel about preventing harassment, intimidation, and bullying in schools.

Submitted as:

New Jersey

[P.L. 2010, CHAPTER 122](#)

Status: Enacted into law in 2011.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “the “Anti-Bullying Bill of Rights
2 Act.”

3
4 Section 2. [*Definitions.*] As used in this Act:

5 (1) “Electronic communication” means a communication transmitted by means of an
6 electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager;

7 (2) “Board of Education” or “Board” means a local school board as defined in [insert
8 citation].

9 (3) “Commissioner” means an official defined in [insert citation].

10 (4) “Harassment, intimidation or bullying” means any gesture, any written, verbal or
11 physical act, or any electronic communication, whether it be a single incident or a series of
12 incidents, that is reasonably perceived as being motivated either by any actual or perceived
13 characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation,
14 gender identity and expression, or a mental, physical or sensory disability, or by any other
15 distinguishing characteristic, that takes place on school property, at any school-sponsored
16 function, on a school bus, or off school grounds as provided for in [insert citation], that
17 substantially disrupts or interferes with the orderly operation of the school or the rights of other
18 students and that:

19 (a) a reasonable person should know, under the circumstances, will have the effect
20 of physically or emotionally harming a student or damaging the student’s property, or placing a
21 student in reasonable fear of physical or emotional harm to their person or damage to their
22 property;

23 (b) has the effect of insulting or demeaning any student or group of students; or
24 (c) creates a hostile educational environment for the student by interfering with a
25 student's education or by severely or pervasively causing physical or emotional harm to the
26 student.

27 (5) "State Board of Education" means the state board of education defined in [insert
28 citation].

29
30 Section 3. [*Harassing, Intimidating, or Bullying as Cause for Suspending or Expelling*
31 *Pupils.*] Conduct which shall constitute good cause for suspension or expulsion of a pupil guilty
32 of such conduct shall include harassment, intimidation, or bullying.

33
34 Section 4. [*Anti-Bullying Programs and Training.*]

35 (A) The week beginning with the [first Monday in October] of each year shall be
36 designated as a "Week of Respect" in this state. School districts, in order to recognize the
37 importance of character education, shall observe the week by providing age-appropriate
38 instruction focusing on preventing harassment, intimidation, or bullying. Throughout the school
39 year each school district shall provide ongoing age-appropriate instruction about preventing
40 harassment, intimidation, and bullying in accordance with the core curriculum content standards.

41 (B) The [commissioner of education] shall develop, in consultation with the [division on
42 civil rights], and make available on the [department of education's] Internet site, an online
43 tutorial about harassment, intimidation, and bullying. The online tutorial shall, at a minimum,
44 include best practices to prevent harassment, intimidation, and bullying, applicable laws, and
45 such other information that the [commissioner] determines to be appropriate. The online tutorial
46 shall be accompanied by a test to assess a person's understanding of the information provided in
47 the tutorial.

48 (C) Schools and school districts shall [annually] establish, implement, document, and
49 assess bullying prevention programs or approaches, and other initiatives involving school staff,
50 students, administrators, volunteers, parents, law enforcement and community members. The
51 programs or approaches shall be designed to create school-wide conditions to prevent and
52 address harassment, intimidation, and bullying.

53 (D) A school district may apply to the [department of education] for a grant to be used for
54 programs or approaches established pursuant to this section, to the extent funds are appropriated
55 for these purposes or funds are made available through the [Bullying Prevention Fund]
56 established pursuant to this Act.

57 (E) Beginning with the [school year], all candidates for teaching certification who have
58 completed a teacher preparation program at a regionally accredited institution of higher
59 education shall have satisfactorily completed a program about harassment, intimidation, and
60 bullying prevention.

61 (F) Beginning with the [school year], any person seeking certification through the
62 alternate route established under [insert citation] shall, within [one] year of being employed,
63 satisfactorily complete a program about harassment, intimidation, and bullying prevention.

64 (G) The [state board of education] shall establish the appropriate requirements of the
65 program about harassment, intimidation, and bullying prevention. The [state board] shall, as part
66 of the professional development requirement established by the [state board for public school
67 teachers], require each public school teacher to complete at least [two] hours of instruction about
68 harassment, intimidation, or bullying prevention in each professional development period.

69 (H) Beginning with the [school year], all candidates for administrative and supervisory
70 certification shall have satisfactorily completed a program about harassment, intimidation, and
71 bullying prevention.

