

# New Jersey Sets Strong Anti-Bullying Tone

by [DonaldScarinci@yahoo.com](mailto:DonaldScarinci@yahoo.com)

New Jersey continues to set the tone for the country when it comes to anti-bullying measures. The state's Division of Civil Rights recently awarded damages to a Toms River student who was bullied due to his sexual orientation. The case, which was originally decided in 2007 under [New Jersey's Law Against Discrimination](#), paved the way for the state's ground breaking Anti-Bullying Bill of Rights Act of 2011.

In [L.W. v. Toms River Regional Schools Bd. of Ed.](#), a Toms River student was repeatedly harassed by other students who called him names like "faggot" and physically attacked him. While the abuse was reported to school officials and some disciplinary action was taken, the bullying escalated from fourth grade to high school. After years of mistreatment resulted in the student leaving the school system, the student's mother filed a complaint against the school district with the Division of Civil Rights on her son's and her own behalf. She alleged that the school district's failure to take corrective action violated the New Jersey Law Against Discrimination (NJLAD).

The [New Jersey discrimination lawsuit](#) ultimately made it to the New Jersey Supreme Court, which created new precedent when it ruled that a school could be held liable for harassment under the NJLAD. In this case, it found that the school district failed to take reasonable steps to stop the bullying. In the most recent decision, the school district was ordered to pay \$50,000 in damages, \$18,269 in interest, \$28,175 in attorney's fees and \$10,242 in interest on those fees. The district was also assessed a \$10,000 penalty under the LAD.

Today, students have much greater protections, thanks in large part to L.W. and his mother. Under [New Jersey's Anti-Bullying Bill of Rights Act](#), school districts are now held to an even higher standard. Teachers, administrators, and school board members must complete training on harassment, intimidation, and bullying. In addition, school districts are required to establish bullying-prevention programs and document their responses to reports of bullying.

The law specifically requires acts of harassment, intimidation, or bullying to be reported verbally to the school principal on the same day when the school employee witnessed or received reliable information regarding any such incident. The principal or someone designated to act on his or her behalf must then initiate an investigation within one school day. The results of the investigation must be reported to the superintendent of schools as well as the State Board of Education. Schools are then graded on how well they prevent and respond to acts of bullying.

*Donald Scarinci is a managing partner at Lyndhurst, N.J. based law firm [Scarinci Hollenbeck](#). He is also the editor of the [Constitutional Law Reporter](#) and [Government and Law](#) blogs.*