

# Bullying Prevention

**A Family Guide to Recognizing Bullying,  
Responding, and Supporting Your Child**







# **FAMILY GUIDE**

on

# **Bullying Prevention**

*Recognize • Respond • Support • Advocate*

**For families in New Jersey:**

This guide explains practical steps families can take when bullying, harassment, or intimidation is affecting a child. It also highlights important protections under New Jersey's Anti-Bullying Bill of Rights Act, federal civil-rights laws, and the New Jersey Law Against Discrimination.

**SPAN Parent Advocacy Network**

Newark, NJ

1-800-654-SPAN (7726)

[www.spanadvocacy.org](http://www.spanadvocacy.org)

## How to Use This Guide

Bullying can affect a child's safety, confidence, relationships, attendance, mental health, and ability to learn. Families do not need to know every law before asking for help. Start with what happened, how it is affecting your child, and what your child needs to feel safe and able to participate in school.

This guide is designed to help families recognize possible bullying, document concerns, report them to the school, understand the New Jersey HIB process, and know when additional civil-rights protections or special-education supports may apply.

### **Important:**

Not every conflict or hurtful interaction meets New Jersey's legal definition of harassment, intimidation, or bullying (HIB). Families should still report concerning behavior. The school is responsible for reviewing the facts and deciding how the incident should be addressed.

## 1. Understanding Bullying and HIB

New Jersey's Anti-Bullying Bill of Rights Act (ABR) uses the term harassment, intimidation, or bullying (HIB). HIB can include a gesture, written or verbal statement, physical act, or electronic communication. It may be a single incident or a series of incidents.

For conduct to meet the legal definition of HIB, it must be reasonably perceived as motivated by an actual or perceived characteristic or another distinguishing characteristic; substantially disrupt or interfere with school operations or the rights of other students; and cause or reasonably risk physical or emotional harm, insult or demean a student, or create a hostile educational environment.

### **Examples of characteristics that may be involved**

- Race or color
- Religion or creed
- Ancestry, national origin, or nationality
- Sex or gender
- Sexual orientation
- Gender identity or expression
- Mental, physical, or sensory disability
- Another distinguishing characteristic

### **Where can HIB happen?**

- On school property
- On a school bus
- At a school-sponsored function or activity

- Online or off school grounds when the conduct has the required connection to and impact on the school environment

**Bullying, conflict, and mean behavior are not always the same:**

A disagreement between students may be conflict rather than HIB. A one-time act can still qualify as HIB if the legal requirements are met. Even when conduct is not legally HIB, the school may still need to address safety, discipline, student support, or school-climate concerns.

## 2. Warning Signs Families May Notice

Children and teens do not always tell adults when they are being bullied. A change in behavior may be the first sign that something is wrong.

- Suddenly not wanting to go to school, certain classes, activities, lunch, recess, or the bus
- Frequent headaches, stomachaches, or requests to stay home
- Changes in sleep, appetite, mood, or energy
- Becoming unusually quiet, sad, angry, anxious, or withdrawn
- A drop in grades, participation, or interest in school
- Avoiding friends or activities they previously enjoyed
- Appearing upset after using a phone, social media, messaging, or gaming platforms
- Lost or damaged belongings or unexplained injuries
- Saying they feel unsafe, embarrassed, humiliated, or afraid

These signs do not automatically mean bullying is occurring. They are a reason to check in calmly and give your child a chance to talk.

## 3. When Your Child Tells You Something Happened

Start by listening. Your first response can help your child decide whether they feel safe continuing to share.

- Thank your child for telling you.
- Ask what happened without immediately judging or blaming.
- Ask what your child needs in order to feel safer.
- Find out whether the behavior has happened before and whether anyone witnessed it.
- Ask whether school staff already know.
- Ask whether your child feels safe going to school the next day.

**Helpful language:**

“I’m glad you told me.”

“Tell me what happened.”

“What would help you feel safer?”

“We will work on this together.”

Avoid encouraging your child to retaliate or telling them to simply ignore the behavior. Also avoid contacting the other student’s family directly. Allow the school to communicate with the appropriate parties.

#### 4. Document What Is Happening

Clear documentation helps families explain patterns, show the effect on the student, and track how the school responds.

- Date and time of each incident
- Location or online platform
- What happened, using specific facts
- Names of students or adults involved, when known
- Names of witnesses
- Why you believe the student was targeted, if known
- How the incident affected attendance, participation, learning, friendships, or emotional well-being
- Who at the school was told and when
- What the school said or did
- Copies of emails, texts, social-media posts, screenshots, photographs, or other records

#### Write facts and include details:

Instead of writing “My child is being bullied all the time,” describe what happened, when and where it happened, who was involved, and how it affected your child.

#### 5. How to Report Bullying in a New Jersey School

Each public and charter school in New Jersey must follow an HIB policy. The school has an Anti-Bullying Specialist, and the district has an Anti-Bullying Coordinator.

- Tell the school as soon as possible. You may contact the principal and/or the school Anti-Bullying Specialist.
- Describe the behavior in writing. Include dates, locations, people involved, witnesses, and the impact on your child.
- Use the NJ HIB 338 form if you want to make a formal written report. The form is submitted to the school the student attends. HIB 338 forms are available in multiple languages, including English, Arabic, Chinese, Gujarati, Haitian Creole, Korean, Polish, Portuguese, Russian, Spanish, and Vietnamese.

- Attach supporting information when appropriate, such as screenshots, emails, or other records.
- Ask what immediate steps will be taken to help your child feel safe while the matter is being reviewed.