72 (I) A school leader shall complete training on school ethics, school law, school
73 governance, the prevention of harassment, intimidation, and bullying as part of the professional
74 development for school leaders required pursuant to [state board of education] regulations. The
75 training shall be offered through a collaborative training model as identified by the
76 [commissioner of education], in consultation with the [state advisory committee on professional
77 development for school leaders]. As used in this section, “school leader” means a school district
78 staff member who holds a position that requires the possession of a chief school administrator,
79 principal, or supervisor endorsement.

80 (J) Within [one year] after each re-election or re-appointment to a board of education, a
81 board member shall complete a training program about harassment, intimidation, and bullying in
82 schools, including a school district’s responsibilities as defined in [insert citation.] A board
83 member shall be required to complete the program only once. This training about harassment,
84 intimidation, and bullying in schools shall be provided by the [state school boards’ association],
85 in consultation with recognized experts in school bullying from a cross section of academia,
86 child advocacy organizations, nonprofit organizations, professional associations, and government
87 agencies.

88 (K) The [police training commission in the division of criminal justice in the department
89 of law and public safety], in consultation with the [attorney general], shall develop a training
90 course for safe schools resource officers and public school employees assigned by a board of
91 education to serve as a school liaison to law enforcement as defined under [insert citation]. The
92 [attorney general], in conjunction with the [police training commission], shall ensure that the
93 training course is developed within [180] days of the effective date of this Act. The course shall
94 at a minimum provide comprehensive and consistent training in current school resource officer
95 practices and concepts. The course shall include training in the protection of students from
96 harassment, intimidation, and bullying, including incidents which occur through electronic
97 communication. The course shall be made available to any law enforcement officer or public
98 school employee referred by the board of education of the public school to which assignment as
99 a safe schools resource officer or school liaison to law enforcement is sought and any safe
100 schools resource officer or school liaison to law enforcement assigned to a public school prior to
101 [insert date].

102 (L) The training course developed by the [police training commission] shall be offered at
103 each school approved by the [police training commission] to provide police training courses. The
104 [commission] shall ensure that an individual assigned to instruct the course is proficient and
105 experienced in current school resource officer practices and concepts. The [police training
106 commission] shall award a certificate to each individual who successfully completes the course.

107 (M) The [police training commission], in consultation with the [commissioner of
108 education], shall adopt rules and regulations to implement the provisions of this section.

109 (N) The [state board of education], in consultation with the [youth suicide prevention
110 advisory council] established in the [department of children and families] pursuant to [insert
111 citation], shall, as part of the professional development requirement established by the [state
112 board] for public school teaching staff members, require each public school teaching staff
113 member to complete at least [two] hours of instruction in suicide prevention, to be provided by a
114 licensed health care professional with training and experience in mental health issues, in each
115 professional development period. The instruction in suicide prevention shall include information
116 about the relationship between the risk of suicide and incidents of harassment, intimidation, and
117 bullying and information on reducing the risk of suicide in students who are members of
118 communities identified as having members at high risk of suicide.

119
120 Section 5. *[School Policy Prohibiting Harassment, Intimidation or Bullying.]*

121 (A) Each school district shall adopt a policy prohibiting harassment, intimidation or
122 bullying on school property, at a school-sponsored function or on a school bus. The school
123 district shall adopt the policy through a process that includes representation of parents or
124 guardians, school employees, volunteers, students, administrators, and community
125 representatives.

126 (B) A school district shall develop a process for discussing the district's harassment,
127 intimidation or bullying policy with students and provide training about the school district's
128 harassment, intimidation, or bullying policies to school employees and volunteers who have
129 significant contact with students and ensure that the training includes instruction about
130 preventing bullying on the basis of the protected categories enumerated in Section 2 (4) of this
131 Act and other distinguishing characteristics that may incite incidents of discrimination,
132 harassment, intimidation, or bullying.

133 (C) Information about a school district policy against harassment, intimidation or
134 bullying shall be incorporated into a school's employee training program and shall be provided
135 to full-time and part-time staff, volunteers who have significant contact with students, and those
136 people contracted by the district to provide services to students.

