

## Policy

---

### ROLE OF PARENTS/GUARDIANS

The board believes that the education of children is a joint responsibility, one it shares with the parents/guardians and the school community. To ensure that the best interests of the child are served in this process, a strong program of communication between home and school must be maintained and parental involvement in charter school concerns encouraged.

Once students have been selected by the lottery process, all parents of enrolled students will be requested to attend a PACS New Student/Parent Orientation session in August during which the policies, expectations, and procedures of the school will be explored in-depth as well as helpful ways for parents to work together with staff to support the school's mission.

The board recognizes the vital role of parents/guardians in the welfare and education of their children and the pivotal part they play in shaping character and values. Because parents/guardians are familiar with the needs, problems, gifts and abilities of their children, staff should seek to involve parents/guardians as much as possible in the planning of the individual program. Parents/guardians must, by law, be included in the development of certain educational programs for their children.

Pride Academy Charter School shall provide assistance to parents in understanding such topics as the State's academic content standards and student academic achievement standards, State and local academic assessments, the requirements of this Policy, and how to monitor progress and work with educators to improve the achievement of their children.

Throughout the year, parent involvement with PACS will be maintained through a variety of communication measures woven throughout the school structure. Correspondence folders between teachers and students will be exchanged on a regular basis as well as a weekly folder sent from the school containing reminders and highlights for the upcoming week. Detailed progress reports will be shared as well as report cards to keep parents involved with and aware of individual student progress. A schedule of committee meetings will be set forth and parents will also be instructed in the use of The PACS Learning Cycle's method of questioning, seeking, understanding, and responding as a guiding structure for exploring issues and formulating action plans.

Parents/guardians are requested to keep the charter school apprised of changes in factors in the home situation which may affect pupil conduct or performance. Parents/guardians are specifically requested to inform the school of any changes in legal custody of the child.

Parents/guardians are responsible for their child's punctuality, attendance, cleanliness and propriety of dress.

Pride Academy Charter School will foster and encourage parent involvement and collaboration:

Each school year, Pride Academy Charter School parents will have participated in at least one of the Pride Academy Charter School opportunities for parental involvement.

ROLE OF PARENTS/GUARDIANS (continued)

Each school year, Pride Academy Charter School parents will rate the Pride Academy Charter School opportunities for parental school involvement as at least “satisfactory” according to annual parent surveys.

Each school year, Pride Academy Charter School will offer its parents a multiple range of opportunities for parents to be included in the following areas: Discipline, Academics, School Culture, Student Life, Community Service, Athletics, Facilities, and Special Events.

The chief school administrator shall develop procedures and regulations to implement this policy. These regulations shall include use of the parent/guardian's native language when necessary.

Date:

Key Words

Role of Parents/Guardians, Parents/Guardians

Legal References:

N.J.S.A. 18A:354.9

N.J.S.A. 18A:3522

N.J.A.C. 6A:8-4.3

N.J.A.C. 6A:14-1.1 et seq.

N.J.A.C. 6A:10A-1.1 et seq.

N.J.A.C. 6A:30-1.1 et seq.

N.J.A.C. 6A:3212.1

N.J.A.C. 6A:32-12.2

Pupil promotion and remediation; policies and procedures  
Notice to parents that child identified as eligible  
for enrollment; option of declining enrollment;  
involvement of parents in program

Accountability

Special Education

Improving Standards-Driven Instruction and Literacy and  
Increasing Efficiency in Abbott School Districts

See particularly:

N.J.A.C. 6A:10A-5.3

*through 5.5*

Evaluation of the Performance of School Districts

Reporting requirements

School-level planning

No Child Left Behind Act of 2001, Pub. L. 107-110. 20 U.S.C.A. 6301 et seq.