## 6. What Happens After an HIB Report?

| Step                        | General New Jersey timeline                                                                                                                            |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| Report received             | School staff who witness or receive reliable information about HIB must report it to the principal.                                                    |
| Investigation begins        | The investigation must begin within 1 school day of the report.                                                                                        |
| Investigation completed     | The investigation should be completed within 10 school days from the written report, subject to later amendment if additional information is received. |
| Superintendent review       | The superintendent receives the report and may order interventions, counseling, training, discipline, or other appropriate action.                     |
| Board of Education review   | The Board receives the investigation results no later than its next meeting after the investigation is completed.                                      |
| Parent/guardian notice      | Parents or guardians receive written information about the investigation within 5 school days after the results are reported to the Board.             |
| Board hearing, if requested | A parent or guardian may request a Board hearing; the hearing must occur within 10 days of the request.                                                |
| Further appeal              | A Board decision may be appealed to the Commissioner of Education within 90 days; further appeal may be available to the Appellate Division.           |

### What information will families receive?

Families are entitled to written information about the nature of the investigation, whether evidence of HIB was found, and whether discipline was imposed or services were provided.

Student confidentiality rules may limit some details.

## 7. Ask for a Safety and Support Plan

Do not wait for the entire process to end if your child needs immediate support. Ask the school what will change now to help your child feel safe and participate in school.

- A trusted adult your child can go to
- Regular check-ins
- Increased supervision in locations where problems occur
- Support during arrival, dismissal, lunch, recess, transportation, or extracurricular activities
- A safe place to go if your child feels overwhelmed
- Counseling or behavioral-health support
- A plan for reporting new incidents
- A follow-up date to determine whether the plan is working

A safety plan should not make the targeted student carry the burden of avoiding school opportunities whenever other reasonable supports are available.

## 8. Cyberbullying

New Jersey's HIB definition includes electronic communications. Online conduct may be reported to the school when it meets the legal requirements and affects the school environment or the rights of students.

- Save screenshots before blocking or deleting content.
- Record usernames, account names, dates, times, and platforms.
- Do not encourage your child to retaliate online.
- Use platform reporting and blocking tools when appropriate.
- Tell the school how the online behavior is affecting attendance, participation, friendships, emotional well-being, or school safety.

## 9. When Bullying May Also Be Discrimination

Some bullying is also discrimination-based harassment. When a student is targeted because of an actual or perceived protected characteristic, additional state and federal civil-rights protections may apply.

### New Jersey Law Against Discrimination (LAD)

The LAD provides protections against discrimination in schools and other places of public accommodation. It protects people based on actual or perceived membership in protected groups.

- Race or color
- Creed or religion
- National origin, ancestry, or nationality
- Sex
- Gender identity or expression
- Affectional or sexual orientation
- Disability
- Other protected categories identified in the LAD

- Protections related to natural or protective hairstyles, such as braids, locks, and twists

### Federal civil-rights protections

Federal civil-rights laws may apply to discrimination-based harassment in schools, including Title VI protections involving race, color, and national origin; Title IX protections involving sex; and disability protections under Section 504 and the Americans with Disabilities Act.

#### Actual or perceived characteristics:

Civil-rights protections may apply even when the student does not actually have the characteristic another person believes they have.

## 10. Bullying and Students with Disabilities

Bullying can interfere with a student with a disability's ability to access education. A school's responsibilities may extend beyond completing an HIB investigation.

- If your child has an IEP, consider requesting an IEP meeting to discuss whether bullying has changed your child's needs or is interfering with educational benefit.
- The IEP team may need to consider additional supports, services, goals, counseling, supervision, or other changes.
- If your child has a Section 504 plan, consider whether the bullying is limiting equal access to school programs and whether the 504 plan should be revised.
- If a student with a disability is accused of bullying and the school is considering a significant disciplinary removal, special-education discipline protections do apply.

#### Key question for the team:

"Is bullying interfering with my child's ability to receive a free appropriate public education (FAPE) or participate meaningfully in school?"

## 11. If Your Child Is Accused of Bullying

A child who is accused of HIB also needs a fair process, clear expectations, and support to change behavior when needed.

- Ask what behavior was reported and what process will be followed.
- Listen to your child's account without immediately dismissing the concern.
- Ask what supports, counseling, skill-building, or restorative approaches may be appropriate.
- If your child has an IEP or 504 plan, consider whether disability-related needs are relevant to the behavior or disciplinary response.
- Remember that discipline and HIB findings may involve different rights and procedures.

## 12. Retaliation Is Prohibited

The Anti-Bullying Bill of Rights Act prohibits retaliation against a victim, witness, or person who has reliable information about HIB. Civil-rights laws also prohibit retaliation for reporting discrimination or participating in a complaint process.

If you believe retaliation is happening, document it separately:

- What changed after the report was made
- Who took the action
- When it happened
- How it affected the student or family
- Why you believe it is connected to the earlier report or complaint

## 13. When the School's Response Is Not Enough

If the problem continues, keep documenting and follow up in writing. Ask what additional steps will be taken and when you will meet again to review whether those steps are working.

### Possible next steps

- Contact the school Anti-Bullying Specialist.
- Contact the district Anti-Bullying Coordinator.
- Request a Board of Education hearing if you disagree with the HIB determination.
- Consider an appeal to the Commissioner of Education when appropriate.
- For discrimination-based bullying, consider whether a complaint to the New Jersey Division on Civil Rights or U.S. Department of Education Office for Civil Rights is appropriate.
- If your child has an IEP or 504 plan, use the special-education or Section 504 process to address educational impact and needed supports.

## 14. Complaint Pathways for Discrimination-Based Bullying

| Path                        | May be useful when...                                                        | Key points...                                                                                                                                                                                                     |
|-----------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| School HIB process          | Bullying meets New Jersey's HIB definition.                                  | Use the school/district HIB process and HIB 338 form. Immediate safety concerns should also be addressed.                                                                                                         |
| NJ Division on Civil Rights | Bullying or harassment is based on a protected characteristic under the LAD. | The intake process is through the NJ civil-rights portal. The materials state that DCR complaints generally must be filed within 180 days; continuing discrimination is measured from the most recent occurrence. |

|                                                         |                                                                                                                          |                                                                                                                                                                            |
|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| U.S. Department of Education<br>Office for Civil Rights | The concern may involve race/color/national origin, sex, disability, or another civil-rights protection enforced by OCR. | Emphasize specific facts, dates, witnesses, school notice, documentation, and the effect on educational access. A 180-day filing window and possible waiver circumstances. |
|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**You do not have to use every pathway:**

The right option depends on what happened, why the student was targeted, what the school knew, what the school did, and what outcome the family is seeking.