137 (D) A school district shall have local control over the content of the policy, except that
138 the policy shall contain, at a minimum, the following components:

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

140 (2) a definition of harassment, intimidation or bullying no less inclusive than that
141 set forth in section 2 (4) of this Act;

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

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

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

149 (a) All acts of harassment, intimidation, or bullying shall be reported
150 verbally to the school principal [on the same day] when the school employee or contracted
151 service provider witnessed or received reliable information regarding any such incident.

152 (b) All acts of harassment, intimidation, or bullying shall be reported in
153 writing to the school principal within [two] school days of when the school employee or
154 contracted service provider witnessed or received reliable information that a student had been
155 subject to harassment, intimidation, or bullying.

156 (c) The principal shall inform the parents or guardians of all students
157 involved in the alleged incident, and may discuss, as appropriate, the availability of counseling
158 and other intervention services.

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

161 (a) the investigation shall be initiated by the principal or the principal's
162 designee within [one] school day of the report of the incident and shall be conducted by a school
163 anti-bullying specialist. The principal may appoint additional personnel who are not school anti-
164 bullying specialists to assist in the investigation. The investigation shall be completed as soon as
165 possible, but not later than [10] school days from the date of the written report of the incident of
166 harassment, intimidation, or bullying. In the event that there is information relative to the
167 investigation that is anticipated but not yet received by the end of the [10-day] period, the school
168 anti-bullying specialist may amend the original report of the results of the investigation to reflect
169 the information;

170 (b) the results of the investigation shall be reported to the superintendent
171 of schools within [two] school days of the completion of the investigation, and in accordance
172 with regulations promulgated by the [state board of education] pursuant to [insert citation], the
173 superintendent may decide to provide intervention services, establish training programs to reduce
174 harassment, intimidation, or bullying and enhance school climate, impose discipline, order
175 counseling as a result of the findings of the investigation, or take or recommend other
176 appropriate action;

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

181 (d) parents or guardians of the students who are parties to the investigation
182 shall be entitled to receive information about the investigation, in accordance with federal and
183 state law and regulation, including the nature of the investigation, whether the district found
184 evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services
185 provided to address the incident of harassment, intimidation, or bullying. This information shall
186 be provided in writing within [5] school days after the results of the investigation are reported to
187 the board. A parent or guardian may request a hearing before the board after receiving the
188 information, and the hearing shall be held within [10] days of the request. The board shall meet
189 in executive session for the hearing to protect the confidentiality of the students. At the hearing
190 the board may hear from the school anti-bullying specialist about the incident, recommendations
191 for discipline or services, and any programs instituted to reduce such incidents;

192 (e) at the next board of education meeting following its receipt of the
193 report, the board shall issue a decision, in writing, to affirm, reject, or modify the
194 superintendent's decision. The board's decision may be appealed to the [commissioner of
195 education], in accordance with the procedures set forth in law and regulation, no later than [90]
196 days after the issuance of the board's decision; and

197 (f) a parent, student, guardian, or organization may file a complaint with
198 the [division on civil rights] within [180] days of the occurrence of any incident of harassment,
199 intimidation, or bullying based on membership in a protected group as enumerated in [insert
200 citation];

201 (7) the range of ways in which a school will respond once an incident of
202 harassment, intimidation or bullying is identified, which shall be defined by the principal in
203 conjunction with the school anti-bullying specialist, but shall include an appropriate combination
204 of counseling, support services, intervention services, and other programs, as defined by the
205 [commissioner];

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

209 (9) action for a person found to have falsely accused another as a means of
210 retaliation or as a means of harassment, intimidation or bullying;

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

213 (11) a requirement that a link to the policy be prominently posted on the home
214 page of the school district's website and distributed annually to parents and guardians who have
215 children enrolled in a school in the school district; and

216 (12) a requirement that the name, school phone number, school address and
217 school email address of the district anti-bullying coordinator be listed on the home page of the
218 school district's website and, on the home page of each school's website, the name, school phone

219 number, school address and school email address of the school anti-bullying specialist and the
220 district anti-bullying coordinator. The information concerning the district anti-bullying
221 coordinator and the school anti-bullying specialists shall also be maintained on the
222 [department's] website.

223 (E) A school district shall adopt the policy required by this section and transmit a copy of
224 that policy to the appropriate executive county superintendent of schools by [insert date]. A
225 school district shall annually conduct a re-evaluation, reassessment, and review of its policy,
226 making any necessary revisions and additions. The [board] shall include input from the school
227 anti-bullying specialists in conducting its re-evaluation, reassessment, and review. The district
228 shall transmit a copy of the revised policy to the appropriate executive county superintendent of
229 schools within [30] school days of the revision. The first revised policy following the effective
230 date of [insert date] shall be transmitted to the executive county superintendent of schools by
231 [insert date].