Manual for the Evaluation of Local School Districts

PossibleCross References:

\*1220 Ad hoc advisory committees  
\*1230 Schoolconnected organizations  
\*1250 Visitors  
\*5113 Absences and excuses  
\*5114 Suspension and expulsion  
\*5120 Assessment of individual needs  
\*5124 Reporting to parents/guardians

ROLE OF PARENTS/GUARDIANS (continued)

*5125	Pupil records
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*6142.2	English as a second language; bilingual/bicultural
*6146	Graduation requirements
*6146.2	Promotion/retention
*6147.1	Evaluation of individual student performance
*6162.4	Community resources
*6171.1	Remedial instruction
*6171.3	At-risk and Title 1
*6171.4	Special education

\*Indicates policy is included in the Critical Policy Reference Manual.

## Policy

---

### ADMISSION

Pride Academy Charter School will aim to fill enrollment positions from students within the established region of residence, which is composed of Orange, East Orange and Newark, NJ. The charter school will only take students that are not within the region of residence in the event that it has exhausted wait lists from all districts within the region of residence. The region of residence consists of the districts of Orange, East Orange, and Newark. The charter school will serve students in grades 5-8. Each grade will have a maximum of 60 students.

### Eligibility

Enrollment shall be free of charge to students selected by lottery who are appropriately placed within the grades served by the charter school and also meet the following criteria:

- A. Any student having completed fourth grade domiciled within the sending districts;
- B. Any student kept in the home of a person other than the student's parent/guardian, where the person is domiciled in the sending districts and is supporting the student without remuneration as if the student were his/her own child;
- C. Any student kept in the home of a person domiciled in the sending districts, other than the parent/guardian, where the parent/guardian is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency;
- D. Any student whose parent/guardian temporarily resides within the sending districts, notwithstanding the existence of a domicile elsewhere;
- E. Any student whose parent/guardian moves to another district as the result of being homeless, subject to the provisions of administrative code;
- F. Any student placed in the home of a sending district resident by court order pursuant to statute;
- G. Any student previously residing in the sending district if the parent/guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency pursuant to statute; and

### Proof of Eligibility

The board shall accept any of the forms of documentation that are listed in the administrative code when they are presented by persons attempting to demonstrate a student's eligibility for enrollment in the charter school. The board shall consider the totality of information and documentation offered by an applicant and may accept other forms of documentation or information presented by a person seeking to enroll a student. The board shall not require or request any information or document protected from disclosure by law or pertaining to criteria that are not legitimate bases for determining eligibility to attend school.

ADMISSION (continued)

Transfers Into Grades Served by the Charter School

Pupils transferring into the district are expected to present copies of records from the previously attended school (or district) to aid in placement. Also required are proof of immunizations and proof of identity.

Within the time prescribed by law, the chief school administrator shall request in writing from the school or district of previous attendance, the pupil's records.

Initial placement shall be made on the basis of the records, but adjustment may be made at the discretion of the administration when the statemandated assessment indicates that such adjustments would be beneficial to the child. Parents/guardians shall be informed of this policy on registration.

Joint Custody

When divorced parents/guardians have joint custody of (a) minor child(ren), admission shall be based on the present address of the parent/guardian with whom the child(ren) resided as of the date required by administrative code.

Affidavit Pupils

When there is any doubt as to whether a child is entitled to free public education in the charter school, all procedures of law and code shall be followed.

Nonresidents

The mere owning of any property whatsoever within the sending districts does not qualify a parent/guardian to send children to school in this charter school. See policy 5118 Nonresidents.

Students Returning from County Detention

The charter school shall accept all days of attendance and courses studied by a student at a county juvenile detention center and apply them toward district requirements for elementary, middle or high school graduation.

Homeless Pupils

The charter school will cooperate with the sending districts to determine the educational placement of homeless students in each child's best interest and respond to appeals concerning them made by parents/guardians or other parties in accordance with New Jersey statutes and administrative code, as well as, pertinent federal law. The board shall make this policy available to parents and the public.