## 15. Family Action Checklist

- ☐ I listened to my child and asked what would help them feel safe.
- ☐ I wrote down dates, locations, people involved, witnesses, and what happened.
- ☐ I saved screenshots, messages, emails, or other evidence.
- ☐ I explained how the behavior is affecting school participation, learning, safety, or emotional well-being.
- ☐ I notified the school and identified the Anti-Bullying Specialist.
- ☐ I submitted or considered submitting the HIB 338 form.
- ☐ I asked about immediate safety and support measures.
- ☐ I wrote down the school's response and important deadlines.
- ☐ If my child has an IEP or 504 plan, I considered whether a meeting is needed.
- ☐ I considered whether the bullying may also be discrimination based on a protected characteristic.
- ☐ I documented any possible retaliation.
- ☐ I scheduled a follow-up to determine whether the situation has improved.

## Bullying / HIB Incident Documentation Form

Use one sheet for each incident or attach additional pages as needed.

|                             |  |
|-----------------------------|--|
| Student name:               |  |
| Date of incident:           |  |
| Time:                       |  |
| Location / online platform: |  |
| People involved:            |  |
| Witnesses:                  |  |

What happened? Describe the words, actions, messages, or conduct as specifically as possible.

---

---

---

Why do you believe the student was targeted? Include any actual or perceived characteristic or other distinguishing characteristic, if known.

---

---

---

How did the incident affect the student's safety, emotional well-being, attendance, participation, learning, friendships, or activities?

---

---

---

Who at the school was notified? Include names, dates, and how the report was made.

---

---

---

What did the school do or say in response?

---

---

---

What support or safety measures are needed now?

---

---

---

#### Evidence attached

- ☐ Screenshots
- ☐ Emails
- ☐ Text messages
- ☐ Social media posts
- ☐ Photos
- ☐ Other records

#### Key Resources and Contacts

The source materials used for this guide identify the following resources and systems. Families should use current official agency information when filing or appealing a complaint.

| Resource                            | How it may help                                                                                                                           |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| School Anti-Bullying Specialist     | School-level contact for HIB reports and investigations.                                                                                  |
| District Anti-Bullying Coordinator  | District-level coordination of HIB policy and implementation.                                                                             |
| NJ HIB 338 Form                     | Family/staff reporting form submitted to the student's school.                                                                            |
| New Jersey Department of Education  | State guidance on the Anti-Bullying Bill of Rights Act, HIB procedures, and appeals.                                                      |
| New Jersey Division on Civil Rights | Handles complaints under the New Jersey Law Against Discrimination. Call 1-833-NJDCR4U (833-653-2748) for assistance and language access. |

|                                                      |                                                                                      |
|------------------------------------------------------|--------------------------------------------------------------------------------------|
| U.S. Department of Education Office for Civil Rights | Handles certain education discrimination complaints under federal civil-rights laws. |
| SPAN Parent Advocacy Network                         | Family support, information, advocacy, and navigation.                               |

**Remember:**

The goal is not only to determine whether an incident meets a legal definition.  
The larger goal is to make sure the child is safe, supported, included, and able to learn.

## About This Guide

This family guide was developed from materials addressing the New Jersey Anti-Bullying Bill of Rights Act, the NJ HIB 338 reporting process, federal civil-rights protections, the New Jersey Law Against Discrimination, sample OCR and NJ Division on Civil Rights complaint materials.

This guide provides general educational information and is not legal advice. Laws, procedures, forms, filing deadlines, and agency practices can change. Families should confirm current requirements with the school district or responsible government agency.

This project is cosponsored by the New Jersey State Bar Foundation and made possible through funding from the Interest on Lawyers' Trust Accounts (IOLTA) Fund of the Bar of New Jersey. For additional information about the Foundation's other law-related activities, visit [njsbf.org](https://njsbf.org)

## Additional Information

Learn more and find additional resources and information by visiting us at:  
[www.spanadvocacy.org/bullyingprevention](https://www.spanadvocacy.org/bullyingprevention)

## Definitions

**Place of Public Accommodation**- Places that are open to the public, including but not limited to schools, colleges, businesses, restaurants, summer camps, government buildings, and hospitals.

**Discrimination**- the practice of treating someone unfairly or unequally, often based on prejudice, because of their group membership (like race, gender, religion, etc.) rather than individual merit. Under NJ's LAD, discrimination that is based on disparate impact (see below) is also prohibited.

**Protected Classes**- Race, Creed, National Origin, Ancestry, Age, Sex, Gender Identity or Expression, Affectional or Sexual Orientation, Marital Status, Familial Status, Liability for Service in the Armed Forces of the US, Disability, and Nationality

**Covered Entity**– refers to the individuals and organizations subject to its provisions prohibiting discrimination and harassment.

**Disparate Impact** – Policies or decisions that are neutral on their face but unintentionally produce a result that disproportionately disadvantages a protected group.

**Sexual Harassment**- This is a form of gender-based discrimination under the LAD, encompassing unwelcome verbal or physical conduct of a sexual nature. This can include “quid pro quo,” a favor or advantage granted or expected in return for something; harassment; or hostile environment.

## Filing Complaints

The following pages provided detailed information regarding filing complaints related to harassment, intimidation, and bullying.

1. [NJ HIB 338 form](#) is a fillable form to be submitted to the school the student attends for reports of harassment, intimidation, and bullying in New Jersey Schools.
2. Filing a Complaint with the New Jersey Division on Civil Rights regarding Discrimination-Based Bullying, Harassment, and Intimidation based on the NJ Law Against Discrimination
3. Filing a complaint with United States Department of Education Office for Civil Rights

**NJ HIB 338 form is a fillable form to be submitted to the school the student attends for reports of harassment, intimidation, and bullying in New Jersey Schools.**

This form is used for parents, guardians, and school staff reporting an instance of harassment, [intimidation, and bullying at school, at a school event, or related to school. Below are some samples for the incident report addressing three types/locations of bullying: during school, at an after school event, or on-line. These samples follow the definition of harassment, intimidation, and bullying in the New Jersey Anti-Bullying Bill of Rights Act.