232 (F) To assist school districts in developing policies for the prevention of harassment,
233 intimidation, or bullying, the [commissioner of education] shall develop a model policy
234 applicable to grades kindergarten through 12. This model policy shall be issued no later than
235 [insert date]. The [commissioner] shall adopt amendments to the model policy which reflect the
236 provisions of [insert citation] after the effective date of that Act and shall subsequently update
237 the model policy as the [commissioner] deems necessary.

238 (G) Notice of the school district's policy shall appear in any publication of the school
239 district that sets forth the comprehensive rules, procedures and standards of conduct for schools
240 within the school district, and in any student handbook.

241 (H) The policy adopted by each school district shall include provisions for appropriate
242 responses to harassment, intimidation, or bullying that occurs off school grounds, in cases in
243 which a school employee is made aware of such actions. The responses to harassment,
244 intimidation, or bullying that occurs off school grounds shall be consistent with the [board of
245 education's] code of student conduct and other provisions of the [board's] policy on harassment,
246 intimidation, or bullying.

247 (I) Nothing in this section shall prohibit a school district from adopting a policy that
248 includes components that are more stringent than the components set forth in this section.

249
250 Section 6. [*Anti-Bullying Specialist and Anti-Bullying Coordinator.*]

251 (A) The principal in each school in a school district shall appoint a school anti-bullying
252 specialist. When a school guidance counselor, school psychologist, or another individual
253 similarly trained is currently employed in the school, the principal shall appoint that individual to
254 be the school anti-bullying specialist. If no individual meeting this criteria is currently employed
255 in the school, the principal shall appoint a school anti-bullying specialist from currently
256 employed school personnel. The school anti-bullying specialist shall:

257 (1) chair the school safety team;
258 (2) lead the investigation of incidents of harassment, intimidation, and bullying in
259 the school; and

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

262 (B) The superintendent of schools shall appoint a district anti-bullying coordinator. The
263 superintendent shall make every effort to appoint an employee of the school district to this
264 position. The district anti-bullying coordinator shall:

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

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

270 (3) provide data, in collaboration with the superintendent of schools, to the
271 [department of education] about harassment, intimidation, and bullying of students; and

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

274 (C) The district anti-bullying coordinator shall meet at least [twice] a school year, with
275 the school anti-bullying specialists in the district to discuss and strengthen procedures and
276 policies to prevent, identify, and address harassment, intimidation, and bullying in the district.

277 (D) The [commissioner of education], in consultation with recognized experts in school
278 bullying from a cross section of academia, child advocacy organizations, nonprofit organizations,
279 professional associations, and government agencies, shall establish in-service workshops and
280 training programs to train selected public school employees to act as district anti-bullying
281 coordinators and school anti-bullying specialists. The [commissioner] shall seek to make the
282 workshops and training programs available and administered online through the [department's]
283 website or other existing online resources. The [commissioner] shall evaluate the effectiveness of
284 the consulting group on an [annual] basis. The in-service training programs may use the offices
285 of the executive county superintendent of schools, or such other institutions, agencies, or people
286 as the [commissioner] deems appropriate. Each board of education shall provide time for the in-
287 service training during the usual school schedule in order to ensure that appropriate personnel are
288 prepared to act in the district as district anti-bullying coordinators and school anti-bullying
289 specialists.

290 (E) Upon completion of the initial in-service training program, the [commissioner] shall
291 ensure that programs and workshops that reflect the most current information about harassment,
292 intimidation, and bullying in schools are prepared and made available to district anti-bullying
293 coordinators and school anti-bullying specialists at regular intervals.

294
295 Section 7. *[School Safety Team.]*

296 (A) A school district shall form a school safety team in each school in the district to
297 develop, foster, and maintain a positive school climate by focusing on the on-going, systemic
298 process and practices in the school and to address school climate issues such as harassment,
299 intimidation, or bullying. A school safety team shall meet at least [two] times per school year.

300 (B) A school safety team shall consist of the principal or his designee who, if possible,
301 shall be a senior administrator in the school and the following appointees of the principal: a
302 teacher in the school; a school anti-bullying specialist; a parent of a student in the school; and
303 other members to be determined by the principal. The school anti-bullying specialist shall serve
304 as the chair of the school safety team.

