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.)

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

Section 2. [Definitions.] As used in this Act:
(1) “Electronic communication” means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager;
(2) “Board of Education” or “Board” means a local school board as defined in [insert citation].
(3) “Commissioner” means an official defined in [insert citation].
(4) “Harassment, intimidation or bullying” means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in [insert citation], that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:
(a) a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student’s property, or placing a student in reasonable fear of physical or emotional harm to their person or damage to their property;
(b) has the effect of insulting or demeaning any student or group of students; or
(c) creates a hostile educational environment for the student by interfering with a student’s education or by severely or pervasively causing physical or emotional harm to the student.

(5) “State Board of Education” means the state board of education defined in [insert citation].

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

Section 4. [Anti-Bullying Programs and Training.]
(A) The week beginning with the [first Monday in October] of each year shall be designated as a “Week of Respect” in this state. School districts, in order to recognize the importance of character education, shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation, or bullying. Throughout the school year each school district shall provide ongoing age-appropriate instruction about preventing harassment, intimidation, and bullying in accordance with the core curriculum content standards.

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

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

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

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

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

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

(H) Beginning with the [school year], all candidates for administrative and supervisory certification shall have satisfactorily completed a program about harassment, intimidation, and bullying prevention.
(I) A school leader shall complete training on school ethics, school law, school governance, the prevention of harassment, intimidation, and bullying as part of the professional development for school leaders required pursuant to [state board of education] regulations. The training shall be offered through a collaborative training model as identified by the [commissioner of education], in consultation with the [state advisory committee on professional development for school leaders]. As used in this section, “school leader” means a school district staff member who holds a position that requires the possession of a chief school administrator, principal, or supervisor endorsement.

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

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

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

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

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

Section 5. [School Policy Prohibiting Harassment, Intimidation or Bullying.]
(A) Each school district shall adopt a policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus. The school district shall adopt the policy through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

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

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

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

1. a statement prohibiting harassment, intimidation or bullying of a student;
2. a definition of harassment, intimidation or bullying no less inclusive than that set forth in section 2 (4) of this Act;
3. a description of the type of behavior expected from each student;
4. consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying, and
5. a procedure for reporting an act of harassment, intimidation or bullying, including a provision that permits a person to report an act of harassment, intimidation or bullying anonymously; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

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

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

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

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

      (a) the investigation shall be initiated by the principal or the principal’s designee within [one] school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation. The investigation shall be completed as soon as possible, but not later than [10] school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the [10-day] period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information;
(b) the results of the investigation shall be reported to the superintendent of schools within [two] school days of the completion of the investigation, and in accordance with regulations promulgated by the [state board of education] pursuant to [insert citation], the superintendent may decide to provide intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action;

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

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

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

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

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

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

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

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

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

(12) a requirement that the name, school phone number, school address and school email address of the district anti-bullying coordinator be listed on the home page of the school district’s website and, on the home page of each school’s website, the name, school phone
number, school address and school email address of the school anti-bullying specialist and the
district anti-bullying coordinator. The information concerning the district anti-bullying
coordinator and the school anti-bullying specialists shall also be maintained on the
[department’s] website.

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

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

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

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

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

Section 6. [Anti-Bullying Specialist and Anti-Bullying Coordinator.]

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

1. chair the school safety team;
2. lead the investigation of incidents of harassment, intimidation, and bullying in
the school; and
3. act as the primary school official responsible for preventing, identifying, and
addressing incidents of harassment, intimidation, and bullying in the school.

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

1. be responsible for coordinating and strengthening the school district’s policies
to prevent, identify, and address harassment, intimidation, and bullying of students;
(2) collaborate with school anti-bullying specialists in the district, the board of
education, and the superintendent of schools to prevent, identify, and respond to harassment,
imintimation, and bullying of students in the district;
(3) provide data, in collaboration with the superintendent of schools, to the
[department of education] about harassment, intimidation, and bullying of students; and
(4) execute such other duties related to school harassment, intimidation, and
bullying as requested by the superintendent of schools.
(C) The district anti-bullying coordinator shall meet at least [twice] a school year, with
the school anti-bullying specialists in the district to discuss and strengthen procedures and
policies to prevent, identify, and address harassment, intimidation, and bullying in the district.
(D) The [commissioner of education], in consultation with recognized experts in school
bullying from a cross section of academia, child advocacy organizations, nonprofit organizations,
professional associations, and government agencies, shall establish in-service workshops and
training programs to train selected public school employees to act as district anti-bullying
coordinators and school anti-bullying specialists. The [commissioner] shall seek to make the
workshops and training programs available and administered online through the [department’s]
website or other existing online resources. The [commissioner] shall evaluate the effectiveness of
the consulting group on an [annual] basis. The in-service training programs may use the offices
of the executive county superintendent of schools, or such other institutions, agencies, or people
as the [commissioner] deems appropriate. Each board of education shall provide time for the in-
service training during the usual school schedule in order to ensure that appropriate personnel are
prepared to act in the district as district anti-bullying coordinators and school anti-bullying
specialists.
(E) Upon completion of the initial in-service training program, the [commissioner] shall
ensure that programs and workshops that reflect the most current information about harassment,
imintimation, and bullying in schools are prepared and made available to district anti-bullying
coordinators and school anti-bullying specialists at regular intervals.

Section 7. [School Safety Team.]
(A) A school district shall form a school safety team in each school in the district to
develop, foster, and maintain a positive school climate by focusing on the on-going, systemic
process and practices in the school and to address school climate issues such as harassment,
imintimation, or bullying. A school safety team shall meet at least [two] times per school year.
(B) A school safety team shall consist of the principal or his designee who, if possible,
shall be a senior administrator in the school and the following appointees of the principal: a
teacher in the school; a school anti-bullying specialist; a parent of a student in the school; and
other members to be determined by the principal. The school anti-bullying specialist shall serve
as the chair of the school safety team.
(C) The school safety team shall:
(1) receive any complaints of harassment, intimidation, or bullying of students
that have been reported to the principal;
(2) receive copies of any report prepared after an investigation of an incident of
harassment, intimidation, or bullying;
(3) identify and address patterns of harassment, intimidation, or bullying of
students in the school;
(4) review and strengthen school climate and the policies of the school in order to
prevent and address harassment, intimidation, or bullying of students;
(5) educate the community, including students, teachers, administrative staff, and
parents, to prevent and address harassment, intimidation, or bullying of students;
(6) participate in the training required pursuant to [insert citation] and other training which the principal or the district anti-bullying coordinator may request;

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

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

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

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

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

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

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

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

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

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

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

(G) The [commissioner of education] shall establish a formal protocol pursuant to which the office of the executive county superintendent of schools shall investigate a complaint that documents an allegation of a violation of this Act by a school district located within the county, when the complaint has not been adequately addressed on the local level. The office of the executive county superintendent shall report its findings, and if appropriate, issue an order for the school district to develop and implement corrective actions that are specific to the facts of the case.
The commissioner shall ensure that the personnel of the office of the executive county superintendent of schools who are responsible for conducting the investigations receive training and technical support on the use of the complaint investigation protocol.

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

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

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

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

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

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

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

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

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

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

(B) In the case of a faith-based nonpublic school, no provision of this Act shall be interpreted to prohibit or abridge the legitimate statement, expression or free exercise of the
beliefs or tenets of that faith by the religious organization operating the school or by the school’s faculty, staff, or student body.

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

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

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

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

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

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

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

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

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

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

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

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

Section 12. [Bullying Prevention Fund.]

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

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

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

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

Section 13. [Severability.] [Insert severability clause.]
Section 14. [Repealer.] [Insert repealer clause.]

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