**Incident Information:**

- My [child, grandchild, student] has experienced harassment and bullying at [list the places they have experienced the bullying] on [dates]. [Name the people involved]. [Explain the incident]. They are being bullied due to their [race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or mental, physical or sensory disability, or another distinguishing characteristic]. This has been ongoing; the harassment and bullying started on [date]. It is causing my [child, grandchild, student] to not want to go to certain classes, go to school, or participate in class when they do go. The bullying has been affecting their ability to feel safe at school and with their peers. Even though my [student, child, grandchild] does not see the bully outside of school, they are choosing to not see their friends and staying home more than they used to. I was made aware of the bullying and harassment when my [child, grandchild, student] started acting differently and they were able to confide in me after assuring them I could help.
- My [child, grandchild, student] is being bullied at their afterschool club [or sport] by [name the perpetrator]. This has occurred on [dates of bullying]. [Explain the details of the situation]. I believe they are being bullied because of their [race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or mental, physical or sensory disability, or another distinguishing characteristic]. Due to the bullying my [child, grandchild, student] has been trying to avoid going to [name the activity]. The bullies are in school with my [student, grandchild, child] and so I believe the bullying also may occur during the school day. I became aware of the bullying and harassment when my [child, student, grandchild] started acting sad and quieter than usual. I then talked with my child about what was going on and learned of the bullying.
- My [child, grandchild, student] is being cyberbullied on [name the social media company or messaging company]. The people online cyberbullying my child are [name them if you know or list the screen name] and the cyberbullying occurred on [date(s) harassment and bullying occurred]. The cyberbullying is happening online but affecting my child's mental and emotional wellbeing. They no longer want to go to class or hang out with their friends due to the bullying and harassment. The bullying is targeting their [race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or mental, physical or sensory disability or another distinguishing characteristic]. I became aware of the bullying when [include how you found out]. We have screen shots of the bullying that will be submitted with this form.

## Filing a Complaint with the New Jersey Division on Civil Rights regarding Discrimination-Based Bullying, Harassment, and Intimidation based on the NJ Law Against Discrimination

You can file a complaint based on the New Jersey Law Against Discrimination (LAD), including for discrimination-based bullying, harassment, and intimidation, through the NJ Division on Civil Rights. A complaint is started by completing the intake form on their website. Please note that the intake form can only be filed out by someone who is 18 years or older. The Division on Civil Rights only accepts complaints on their [portal](#) (available in English or Spanish). If you need assistance or translation services you can call 1-833-NJDCR4U (833-653-2748). NJ Division on Civil Rights (DCR) also provides a [handbook](#) that includes information on navigating the portal and submitting your complaint. This handbook is available in English and Spanish. Below we provide information on filing a complaint.

First, create an account and get familiar with the portal. When submitting a complaint based on the LAD for an incident at a school, select “Place of Public Accommodation.” The first parts of the complaint process are inputting contact information and address, and indicating if you need interpretation services.

At the Additional Complainant Parties, you may include your lawyer information if you have one, but a lawyer is not necessary for you to file the complaint. “Add additional contact” should be used when you are filing on behalf of someone else.

Respondents: This will be used to identify where the discrimination occurred. Include the information for your specific school, and information on the district. This will be two separate “respondents.”

Intake Details: This page is where you will explain the situation. In the case of discrimination-based bullying, harassment, or intimidation, select harassment, discrimination, or retaliation. You can select one or more, as many as apply. Once you select the allegation type, add your incident details. Below are the options that you can select when you “Select Basis” in each category. Once you submit your complaint you should be able to see the status of each entry that you have input into this page. Anything in brackets should be filled in with the information specific to your allegations. We have included some ideas/options that may work for your case.

### Harassment Allegation

Complaint Type \*

Place of Public Accommodation

Select Basis \*

✓

Disability  
Gender identity or expression  
Liability for services in the US armed forces  
National origin, ancestry or nationality  
Pregnancy, childbirth, breastfeeding, or related medical conditions  
Race or color  
Religion or creed  
Sex or gender  
Sexual orientation  
Marital status, civil union status, or domestic partnership status

Samples of Harassment Allegations based on the drop-down menu:

- Disability

[I, My Student, My Child] has been experiencing harassment based on their disability. They have [name the disability]. On [date], [name the person who is harassing if known] [explain the incident(s)]. This harassment [happened once, has been ongoing, started on [date]]. This

has caused [me, my child, my student] to want to avoid school, avoid certain classes, and not participate in class when they do attend [class, school]. This issue has been brought up to the school and has not been adequately addressed. I believe this is disability-based discrimination in violation of the NJ Law Against Discrimination.

- Gender identity or expression

[I, My Student, My Child] has been experiencing harassment based on their gender identity. The incident(s) occurred on [date] by [harasser]. They have repeatedly called [me, my student, my child] by their [dead name, or purposefully used pronouns that do not align with their gender identity]. This harassment includes using slurs and derogatory language against [me, my student, or my child]. This behavior has resulted in [me, my student, my child] avoiding classes and trying to stay home more often so they are not subjected to this harassment and bullying. Additionally, this has made [me, my child, my student] feel unsafe at school and in public. [name the witnesses] were aware of this occurring and [participated in the harassment or is willing to be a witness for this investigation's purpose]. I believe this is gender identity-based discrimination in violation of the New Jersey Law Against Discrimination.

[I, My Student, My Child] has been experiencing harassment based on their gender identity. The incident(s) occurred on [date] by [harasser]. They have made nasty and intimidating remarks about the clothes [my, my student, my child] chooses to wear that align with their gender identity. This behavior has resulted in [me, my student, my child] avoiding classes and trying to stay home more often so they are not subjected to this harassment and bullying. Additionally, this has made [me, my child, my student] feel unsafe at school and in public. [name the witnesses] were aware of this occurring and [participated in the harassment or is willing to be a witness for this investigation's purpose]. I believe this is gender-identity based discrimination in violation of the New Jersey Law Against Discrimination.