305 (C) The school safety team shall:

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

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

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

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

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

316 (6) participate in the training required pursuant to [insert citation] and other
317 training which the principal or the district anti-bullying coordinator may request;

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

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

323 (D) The members of a school safety team shall be provided professional development
324 opportunities that address effective practices of successful school climate programs or
325 approaches.

326 (E) Notwithstanding any provision of this section to the contrary, a parent who is a
327 member of the school safety team shall not participate in the activities of the team which may
328 compromise the confidentiality of a student.

329

330 Section 8. [*Reporting Incidents of Harassment, Intimidation, or Bullying.*]

331 (A) Any school employee observing or having direct knowledge from a participant or
332 victim of an act of violence, including harassment, intimidation, or bullying, shall, in accordance
333 with standards established by the [commissioner], file a report describing the incident to the
334 school principal in a manner prescribed by the [commissioner], and copy of same shall be
335 forwarded to the district superintendent.

336 (B) The principal shall notify the district superintendent of schools of the action taken
337 regarding an incident [two] times each school year, between [September 1 and January 1 and
338 between January 1 and June 30].

339 (C) A member of a board of education, school employee, contracted service provider,
340 student or volunteer who has witnessed, or has reliable information that a student has been
341 subject to, harassment, intimidation, or bullying shall report the incident to the appropriate
342 school official designated by the school district's policy, or to any school administrator or safe
343 schools resource officer, who shall immediately initiate the school district's procedures
344 concerning school bullying.

345 (D) A member of a board of education or a school employee who promptly reports an
346 incident of harassment, intimidation or bullying, to the appropriate school official designated by
347 the school district's policy, or to any school administrator or safe schools resource officer, and
348 who makes this report in compliance with the procedures in the district's policy, is immune from
349 a cause of action for damages arising from any failure to remedy the reported incident.

350 (E) A school administrator who receives a report of harassment, intimidation, or bullying
351 from a district employee, and fails to initiate or conduct an investigation, or who should have
352 known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to
353 minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary
354 action.

355 (F) A member of a board of education, school employee, student or volunteer shall not
356 engage in reprisal, retaliation or false accusation against a victim, witness or one with reliable
357 information about an act of harassment, intimidation or bullying.

358 (G) The [commissioner of education] shall establish a formal protocol pursuant to which
359 the office of the executive county superintendent of schools shall investigate a complaint that
360 documents an allegation of a violation of this Act by a school district located within the county,
361 when the complaint has not been adequately addressed on the local level. The office of the
362 executive county superintendent shall report its findings, and if appropriate, issue an order for the
363 school district to develop and implement corrective actions that are specific to the facts of the
364 case.

365 (H) The [commissioner] shall ensure that the personnel of the office of the executive
366 county superintendent of schools who are responsible for conducting the investigations receive
367 training and technical support on the use of the complaint investigation protocol.
368

369 Section 9. *[Reporting About Acts of Harassment, Intimidation, or Bullying.]*

370 (A) Twice each year between [insert dates], at a public hearing, the superintendent of
371 schools shall report to the [board of education] all acts of violence, vandalism, and harassment,
372 intimidation, or bullying which occurred during the previous reporting period. The report shall
373 include the number of reports of harassment, intimidation, or bullying, the status of all
374 investigations, the nature of the bullying based on one of the protected categories identified in
375 [insert citation], the names of the investigators, the type and nature of any discipline imposed on
376 any student engaged in harassment, intimidation, or bullying, and any other measures imposed,
377 training conducted, or programs implemented, to reduce harassment, intimidation, or bullying.
378 The information shall also be reported [once] during each reporting period to the [department of
379 education]. The report must include data broken down by the enumerated categories as listed in
380 [insert citation], and data broken down by each school in the district, in addition to district-wide
381 data. It shall be a violation to improperly release any confidential information not authorized by
382 federal or state law for public release.

383 (B) The report shall be used to grade each school for the purpose of assessing its effort to
384 implement policies and programs consistent with [insert citation]. The district shall receive a
385 grade determined by averaging the grades of all the schools in the district. The [commissioner]
386 shall promulgate guidelines for a program to grade schools for the purposes of this subsection.