Date:

Key Words

Admission, Resident, Pupil Records, Affidavit Pupil, Homeless Pupil, Student Records, Affidavit Student, Homeless Student

ADMISSION (continued)

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:7B12	District of residence; determination
	<u>N.J.S.A.</u> 18A:7B-12.1	Homeless child; responsibility for education; determination of placement; payment of costs
	<u>N.J.S.A.</u> 18A:7C	High School Graduation Standards
	<u>N.J.S.A.</u> 18A:3619a	Newly enrolled students; records and identification
	<u>N.J.S.A.</u> 18A:3625.1	Proof of child's identity required for enrollment; transfer of record between districts
	<u>N.J.S.A.</u> 18A:381	Attendance at school free of charge
	<u>N.J.S.A.</u> 18A:382	Free attendance at school by nonresidents placed in district under court order
	<u>N.J.S.A.</u> 18A:383	Attendance at school by nonresidents
	<u>N.J.S.A.</u> 18A:384	Free attendance to persons over age
	<u>N.J.S.A.</u> 18A:385	Admission of pupils under age
	<u>N.J.S.A.</u> 18A:385.1	No child to be excluded from school because of race, etc.
	<u>N.J.S.A.</u> 18A:386	Time of admission of pupils; first school year
	<u>N.J.S.A.</u> 18A:387.7	Legislative findings and declarations
	<u>N.J.S.A.</u> 18A:388	Duty to receive pupils from other districts
	<u>N.J.S.A.</u> 18A:3825	Attendance required of children between six and 16; exceptions
	<u>N.J.S.A.</u> 18A:4020	Immunization at public expense
	<u>N.J.S.A.</u> 18A:441	Establishment of nursery schools or departments; eligibility for admission
	<u>N.J.S.A.</u> 18A:442	Establishment of kindergarten; eligibility for admission
	<u>N.J.S.A.</u> 26:1A9.1	Exemption of pupils from mandatory immunization
	<u>N.J.S.A.</u> 26:46	Prohibiting attendance of teachers or pupils
	<u>N.J.A.C.</u> 6A:10A-2.1 <u>et seq.</u>	Preschool program general provision
	<u>N.J.A.C.</u> 6A:12-3.1	Choice district application procedures
	<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
	<u>N.J.A.C.</u> 6A:16-2.2	Required health services
	<u>N.J.A.C.</u> 6A:16-2.4	Required student health records
	<u>N.J.A.C.</u> 6A:17-1.1 <u>et seq.</u>	Students at Risk of Not Receiving a Public Education
	<u>N.J.A.C.</u> 6A:22-1.1 <u>et seq.</u>	Entitlement to Attend School Based on Domicile or Student Residency
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:22-3.1, 3.2, 3.3, 3.4	
	<u>N.J.A.C.</u> 6A:23-5.2, -5.3	Method of determining the district of residence
	<u>N.J.A.C.</u> 6A:32-8.2	School enrollment
	<u>N.J.A.C.</u> 8:57	Communicable diseases
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 8:572	
	<u>N.J.A.C.</u> 8:611.1	Attendance at school by pupils or adults infected by Human ImmunoDeficiency Virus (HIV)

P.L. 2005, c. 265 concerning students returning to public schools from county detention centers

Tepper v. Board of Education of the Township Hackensack, Bergen County, 1971 S.L.D. 549

ADMISSION (continued)

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Plyler v. Doe, 457 U.S. 202 (1982)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

J.A. v. Board of Education of South Orange/Maplewood, 318 N.J. Super. 512 (App.Div.1999)

"Pupil Residency": Who is Eligible for a Free Public Education," by Donna Kaye, Esq. In N.J. School Leader (July-August 2002).

PossibleCross References:

3240	Tuition income
*5118	Nonresidents
5119	Transfers
*5120	Assessment of individual needs
*5141	Health
*5141.2	Illness
*5141.3	Health examinations and immunizations
6142.5	Travel and exchange programs
*6164.4	Child study team
*6171.4	Special education
6174	Summer school
6178	Early childhood education/preschool

\*Indicates policy is included in the Critical Policy Reference Manual.

## Policy

---

### ABSENCES AND EXCUSES

In order for the board of trustees to fulfill its responsibility for providing a thorough and efficient education for each pupil, the complete cooperation of parents/guardians and pupils is required to maintain a high level of school attendance.

