

# 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).

## January 2022 Amendments

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.

## Frequently Asked Questions

### **Addressing Harassment, Intimidation, and Bullying in Schools**

### **(Anti-Bullying Bill of Rights Act and N.J.A.C. 6A:16-7.7 and 7.8)**

### **Frequently Asked Questions**

August 2022

**1. Are there new requirements for the way that local educational agencies (LEAs) address harassment, intimidation, and bullying (HIB) in schools?**

Yes. Beginning with the 2022-2023 school year, LEAs must revise their policies and procedures to reflect amendments made to the *Anti-Bullying Bill of Rights Act* (ABR) in January 2022.

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.

**2. What forms do LEAs need to use when an allegation of HIB is reported?**

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 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.

**3. What actions should a school staff member take if a parent makes a verbal report of HIB?**

The school staff member who received the information should complete the HIB 338 Form and submit to the principal per the LEA's policy and procedures.

**4. Is an LEA required to conduct an HIB investigation if a parent doesn't complete the HIB 338 Form?**

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 does not complete the HIB 338 Form, the school or LEA staff member who received the information should complete the HIB 338 Form and submit to the principal per the LEA's policy and procedures.

**5. An LEA's policy may include the provision that allows the principal, in consultation with the anti-bullying specialist, to make a preliminary determination as to whether**

**a reported incident is within the scope of the ABR’s definition for HIB. If the policy includes this provision and the preliminary determination is that the report is outside the scope of the definition, does the HIB 338 Form need to be used?**

Yes. The HIB 338 Form must be completed for each reported allegation. If it is determined the allegation is outside the scope of the definition and will not be investigated through the HIB process, the HIB Form 338 must be completed and kept on file in the school.

A copy of the form must be promptly submitted to the superintendent who must answer question 2 on the form. Should the superintendent answer “yes” to question 2, the superintendent must notify the principal of this determination in writing. Upon receiving the notification from the superintendent that an investigation is necessary, the principal must immediately initiate an HIB investigation.

**6. Are approved private schools for students with disabilities (APSSDs) required to use the HIB 338 Form?**

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*.

**7. What information do LEAs need to post on LEA and school websites?**

The following information should be posted on district and school websites:

- LEA Homepage:
  - School district’s HIB policy;
  - Contact information for the School Climate State Coordinator ([HIB@doe.nj.gov](mailto:HIB@doe.nj.gov));
  - [Guidance for Parents on the Anti-Bullying Bill of Rights Act](#);
  - Contact information for the district’s anti-bullying coordinator (name, school phone number, school address, and school email address); and,
  - The LEA’s most recent [HIB Grade Report](#).
- Individual School Homepages:
  - [Guidance for Parents on the Anti-Bullying Bill of Rights Act](#);
  - Contact information for the school anti-bullying specialist and district anti-bullying coordinator (name, school phone number, school address, and school email address); and,

- The school's most recent [HIB Grade Report](#).

**8. What information is available for parents?**

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 2022. 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.

**9. Is there a mechanism to provide feedback on the HIB 338 Form?**

Yes. The Department welcomes feedback on the construction and utilization of HIB 338 Form. Comments and suggestions may be emailed to [HIB338@doe.nj.gov](mailto:HIB338@doe.nj.gov). We encourage submission by January 13, 2023.

The NJDOE will continue to update this page as new resources are made available to support local educational agencies in implementation of the revised ABR. Please share any suggestions on ways the NJDOE can improve upon the required reporting forms and/or supports for implementing the amendments by emailing [HIB338@doe.nj.gov](mailto:HIB338@doe.nj.gov)

**Resources**

- [Model Policy for Prohibiting HIB \(August 2022\)](#)
- [HIB Incident Form for Families](#)