387 (C) The grade received by a school and the district shall be posted on the homepage of
388 the school's website. The grade for the district and each school of the district shall be posted on
389 the homepage of the district's website. A link to the report shall be available on the district's
390 website. The information shall be posted on the websites within [10] days of the receipt of a
391 grade by the school and district.

392 (D) Verification of the reports about violence, vandalism, and harassment, intimidation,
393 or bullying shall be part of the state's monitoring of the school district, and the [state board of
394 education] shall adopt regulations that impose a penalty on a school employee who knowingly
395 falsifies the report. A [board of education] shall provide ongoing staff training, in cooperation
396 with the [department of education], in fulfilling the reporting requirements pursuant to this
397 section.

398 (E) The majority representative of the school employees shall have access monthly to the
399 number and disposition of all reported acts of school violence, vandalism, and harassment,
400 intimidation, or bullying.

401 (F) The [commissioner of education] shall [each year] submit a report to the [education
402 committees of the Senate and House] detailing the extent of violence, vandalism, harassment,
403 intimidation, or bullying in the public schools in this state and making recommendations to
404 alleviate the problem. The report shall be made available annually to the public no later than
405 [insert date], and shall be posted on the [department's] website.

406 (G) Report cards issued pursuant to [insert citation] shall include data identifying the
407 number and nature of all reports of harassment, intimidation, or bullying.
408

409 Section 10. *[School Compliance, Collective Bargaining Contracts and Employment*
410 *Contracts.]*

411 (A) Nonpublic schools are encouraged to comply with the provisions of this Act.

412 (B) In the case of a faith-based nonpublic school, no provision of this Act shall be
413 interpreted to prohibit or abridge the legitimate statement, expression or free exercise of the

414 beliefs or tenets of that faith by the religious organization operating the school or by the school's
415 faculty, staff, or student body.

416 (C) Nothing contained in this Act shall alter or reduce the rights of a student with a
417 disability with regard to disciplinary actions or to general or special educational services and
418 supports.

419 (D) Nothing in this Act shall be construed as affecting the provisions of any collective
420 bargaining agreement or individual contract of employment in effect on that Act's effective date.

421
422 Section 11. [*Public Institutions of Higher Education Policies about Prohibiting*
423 *Harassment, Intimidation, or Bullying.*]

424 (A) A public institution of higher education shall adopt a policy to be included in its
425 student code of conduct prohibiting harassment, intimidation, or bullying. The policy shall
426 contain, at a minimum:

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

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

430 (3) A definition of harassment, intimidation, or bullying that at a minimum
431 includes any gesture, any written, verbal or physical act, or any electronic communication,
432 whether it be a single incident or a series of incidents, that is reasonably perceived as being
433 motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry,
434 national origin, gender, sexual orientation, gender identity and expression, or a mental, physical
435 or sensory disability, or by any other distinguishing characteristic, that takes place on the
436 property of the institution of higher education or at any function sponsored by the institution of
437 higher education, that substantially disrupts or interferes with the orderly operation of the
438 institution or the rights of other students and that:

439 (a) a reasonable person should know, under the circumstances, will have
440 the effect of physically or emotionally harming a student or damaging the student's property, or
441 placing a student in reasonable fear of physical or emotional harm to his person or damage to his
442 property;

443 (b) has the effect of insulting or demeaning any student or group of
444 students;

445 (c) creates a hostile educational environment for the student; or

446 (d) interferes with a student's education or by severely or pervasively
447 causing physical or emotional harm to the student.

448 (B) The institution shall distribute the policy by email to each student within seven
449 days of the start of each semester and shall post the policy on its website.

450
451 Section 12. [*Bullying Prevention Fund.*]

452 (A) There is created a special fund in the [department of education], which shall be
453 designated the [Bullying Prevention Fund]. The fund shall be maintained in a separate account
454 and administered by the [commissioner of education] to carry out the provisions of this Act. The
455 fund shall be used to offer grants to school districts to provide training about harassment,
456 intimidation, and bullying prevention and on the effective creation of positive school climates,
457 and shall consist of:

458 (1) any monies appropriated by the state for the purposes of the fund;

459 (2) any monies donated for the purposes of the fund; and

460 (3) all interest and investment earnings received on monies in the fund.

461
462 Section 13. [*Severability.*] [Insert severability clause.]

463
464
465
466

Section 14. [*Repealer.*] [Insert repealer clause.]

Section 15. [*Effective Date.*] [Insert effective date.]