- National origin, ancestry or nationality

[I, My child, My student] has been/is being harassed based on their [national origin, ancestry, or nationality]. The incident(s) occurred on [date]. [I, My student, My child] was harassed by [name of the person who harassed]. [Explain the incident]. This has led [me, my child, my student] to feel unsafe at school and in public. The use of slurs has affected [me, them] significantly, and they no longer want to [attend their normal extracurricular activities, go to school, attend a specific class]. The harassment has been ongoing and has not been addressed by the school staff. I believe this is national origin/ancestry/nationality-based harassment in violation of the New Jersey Law Against Discrimination.

- Race or color

[I, My child, My student] has been/is being harassed based on their race and/or color. The harassment started on [date]. [I, My child, My student] is being harassed by [name the people who are harassing them]. They have been making comments about their skin color and what level of society they can be in based on how light or dark they are. Additionally, they are using racial slurs whenever the bullies have the chance including during class and in extracurricular activities. [Explain the situation further]. This harassment has intimidated [me, my child, my student] to [not want to try out for certain sports, do specific school sponsored clubs, or raise their hand for certain subjects]. These complaints have not been taken seriously by my school system. I believe this is race/color-based discrimination in violation of the NJ Law Against Discrimination.

- Religion or Creed

[I, My child, My student] has been/is being harassed based on their [religion or creed]. The first incident occurred [date]. They are being harassed and taunted by [name the people who are harassing]. The bullies are attacking our religion's traditional practices for [how to dress, how to pray]. This has resulted in threats to harm [me, my child, or my student] because

they choose to wear [list what they wear that has caused the bully to target them] or because of how they pray [list their actions that caused them to be targeted]. [Explain the situation further]. [I, My child, My student] has been trying to stay home more, has stopped participating in class so they do not draw attention to themselves and begged to not wear anything tying them to our religion. When they first started wearing the [name the identifiable clothing] they were excited to tell their friends what it meant to them and now all they feel is shame and humiliation because of the harassment they are experiencing and the group of bullies seem to be getting larger after each incident. I believe this is religion or creed-based discrimination in violation of the New Jersey Law Against Discrimination.

- Sex or Gender

[I, My child, My student] has been/is being harassed based on their gender. They have been harassed based on stereotypical attributes of the gender that [me, my child, or my student] does not adhere to. The first incident occurred on [date]. [Name of the people who are harassing] are constantly berating [me, my student, or my child] that they [can not be good at certain things because of their gender, don't act like their sex or gender]. Prior to this harassment [me, my child's, my student's] favorite subject was [name the subject] and now they do not want to go to that class or participate in the class because they believe they will be harassed because they still want to participate. This has been brought to the school's attention and they have failed to take any meaningful action to stop this harassment. I believe this is sex or gender-based discrimination in violation of the NJ Law Against Discrimination.

- Sexual Orientation

[I, My child, My student] has been or is being harassed based on their [actual or perceived] sexual orientation. The most recent incident occurred on [date]. Those involved were [name the bullies]. They are being harassed by using derogatory slurs and being ostracized when they are doing activities in class. This has led [me, my child, my student] to be more reserved and keep to themselves. They choose not to participate anymore and when asked to get in small groups to do work in class they attempt to do the work alone rather than have to be subjected to the harassment. I believe this is sexual orientation-based discrimination in violation of the NJ Law Against Discrimination.

The screenshot shows a web form titled "Discrimination Allegation". It has three main sections: "Complaint Type" with a dropdown menu currently set to "Place of Public Accommodation", "Select Harm" with a dropdown menu, and a text area for details. The "Select Harm" dropdown is open, showing a list of options. The first option, "Denied access to a place of public accommodation", is selected and marked with a checkmark. Other options include "Denied full or equal accommodations, advantages, facilities, privileges, or services in a place of public accommodation", "Denied reasonable accommodation for religion or creed", "Denied reasonable accommodation for pregnancy or breastfeeding", "Denied reasonable accommodation for a disability", "Subjected to discriminatory notices, statements, or advertisement by place of public accommodation", "Subjected to refusal to buy, sell, lease, license, contract, trade, provide goods, services or information, or otherwise do business with", "Subjected to discriminatory statement, notice or advertisement in applying for loan or credit", "Denied loan or credit", "Denied equal treatment in loan or credit (including rates, terms and conditions)", and "Other".

Samples of Discrimination Allegations based on the drop-down menu:

- Denied full or equal accommodations, advantages, facilities, privileges, or services in a place of public accommodation

[I, My child, My student] has been discriminated against and intimidated due to their [name the actual or perceived characteristic] on [date]. This discrimination occurred when [me, my student, or my child] was denied the right to participate in [name the activity in which they

were denied participation]. [Name the person or their role who denied access] denied [me, my child, my student] access to this activity and attempted to intimidate [me, my child, my student] from participating. This discrimination has prevented [me, my child, my student] access to the activities that all other students are afforded based on [the protected characteristic]. I believe that this is discrimination in violation of the NJ Law Against Discrimination.

- Denied reasonable accommodations for religion or creed  
[I, My child, My student] has been discriminated against and intimidated due to their religion or creed. They were denied the right to [wear attire that is linked to our religion, engage in religious practices]. On [date], the school forced [me, my child, my student] to [take off the clothes, stop the activity that identified them as [list the religion]]. Under the NJ Law Against Discrimination, [me, my child, my student] can wear the attire that is customary in our religion without intimidation. I believe their choice to require [me, my child, my student] to take off the item is discrimination in violation of the NJ Law Against Discrimination.
- Denied reasonable accommodations for a disability  
[I, My child, My student] has been discriminated against and intimidated due to their disability. They have [name the disability] and need [name the support or accommodation that is required] and intimidated [me, my child, my student] from requesting the accommodation. On [date], the school decided that the accommodation was no longer needed for my child, despite the fact that this support is the main reason why they have improved their school performance and feel comfortable in the classroom. This denial and the attempt to intimidate [me, my child, my student] from requesting the accommodation has caused my child to not want to go to school and has affected their ability to learn while in the classroom. I believe this discrimination in violation of the Law Against Discrimination.