The frequent absence of pupils from classroom learning experiences disrupts the continuity of the instructional process and limits the ability of pupils to complete the prescribed curriculum requirements successfully.

A pupil must be in attendance for 162 or more school days (18 or fewer absences) in order to be considered to have successfully completed the instructional program requirements of the grade/course to which he/she is assigned.

A waiver of these attendance requirements may be granted for good cause by the school principal upon recommendation of a review committee, appointed by him/her, and consisting of representative staff, including pupil service personnel and classroom teachers.

In recommending the granting of a waiver of this attendance requirement, the review committee shall consider the nature and causes of all absences rather than only those in excess of the 18 days. Documentation of the nature and causes of these absences shall be the responsibility of the pupil and parent/guardian.

Parents/guardians are responsible for notifying the school early in the day when a child will be absent and for informing the school of the reason for the absence. The chief school administrator shall develop procedures for the attendance of pupils which:

- A. Ensure a school session which is in conformity with requirements of the rules of the state board;
- B. Identify potentially missing and/or abused pupils;
- C. Govern the keeping of attendance records in accordance with rules of the state board at N.J.A.C 6A:16-1.1 et seq., including pupils serving in or out of school suspensions, or excluded for health and cleanliness reasons;

### Truancy

The board will report to appropriate authorities infractions of the law regarding the attendance of pupils below the age of 16. Repeated infractions by enrolled pupils over the age of 16 may result in the suspension or expulsion of the pupil.

It shall be the policy of the board to consider the effectiveness and appropriateness to his/her needs of the educational program that is offered each pupil who is habitually and repeatedly absent from his/her assigned program and to consult with the child study team for its recommendations.

### Excused Absences



ABSENCES AND EXCUSES (continued)

The board considers the following as cause for excused absence:

- A. Disabling illness
- B. Recovery from accident
- C. Required court attendance
- D. Death in the family
- E. Religious observance In accordance with statute, no pupil absent for religious observance of a day recognized by the commissioner of education or this board of trustees shall be charged with an unexcused absence, deprived of an award or eligibility/opportunity to compete for an award, or of the right to take an alternate to a test or examination missed through such absence.
- F. Such good cause as may be acceptable to the principal

Attendance need not always be within the school facilities. A pupil will be considered to be in attendance if he/she is present at any place where school is in session by authority of the board. The board shall consider each pupil assigned to a program of independent study, with parent/guardian permission, to be in regular attendance for that program, provided that he/she is under the guidance of a staff member so assigned, reports daily or weekly, as prescribed, to such staff member the place in which he/she is conducting his/her study, and regularly demonstrates progress toward the objectives of his/her course of study.

Regular Release of Pupils Before the End of the Normal School Day

There are varying situations which may justify release of certain pupils from school before the normal time for closing. Such situations are justifiable only if the release does not jeopardize the pupil's educational program and the reasons for such release can be shown to have positive benefits for the pupil.

Late Arrival and Early Dismissal

The board recognizes that from time to time compelling circumstances will require that a pupil be late to school or dismissed before the end of the school day.

As agent responsible for the education of the children of this district, the board shall require that the school be notified in advance of such absences by written request of the pupil's parent/guardian, which shall state the reason for the tardiness or early dismissal. Justifiable reasons may include:

- A. Medical or dental appointments which cannot be scheduled outside of school hours;
- B. Medical disability;
- C. Motor vehicle driver's test;
- D. Interview for college entrance or employment;
- E. Family emergency;
- F. Court appearance;

ABSENCES AND EXCUSES (continued)

G. Such good cause as may be acceptable to the administration.

No pupil in grades kindergarten through eight shall be permitted to leave the school before the close of the school day unless he/she is met in the school office by his/her parent/guardian or a person authorized by the parent/guardian to act in his/her behalf.

Tardiness not covered by the causes listed shall be cumulative, and may affect course credit.

