

CHAPTER 16

AN ACT concerning instruction on the meaning of consent for physical contact and sexual activity and supplementing chapter 35 of Title 18A of the New Jersey Statutes.

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

C.18A:35-4.37 Finding and declaration relative to sexual assault.

1. The Legislature finds and declares that:

a. Over the last several years, media and government attention has been focused on addressing the high rate of sexual assault on college campuses. A 2015 study by the Association of American Universities indicated that 23 percent of female undergraduates and five percent of male undergraduates experience rape or sexual assault through physical force, violence, or incapacitation.

b. In response to the issue of sexual assault, colleges and universities have adopted affirmative consent policies requiring a clear, unequivocal yes for sexual contact, and freshmen students are receiving more education in regard to defining consent.

c. While it is an important development in the fight against sexual violence that an increasing number of institutions of higher education are conducting sexual assault orientations and mandating instruction on consent, this is often too late. Statistics indicate that nearly half of American teenagers are sexually active by the time they reach the age of 17, and one in five female high school students reports being physically or sexually abused by a dating partner.

d. Expecting students in middle school and high school to fully grasp what sexual assault is without the necessary information and awareness on the nature and the need for consent before physical contact or sexual activity is not realistic.

e. Young people need an understanding of consent to live healthy, self-determined lives. They need to understand the right to say no to unwanted physical contact or sexual activity and to respect the right of another person to say no.

f. Ending sexual harassment and assault is currently a part of the national conversation, and taking steps to begin that conversation at an earlier point in a student's school career will advance the goal of ending sexual violence and ensure that students are well prepared to protect themselves and ensure the safety of others when they first arrive on a college campus.

C.18A:35-4.38 Incorporation of age-appropriate instruction relative to consent for physical contact and sexual activity.

2. A school district shall incorporate age-appropriate instruction in grades six through 12 on the law and meaning of consent for physical contact and sexual activity as part of the district's implementation of the New Jersey Student Learning Standards in Comprehensive Health and Physical Education. The instruction shall be designed to increase discussion and awareness that consent is required before physical contact or sexual activity, as well as the social, emotional, and relational impact surrounding sexuality, the right to say no to unwanted physical contact or sexual activity, and the virtues of respecting the right of others to say no. The Commissioner of Education shall provide school districts with age-appropriate sample learning activities and resources designed to implement this requirement.

3. This act shall take effect in the first full school year following the date of enactment.

Approved January 31, 2019.