## Retaliation Allegation

### Complaint Type \*

Place of Public Accommodation

### Select Harm \*



- Denied access to a place of public accommodation
- Denied full or equal accommodations, advantages, facilities, privileges, or services in a place of public accommodation
- Retaliatory harassment
- Denied loan or credit
- Denied equal treatment in loan or credit (including rates, terms and conditions)
- Something else to coerce, intimidate, threaten or interfere with exercise of rights under LAD

Samples of Retaliation Allegations based on the drop-down menu:

- Denied full access to a place of public accommodation  
[I, My child, My student] was denied access to [school sponsored club, activity, school programming] because I believe they found out that I had reported an instance of bullying, harassment and intimidation based on a protected characteristic. [Explain your previous report including to whom and the date you reported]. [I, my child, my student] was denied access to [where they were denied] on [date]. I believe this is prohibited retaliation under the NJ Law Against Discrimination.
- Denied full or equal accommodations, advantages, facilities, privileges, or services in a place of public accommodation

After reporting [name and explain what you previously reported, such as discrimination-based bullying, harassment, or intimidation], [I, my child, my student] have been denied access to [name what activity or setting they are being denied from]. They previously participated in this activity and was only denied access on [date] following my reporting of the discrimination. I believe this is in prohibited retaliation under the NJ Law Against Discrimination.

- Retaliatory harassment

After reporting [explain the previous complaint, such as discrimination-based bullying, harassment, or intimidation, and the date you reported], [I, my child, my student] has been harassed to stop the investigation and complaint process. [I, my child, my student] is being called names such as [list what they have been called]. I do not know how they would have found out that I lodged the complaint, but this behavior only started after the investigation started. I believe they are retaliating by harassing [me, my child, my student] in order to silence us. I believe this is prohibited retaliation under the NJ Law Against Discrimination.

After inputting the instances of harassment, discrimination, and retaliation, you will continue to answer the questions as they appear. To finalize your complaint, select an appointment date so the Division on Civil Rights can contact you at that time to get additional information about your complaint and inform you of any next steps.

After you complete your complaint, you can access the status in the portal and receive any additional assistance you may need.

While the complaint form does not include an area to ask for “relief,” or the steps you feel are necessary to address the discrimination, you may want to think about possible remedies, or ways to solve the problem(s) you are experiencing, prior to your conversation with the staff at the Division on Civil Rights. Some ideas might include an order to stop the discrimination-based bullying, harassment, or intimidation; training for teachers and students; changes to school or district policies; and/or institution of an effective anti-bullying program.

## Filing a complaint with United States Department of Education Office for Civil Rights

[Link to the fillable complaint.](#) You can fill it out online and download it to submit it to the Office for Civil Rights. Below is the information numbered with the corresponding question number on the complaint sheet. Anything in brackets should be filled in with the information specific to your allegations. We have included some ideas/options that may work for your case.

- Input your information (whoever is filing the complaint completes this section).
- Input the information of the victim that experienced discrimination if it is not the person filing the complaint.
  - You may need to get parental consent if the victim is under 18 and will need to fill out the consent/release form at the end of the complaint document.
- This is where you put the information for the institution it happened at, or is connected to. These laws protect you against unwanted bias-based harassment even off school grounds.
- Describe **each** alleged attack (you may choose to report multiple instances of discrimination) – this should be specific including: Dates of the discriminatory act; name of each person involved; why you believe the discrimination was because of race, disability, age, sex; name(s) of the people who were present or witnessed the attack.

Sample answers:

### **Race, Color, National Origin (Title VI):**

[I, My child, A student] has been experiencing racial harassment and bullying because of their [race, color, and/or national origin]. Students at the school [explain the situation]. Those involved were [name those involved in the discrimination]. [name witness(es)] witnessed the harassment and bullying but was not a party to it. Because of this bullying, harassment, and/or intimidation [I, my child, a student] has been unable to partake in [e.g., extracurricular activities, raise their hand in class, or/and has been refusing to go to school due to fear]. This behavior has created a hostile environment for [me, my student, or my child] and has limited the ability to focus on school work. No steps have been taken by the school even though I/we have brought this to their attention.

### **Sex (Title IX): [Below you will find three examples of potential sex discrimination.]**

[I, my child, a student] is constantly being harassed by her classmates as she has reached puberty and her body has developed while others haven't. The comments are sexual and have made her want to avoid classes and school altogether. The comments are ongoing and have been made by [list the perpetrators if known] on [dates it has occurred]. This bullying/harassment/intimidation has been ongoing and has not been addressed by the school. [Name any witness] has witnessed this bullying and harassment. They attend [name school] and that school receives federal funding. I believe that this is a Title IX violation of the Educational Amendments of 1972.

[I, my child, a student] was denied the ability to be on [sport] team or try out based on their gender. This happened on [date], by [people who denied access]. The school does not have a team for [gender] and [I, my child, a student] is now denied access to the only available team for this sport. [Name the witness] witnessed this happen. I believe that this is a violation of Title IX of the Educational Amendments of 1972.

[I, my child, a student] experienced sexual assault and it has been reported to the school administrators and no investigation has been started. [I, my child, A student] was attacked on [date] by [name of perpetrator if known]. [Add additional details here if any are known]. [I, My child's, The student's] school receives federal funding and is required to comply with Title IX, but has not initiated an investigation or taken the complaint seriously.

**Language Access (Title VI): [Below you will find 2 examples of language access discrimination]**

[I or my child] was denied access to English as a Second Language (ESL) program. On [date], [staff who denied the service] refused to provide the additional support needed for [me, my student, my child] to [I, my child, or student] is not able to complete the assignments that are assigned. The school has refused to provide language access support. I believe that this is in violation of Title VI of the Civil Rights Act of 1964 prohibiting discrimination based on national origin.