Legal Custody

A record shall be kept indicating the legal custodian of each pupil. Such custodian shall be responsible for informing the board of any change in the pupil's custodian. The principal may take such steps as seem necessary to ensure that the child is released only to the proper legal custodian.

Potentially Missing Children

- A. If daily attendance records indicate a child is absent, and the parent/guardian has not called, a designated person shall attempt to contact them.
- B. If no telephone contact can be made, the attendance officer shall investigate.
- C. If the attendance officer cannot locate the child, he/she shall inform the principal, who shall inform the appropriate local authorities.
- D. If a child who was present in the morning is absent after lunch, the same procedure shall be followed.

Marking Missing Child's School Record

Whenever the chief school administrator receives notice from the Missing Persons Unit that a child has been reported missing, he/she shall mark the child's records in such a way that whenever a copy of or information regarding the record is requested, district personnel will be aware that the record is that of a missing child. If a copy of a marked school record is requested, the chief school administrator shall supply the record to the requestor without alerting him/her to the fact that the record has been marked, according to provisions in code and statute on accessing pupil records (see policy 5125 Pupil records). After the chief school administrator has complied with the request for copies of records or information, he/she shall immediately report the inquiry or any knowledge as to the whereabouts of the missing child to the Missing Persons Unit.

Regulations

The chief school administrator shall develop procedures for the attendance of pupils which:

- A. Ensure a school session which is in conformity with requirements of the rules of the state board;
- B. Identify potentially missing and/or abused pupils;
- C. Govern the keeping of attendance records in accordance with rules of the state board, including pupils serving in or out of school suspensions, or excluded for health and cleanliness reasons;
- D. Impose on truant pupils such disciplinary measures as may be appropriate for infractions of school regulations, but no such penalty may have an irredeemable negative effect on the pupil's record of achievement beyond that which naturally follows his/her absence from school activities;

ABSENCES AND EXCUSES (continued)

- E. Identify the habitual truant, investigate the causes of his/her behavior, and consider modification of his/her educational program to meet his/her particular needs and interests;
- F. Address tardiness and class cutting in terms of the intent of this policy;
- G. Ensure that pupils absent for any reason have an opportunity to make up work they missed;
- H. Recognize exemplary attendance.

Procedures for monitoring student attendance and absences for enrollment counts

Pride Academy Charter School shall record attendance in the school register during school hours on each day that the school is in session in accordance with N.J.A.C. 6:3-9. The plan to address the two required enrollment counts includes the following steps:

- A staff member will be hired who will oversee the admissions process and supervise the enrollment counts and the maintenance of a stable and full enrollment. This staff member will be designated the Dean of Admissions.
- The Dean of Admissions will attend a Technical Assistance training on enrollment and maintain the requirements of the attendance count on the DOENET.
- The Dean of Admissions and the Principal will develop written internal procedures with regards to recording attendance in the school register, conducting the count, liaising with the Child Study Team with regard to the designations of the special needs students, and inputting the information electronically on the DOENET. The procedures will involve gathering demographic data with regards to grade level, gender, and free lunch status. In order to maintain accurate records, teachers will be trained in the correct procedures for taking attendance and utilizing school registers. The registers will be collected and reviewed quarterly by the Dean of Admissions.

Date:

Key Words

Pupil Attendance, Attendance, Absences and Excuses, Student Attendance

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:111	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:354.9	Pupil promotion and remediation; policies and procedures
	<u>N.J.S.A.</u> 18A:3614, -15, -16	Religious holidays; absence of pupils on; effect ...
	<u>N.J.S.A.</u> 18A:3619a	Newly enrolled students; records and identification
	<u>N.J.S.A.</u> 18A:3624	
	through 26	Missing children; legislative findings and declarations
...	<u>N.J.S.A.</u> 18A:3825	Attendance required of children between six and 16; exceptions
	<u>N.J.S.A.</u> 18A:3826	Days when attendance required; exceptions
	<u>N.J.S.A.</u> 18A:3827	Truancy and juvenile delinquency defined
	<u>N.J.S.A.</u> 18A:3831	Violations of article by parents or guardians; penalties

