

2022 Amendments to New Jersey's Anti-Bullying Bill of Rights Act (ABR): FAQs & Resources

New Jersey has been a leader in the establishment of a strong statutory, regulatory policy and program framework to support the prevention, remediation and reporting of HIB in schools. Provided on this webpage are the required harassment, intimidation and bullying (HIB) incident reporting forms, the updated *Model Policy for Preventing HIB* and a list of frequently asked questions concerning the 2022 amendments to New Jersey's [Anti-Bullying Bill of Rights Act \(ABR\)](#) and [N.J.A.C. 6A:16-7.7 and 7.8](#).

Addressing Harassment, Intimidation, and Bullying in Schools: Frequently Asked Questions

The [Anti-Bullying Bill of Rights Act \(ABR\)](#) was authorized in January 2011 and [amended](#) in January 2022. The Frequently Asked Questions pertain to the amendments enacted in January 2022 and have been updated as of July 2023.

Yes. Beginning with the 2022-2023 school year, LEAs revised their policies and procedures to reflect [amendments](#) made to the *Anti-Bullying Bill of Rights Act (ABR)* in January 2022. Additionally, school districts were required to provide their updated HIB policy to the Executive County Superintendent (ECS) within 30 days of being revised.

The 2022 amendments to the ABR set new requirements governing how LEAs address HIB, which are outlined below:

- If the school district's policy permits the use of a preliminary determination for reports of HIB, then the superintendent must annually report to the Board of Education the number of times the preliminary determination was found to be outside the scope of HIB.
- If an alleged incident of HIB is later founded as a verified incident of HIB, copies of the results of the investigation shall be placed in the student's record.
- If a student is founded to have committed three incidents of HIB, then a principal, in consultation with appropriate school staff, shall develop an individual student intervention plan which shall be approved by the superintendent of schools or the superintendent's designee. Each subsequent act of verified HIB would also require a principal, in consultation with appropriate school staff, to develop an individual student intervention plan which would be approved by the superintendent of schools or the superintendent's designee.
- When submitting a written report of HIB to the principal, the written report shall be on the HIB 338 Form.
- The LEA shall provide a means for a parent or guardian to complete the HIB 338 Form, specified for Families and Caregivers, online and confidentially to report an incident of harassment, intimidation, or bullying.

All LEAs must use the form issued by the New Jersey Department of Education titled HIB 338 Form. There are two versions of the form, one to be completed by LEA personnel and contracted service providers, and one for families and caregivers. The initial HIB 338 Forms were revised to reflect feedback from the field. LEAs must use the most up to date HIB 338 Forms for the 2023-2024 school year that are posted on this webpage and also announced in the July 19, 2023 broadcast memo.

The LEA shall also provide parents a means to anonymously complete the HIB 338 Form online.

The HIB 338 Form replaces any forms previously utilized by the LEA for individuals to report allegations of HIB. Upon receiving the form, the principal or the principal's designee shall implement the LEA's policy and procedure for allegations of HIB. Additionally, the principal must promptly submit a copy of the form to the superintendent. The original completed form must be kept on file in the school.

When a school staff member is verbally made aware that an alleged HIB incident occurred, the school staff member shall use an HIB 338 Form for LEAs to report that information to the principal as per the LEA's policy and procedures for reporting HIB.

Yes. The LEA may not fail to initiate an investigation of HIB solely because written documentation was not provided. Failing to conduct an HIB investigation solely because a parent did not submit written documentation may violate the ABR's requirement that the LEA's policy includes a procedure for prompt investigation of reports of violations and complaints.

If a parent makes a report to the school or LEA and the parent does not complete the HIB 338 Form, the school or LEA staff member who received the information should complete the HIB 338 Form for LEAs and submit the form to the principal per the LEA's policy and procedures for reporting HIB. This includes, but is not restricted to, parental reports of HIB that are received verbally or by other means.

Yes. The HIB 338 Form must be completed for each reported allegation of HIB, regardless of a school district policy's allowance for the use of a preliminary determination.

HIB 338 Forms include a section for LEAs to complete regarding their school district policy's preliminary determination allowance. This section must be completed on each HIB 338 Form a school district receives.

Yes. The HIB 338 Form must be completed for each reported allegation of HIB. To further support the consultation that must occur between APSSDs and LEA pursuant to *N.J.A.C. 6A:16-7.7* and *7.8*, it is essential that APSSDs use the HIB 338 Form.

Not only will utilization of the HIB 338 Form further promote uniformity in reporting mechanisms for all public-school students, it will ensure an LEA has the correct reporting form should they be required to conduct an HIB investigation involving students who attend an APSSD pursuant to *N.J.A.C. 6A:16-7.7(a)2ix(2)*. This will also ensure the district board of education or board of trustees can access the HIB 338 Form if an appeal is made to the district board of education pursuant to *N.J.A.C. 6A:16-7.8(a)3xi*.

The following information is required by the *Anti-Bullying Bill of Rights Act* and subsequent amendments to be posted on district and school websites:

School District Homepage:

- School district's HIB Policy;
- HIB338 Forms for Families & Caregivers;
- Contact information for the School Climate State Coordinator (HIB@doe.nj.gov);
- The current version of the document, NJDOE Guidance for Parents on the *Anti-Bullying Bill of Rights Act*;
- Contact information for the Anti-Bullying Coordinator (ABC): name, school phone number, school address, and school email;
- The LEA's most recent HIB Grade Report.

Individual School Homepage:

- HIB338 Forms for Families & Caregivers;
- Contact information for the Anti-Bullying Coordinator (ABC): name, school phone number, school address, and school email;
- Contact information for the Anti-Bullying Specialist (ABS): name, school phone number, school address, and school email;
- The current version of the document, NJDOE Guidance for Parents on the *Anti-Bullying Bill of Rights Act*;
- The LEA's most recent HIB Grade Report issued by the NJDOE.

Although not required, school districts may want to consider adding the contacting information for all anti-bullying specialists (ABS) in each of the schools on the district website.

The Department's [Harassment, Intimidation and Bullying \(HIB\) webpage](#) includes a dropdown bar of resources for parents and caregivers. These resources are updated and provide helpful

links to outside organizations as well as resources pertaining to New Jersey's anti-bullying initiatives.

The Department is actively revising the [Guidance for Parents on the Anti-Bullying Bill of Rights Act](#), but much of the information included in the current guidance remains applicable. The Department anticipates revised guidance will be released to LEAs in Fall 2023. LEAs will be made aware of the revised guidance's availability via a broadcast memo. Once LEAs upload the revised guidance to their websites, we suggest they notify the parents, families, and caregivers in their community of the available resource.