[I, My child, A student] was denied access to translated documents that was required to sign for a [field trip, consent form, or information about my child's school policies] on [date]. I brought this up to [the school administration, specific teacher, or school staff] and they still did not provide translated documents. I believe that this is in violation of Title VI of the Civil Rights Act of 1964 prohibiting discrimination based on national origin.

**Disability Discrimination (Americans with Disabilities Act, Section 504):**

[I, My child, A student] was being bullied/harassed/intimidated due to [e.g., speech impediment, physical disability, learning disability] by [who committed the discrimination based bullying] on [date of occurrences]. [Describe the incident or incidents]. This has caused [I, my child, A student] to avoid going to school and is affecting their ability to focus and participate in class. [Name any witness] has witnessed this bullying and harassment. I believe that this discrimination-based bullying and harassment is in violation of the ADA and Section 504 of the Rehabilitation Act.

**Retaliation (all of the above law prohibits retaliation):**

After reporting discrimination-based bullying/harassment/intimidation on the basis of [race, color, national origin, sex, language access, or disability], [I, my child, a student] has been denied the right to participate in [list the activity]. They were denied on [date] by [the person who discriminated]. I believe this is because I have reported this to [whomever you reported it to] and the perpetrator has found out. Retaliation is prohibited under Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act, and Americans with Disabilities Act.

After reporting discrimination-based bullying on the basis of [race, color, national origin, sex, language access, or disability]. [I, my child, a student] has experienced denial of services that they were previously receiving. The denial of services started on [date]. I believe this is because I have reported this to [whomever you reported it to] and the perpetrator has found out or suspects that I reported the behavior. Retaliation is prohibited under Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act, and Americans with Disabilities Act.

- Any written information/documentation that you have (emails, text messages, social media posts).
- Date of the last incident.
- Was it within 180 days or are you filing for a waiver? If filing for a waiver, explain the need for a waiver – fear of retaliation caused you not report within 180 days, etc. Please note, you do not need a waiver if the harassment has been ongoing and one instance has occurred recently. They are looking for good cause for extending the timeline so you are able to file.  
E.g., Serious illness, natural disasters, military deployment, fear of retaliation, or language barriers, to name a few, but a simple explanation should suffice.
- Did you file a formal complaint with the school or institution? If so, please outline what you filed out and the results. OCR will not get involved if they believe the agency or school will handle the complaint adequately.
- If you filed with any federal state or local civil rights agency, they also want to know about the results of this investigation.
- Lawyer information if you have one. It is not required to file the complaint.

- Alternative contact information like another person who could connect OCR to you.
- Option to participate in OCR early mediation process- if you elect yes to participate in this process then you must submit a signed consent form.

This mediation would require voluntary and mutual agreement between you and the institution. This may provide an opportunity for discussion and educating the school district on their obligations under federal law.

- Sample Remedies; You may seek remedies like the options below, but you are not limited to these, and not limited to just one remedy. Please consider your specific incident and what would prevent your situation from occurring again and improving the student's school day.

**Race, Color, National Origin (Title VI):**

I am seeking individualized support measures for the student. (E.g., Counseling for the victim or perpetrator).

I am seeking Disciplinary measures for the perpetrator of the discrimination-based harassment and steps to ensure that they do not re-offend.

I am seeking development of new or revision of current policies to prevent discrimination.

I am seeking to require training for staff on discrimination-based bullying.

I am seeking school-wide programming on discrimination and bullying for students and staff and additional steps to address the discrimination and create a nondiscriminatory environment.

**Sex (Title IX):**

I am seeking an Implementation of a no contact order between the parties.

I am seeking support services for the victim.

I am seeking disciplinary actions against the perpetrator and steps to ensure they do not re-offend.

**Language Access (Title VI):**

I am seeking creation of an updated language access plan for the school or district.

I am seeking a clear policy for getting documents translated, like having a preferred professional translation agency for the district, and that this policy be distributed to district or school staff.

I am seeking proper notice for parental meetings that include an option to have a translator present that is paid for or provided by the district for any parent with limited English proficiency.

**Disability Discrimination (ADA, Section 504):**

I am seeking paying and providing for the accommodations and supports my child needs and is entitled to by law to address the impact of the discrimination bullying/harassment/ intimidation (these accommodations will depend on the specific circumstances).

I am seeking training for students and staff on the right to be free from disability-based bullying/harassment/intimidation.

I am seeking development of new or revision of current policies to prevent discrimination.

I am seeking to require training for staff on discrimination-based bullying.

I am seeking school-wide programming on discrimination and bullying for students and staff and additional steps to address the discrimination and create a nondiscriminatory environment.

**Retaliation (all of the above law prohibits retaliation):**

I am seeking an end to the retaliatory measures that they have imposed on the complainant.

I am seeking an apology from the person or institution that implemented the retaliatory measures for filing a complaint.

**General Remedies**

Request reimbursement of fees that I was required to pay to have the services and supports that I am entitled to by [Section 504, IDEA, ADA, Title VI language access]. (Based on your discrimination if you faced any monetary damages, like costs associated with therapies, specialized services, or translation services, you may be eligible for reimbursement.)

Restorative measures, e.g., an apology for being subjected to bias-based harassment, intimidation, and bullying and a hostile learning environment due to the inaction by the school staff or district.

- Signing the complaint.

Last step: Filling out the consent form. You are not required to consent for the investigation to proceed, but it may affect the ability of OCR to investigate your complaint fully.

Submitting the complaint, you can email or mail the complaint to your regional enforcement office. For New Jersey Residents the OCR enforcement office that handles complaints is:

**Washington DC (Metro)**  
**Office for Civil Rights**  
**U.S. Department of Education**  
**400 Maryland Avenue, SW**  
**Washington, D.C. 20202-1475**

**Telephone: 202-453-6020**  
**FAX: 202-453-6021; TDD: 800-877-8339**  
**Email: [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)**

## Resources

### [NJ Parent Guide for the Anti-Bullying Bill of Rights Act](#)

This guide provides a comprehensive look at the Anti-Bullying Bill of Rights Act including school and district obligations, parental rights, HIB prevention and responses, and resources for parents. Additionally, it provides information on petition and appeal processes for HIB investigations.

