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AN ACT prohibiting anti-Semitism in public schools and institutions of higher education and amending P.L.1973, c.380 and N.J.S.18A:38-5.1 and supplementing chapter 3B of Title 18A of the New Jersey Statutes.

Prohibits anti-Semitism in public schools and institutions of higher education.

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Same as _____ 16/17 Same as _____ 18/19

Suggested allocation: s.3: C.18A:36-20.1; s.4-s.5: C.18A:3B-76.1 et seq.; s.6: Eff. date to 2019/122.

AN ACT prohibiting anti-Semitism in public schools and institutions of higher education and amending P.L.1973, c.380 and N.J.S.18A:38-5.1 and supplementing chapter 3B of Title 18A of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 1 of P.L.1973, c.380 (C.18A:36-20) is amended to read as follows:

No pupil in a public school in this State shall be discriminated against in admission to, or in obtaining any advantages, privileges or courses of study of the school by reason of race, color, creed and religion, sex, **[or]** national origin, or other protected category under subsection f. of section 11 of P.L.1945, c.169 (C.10:5-12).
(cf: P.L.1973, c.380, s.1)

2. N.J.S.18A:38-5.1 is amended to read as follows:

No child between the ages of four and 20 years shall be excluded from any public school on account of his race, creed and religion, color, national origin, **[or]** ancestry, or other protected category under subsection f. of section 11 of P.L.1945, c.169 (C.10:5-12). A member of any board of education who shall vote to exclude from any public school any child, on account of his race, creed and religion, color, national origin, **[or]** ancestry, or other protected category under subsection f. of section 11 of P.L.1945, c.169 (C.10:5-12) shall be guilty of a misdemeanor, and punished by a fine of not less than \$50.00 nor more than \$250.00, or by imprisonment in the county jail, workhouse or penitentiary of the county in which the offense has been committed, for not less than 30 days nor more than six months, or by both such fine and imprisonment in the discretion of the court.
(cf: N.J.S.18A:38-5.1)

3. (New section) a. A public school in this State shall treat discrimination resulting from school policies or by students or employees, which is motivated by anti-Semitic intent, in the same manner in which discrimination by reason of being a member of any protected category under subsection f. of section 11 of P.L.1945, c.169 (C.10:5-12) is treated. As used in this section, “anti-Semitism” means a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, a person’s property, or toward Jewish community institutions or religious facilities. Anti-Semitism related to Jewish people and to Israel includes, but is not limited to:

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.

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(1) calling for, aiding, or justifying the killing or harming of Jewish people, often in the name of a radical ideology or an extremist view of religion;

(2) making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jewish people or the power of Jewish people as a collective, especially, but not exclusively, the myth about a worldwide Jewish conspiracy or of Jewish people controlling the media, economy, government or other societal institutions;

(3) accusing Jewish people as a whole of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the State of Israel, or even for acts committed by non-Jewish people;

(4) accusing Jewish people as a whole or the State of Israel of inventing or exaggerating the Holocaust;

(5) accusing Jewish people of being more loyal to Israel, or to the alleged priorities of Jewish people worldwide, than to the interest of their own nations;

(6) demonizing Israel by using the symbols and images associated with classic anti-Semitism to characterize Israel or Israeli people, drawing comparisons of contemporary Israeli policy to that of the Nazis, or blaming Israel for all inter-religious or political tensions;

(7) applying a double standard to Israel by requiring behavior of Israel that is not expected or demanded of any other democratic nation, or focusing peace or human rights investigations only on Israel; and

(8) delegitimizing Israel by denying the Jewish people their right to self-determination and denying Israel the right to exist.

Criticism of Israel that is similar to criticism toward any other country may not be regarded as anti-Semitic.

b. Nothing in this section shall be construed to diminish or infringe upon any right protected by the First Amendment to the United States Constitution or Article I, paragraph 6 of the New Jersey Constitution. Nothing in this section shall be construed to conflict with the “Law Against Discrimination,” P.L.1945, c.169 (C.10:5-1 et seq.), or any other applicable State or federal anti-discrimination statutes.

4. (New section) No student attending an institution of higher education in this State shall be discriminated against in admission to, or in obtaining any advantages, privileges or courses of study of the institution by reason of race, color, creed and religion, sex, national origin, or other protected category under subsection f. of section 11 of P.L.1945, c.169 (C.10:5-12).

5. (New section) a. An institution of higher education in this State shall treat discrimination resulting from institution policies or by students or employees, which is motivated by anti-Semitic

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intent, in the same manner in which discrimination by reason of being a member of any protected category under subsection f. of section 11 of P.L.1945, c.169 (C.10:5-12) is treated. As used in this section, “anti-Semitism” means a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, a person’s property, or toward Jewish community institutions or religious facilities. Anti-Semitism related to Jewish people and to Israel includes, but is not limited to:

(1) calling for, aiding, or justifying the killing of harming of Jewish people, often in the name of a radical ideology or an extremist view of religion;

(2) making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jewish people or the power of Jewish people as a collective, especially, but not exclusively, the myth about a world Jewish conspiracy or of Jewish people controlling the media, economy, government or other societal institutions;

(3) accusing Jewish people as a whole of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the State of Israel, or even for acts committed by non-Jewish people;

(4) accusing Jewish people as a whole or the State of Israel of inventing or exaggerating the Holocaust;

(5) accusing Jewish people of being more loyal to Israel, or to the alleged priorities of Jewish people worldwide, than to the interest of their own nations;

(6) demonizing Israel by using the symbols and images associated with classic anti-Semitism to characterize Israel or Israeli people, drawing comparisons of contemporary Israeli policy to that of the Nazis, or blaming Israel for all inter-religious or political tensions;

(7) applying a double standard to Israel by requiring behavior of Israel that is not expected or demanded of any other democratic nation, or focusing peace or human rights investigations only on Israel; and

(8) delegitimizing Israel by denying the Jewish people their right to self-determination and denying Israel the right to exist.

Criticism of Israel that is similar to criticism toward any other country may not be regarded as anti-Semitic.

b. Nothing in this section shall be construed to diminish or infringe upon any right protected by the First Amendment to the United States Constitution or Article I, paragraph 6 of the New Jersey Constitution. Nothing in this section shall be construed to conflict with the “Law Against Discrimination,” P.L.1945, c.169 (C.10:5-1 et seq.), or any other applicable State or federal anti-discrimination statutes.

6. This act shall take effect immediately.

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STATEMENT

This bill would expressly prohibit anti-Semitism in public schools and institutions of higher education in the State. It would require that discrimination resulting from school or institution policies or by students or employees, which is motivated by anti-Semitic intent, be treated in the same manner in which discrimination motivated by all factors enumerated in the New Jersey “Law Against Discrimination” is treated. As defined under the bill, anti-Semitism means a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, a person’s property, or toward Jewish community institutions or religious facilities. The bill specifies particular examples of anti-Semitism directed at Jewish people and at Israel.

Current New Jersey law provides that no student in a public school in the State shall be discriminated against in admission to, or in obtaining any advantages, privileges or courses of study of the school by reason of race, color, creed, sex, or national origin. In addition, a provision in the “Law Against Discrimination” states that educational institutions, including public schools and colleges and universities, are broadly prohibited from discriminating on the basis of a number of factors, including creed. In practice, discrimination based on an individual’s creed has been interpreted to include discrimination based on religion.

The bill also amends current sections of State law, which provide certain anti-discrimination protections to students, to clarify that discrimination based on religion is prohibited and that all protected categories enumerated under the “Law Against Discrimination” are subject to anti-discrimination protections in public schools.

Prohibits anti-Semitism in public schools and institutions of higher education.

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