### [NJ Department of Education page on Harassment, Intimidation, and Bullying](#)

This page provides links to PDFs of the law and amendments, provides the definition of HIB, and has links to HIB report forms in English, Arabic, Chinese, Gujarati, Haitian Creole, Korean, Polish, Portuguese, Russian, Spanish, and Vietnamese. These forms should be submitted to your school. Additionally, this page provides information on contacting your school or district about the HIB policy.

### [Information for Schools and School Districts](#)

### [Information for Families and Caregivers](#)

[Stopbullying.org New Jersey](#) has resources and links to the laws. This platform is very useful for quick information. However, the links bring you to the general platform for New Jersey laws. Once you are there, you must navigate to the referenced section yourself. But it provides an overview of all the relevant sections of the law.

### [Education Law Center Guide to Litigating under the New Jersey Anti-Bullying Bill of Rights Act](#)

This resource is a reference guide for litigating under the NJ Anti-Bullying Bill of Rights Act. This is intended to be used for parents who might bring their cases pro se (representing themselves without an attorney) and for litigators looking for a reference guide. This publication provides a step-by-step guide to the litigation and provides case law examples that will assist you in understanding your case.

[Anti-Bullying Task Force](#) reports on the implementation of the Anti-Bullying Bill of Rights Act. This page provides links to the reports they have created, most recent being 2023.

[New Jersey Law Against Discrimination](#) is the most updated PDF version of the LAD.

[NJ Division on Civil Rights: Discrimination in Public Places](#) webpage for all the helpful links.

### [Know Your Rights: Discrimination in Education](#)

This helpful fact sheet was created by Rutgers Center for Security, Race, and Rights. This fact sheet is specific to Muslim, Arab, and South Asian (MASA) families. However, the rights and information are universal no matter what your class membership is. This informational guide also provides guidance on the NJ Anti-Bullying Bill of Rights Act that also protects students from bullying based on protected characteristics.

### [Child Care and The New Jersey Law Against Discrimination](#)

Created by the New Jersey Department of Human Services, this provides an overview of the LAD, child care centers, and children with disabilities. These centers are public accommodations unless run by a private religious group. Most importantly, it is prohibited by the LAD to turn away a child from child care with a disability because other students or staff may be uncomfortable.

### [Addressing Bias in K-12 Schools](#)

This resource was developed by the New Jersey Division on Civil Rights and the Department of Education. Another resource, [Addressing Bias on Campus](#): was developed by the New Jersey Division on Civil Rights and the Office of the Secretary of Higher Education. Both detail steps to prevent, intervene, and respond to bias. They provide information on additional resources and steps to take when dealing with bias at these three steps

of the process. Both handouts provide a meaningful framework to be proactive in combating and eliminating bias against students.

#### [5 Things You Should Know About The New Jersey Law Against Discrimination](#)

This provides a general overview of the LAD, which protects against discrimination in employment, housing, and places of public accommodation.

#### [5 Things You Should Know About LGBTQ+ Student Rights in Schools](#)

This is an informative fact sheet provided by the NJ Office of the Attorney General, Division on Civil Rights. It provides information on rights of LGBTQ+ students and protections that are granted under the LAD.

#### [5 Things You Should Know About Protections from Sexual Harassment in Places of Public Accommodation Under New Jersey Law](#)

This document explains how sexual harassment is a form of gender-based discrimination. Schools and campuses are places of public accommodation and the LAD applies.

#### [Guidance on Algorithmic Discrimination and the New Jersey Law Against Discrimination](#)

This is an informative guidance document on the algorithmic discrimination resulting from the use of new and emerging data driven technology like Artificial Intelligence. The LAD applies to this type of discrimination like it does any other type of discrimination. AI is increasingly being used even in schools. In schools AI tools are being used to monitor students' computer use, aid in disciplinary decisions, predict students' likelihood of encountering the criminal justice system, or likelihood of graduating, to name a few uses. Additionally, law enforcement uses AI tools for certain decisions so this guidance can be useful for complaints against law enforcement or for schools' cooperation with law enforcement in discriminatory ways.

#### [How to Report Misconduct or Discrimination by Law Enforcement Officers or Agencies](#)

This guide, provided by the Office of the Attorney General and the NJ Division on Civil Rights, provides a step-by-step guide to reporting an incident, including ways to elevate this issue if the local police station is not taking the issue seriously.

#### [An Anti-Bias Vision for the Next Generation: Report and Recommendations](#) (2020)

This report, provided by the Youth Bias Task force, examines the root causes of youth bias, existing state law, regulations, and procedures, programs and strategies, recommendations and an implementation plan for the recommendations.

#### [Guidance on Race Discrimination Based on Hairstyle](#)

The NJ Division on Civil Rights has created guidance on discrimination based on hair styles worn by people of color. This is discrimination under the LAD and it is important to know your rights under the law.

#### [AG Platkin and Acting Commissioner Allen-McMillan Announce Joint Statement from Division on Civil Rights and Department of Education on School-Based Anti-Bias Initiatives and the Law Against Discrimination](#)

This guidance document speaks directly about some proposals at the district level, such as decisions to exclude discussions and staff trainings about race, racism, gender, identity, gender expression, and sexual orientation, to remove symbols or signs that express support for, or oppose the bullying of, members of certain historically excluded groups, or to ban books by and about people of color and LGBTQIA+ people. This guidance makes it clear that these policies are discriminatory and are illegal under the LAD.

# About SPAN

SPAN Parent Advocacy Network empowers and supports families as advocates and partners in improving outcomes for infants, toddlers, children, and youth. Through information, education, leadership development, and systems advocacy, SPAN helps families access the resources and support they need to thrive.

For more information, resources, and support, visit  
**[www.spanadvocacy.org](http://www.spanadvocacy.org)**



Supporting • Partnering • Advocating • Navigating