ABSENCES AND EXCUSES (continued)

<u>N.J.S.A.</u> 18A:3832	District and county vocational school attendance officers
<u>N.J.S.A.</u> 18A:407	Exclusion of pupils who are ill
<u>N.J.S.A.</u> 18A:408	Exclusion of pupils whose presence is detrimental to health and cleanliness
<u>N.J.S.A.</u> 18A:40-9	Failure of parent to remove cause for exclusion; penalty
<u>N.J.S.A.</u> 18A:4010	Exclusion of teachers and pupils exposed to disease
<u>N.J.S.A.</u> 18A:4011	Exclusion of pupils having communicable tuberculosis
<u>N.J.S.A.</u> 18A:40-12	Closing schools during epidemic
<u>N.J.S.A.</u> 18A:5420	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 52:17B-9.8a through -9.8c	Marking of missing child's school record
<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
<u>N.J.A.C.</u> 6A:16-1 <u>et seq.</u>	Programs to support student development.
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-8.1 <u>et seq.</u>	Student Attendance and Accounting
<u>N.J.A.C.</u> 6A:328.3	Student attendance

Wetherell v. Board of Education of Township of Burlington, 1978 S.L.D. 794

Wheatley v. Board of Education of City of Burlington, 1974 S.L.D. 851

C.R., on behalf of J.R., v. Board of Education of the Scotch PlainsFanwood Regional School District, 1988 S.L.D. (June 22)

Manual for the Evaluation of Local School Districts

**Possible****Cross References:**

*5020	Role of parents/guardians
*5111	Admission
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5125	Pupil records
*5141.2	Illness
*5141.4	Child abuse and neglect
*5142	Pupil safety
*6146	Graduation requirements
*6146.2	Promotion/retention
*6147	Standards of proficiency
*6147.1	Evaluation of individual student performance
*6154	Homework/makeup work
*6171.4	Special education
*6173	Home instruction

\*Indicates policy is included in the Critical Policy Reference Manual.

**Legal References**

---

SUSPENSION AND EXPULSION**QSAC Monitored:**

Section 1: Operations

**Mandated:**

N.J.A.C. 6A:16-5.5 requires policies and procedures regarding student offenses involving firearms in accordance with state law. Any such student shall be removed immediately from the general education program for not less than one calendar year. The chief school administrator may modify this removal on a case-by-case basis.

N.J.A.C. 6A:16-5.6 requires adoption and implementation of policies and procedures for a student who commits an assault with a weapon other than a firearm on a teacher, administrator, board member or other employee of the district. Any such student shall be removed from the general education program for a period not to exceed one calendar year.

N.J.A.C. 6A:16-5.7 requires adoption and implementation of policies and procedures regarding a student who commits an assault on a teacher, administrator, board member or other school employee. Any such student shall be suspended from school consistent with due process, pending suspension or expulsion hearings before the board.

**Other Reasons:**

Lack of clear policy may lead to unwarranted disruption of a pupil's education; confusion and litigation.

N.J.A.C. 6A:14-2.8 outlines suspension and expulsion procedures for students with disabilities.

**Recommendation:**

A policy:

- A. Listing causes for suspension and requiring due process;
- B. Directing development of regulations including minimum due process and parent/guardian notification for short suspensions; full due process for suspension of 10 days or more; exhaustion of other remedies; procedural steps leading to board hearing;
- C. Addressing treatment of absence;
- D. Addressing provision for alternate program for a pupil identified by the child study team as disabled whose misbehavior is judged to be related to his/her disability;
- E. Addressing criteria for identification of disruptive pupils.

**Legal References:**

N.J.S.A. 2C:121

Definition of assault

N.J.S.A. 18A:111

General mandatory powers and duties

SUSPENSION AND EXPULSION (continued)

<u>N.J.S.A. 18A:37-1 et seq.</u>	Discipline of pupils
<u>See particularly:</u>	
<u>N.J.S.A. 18A:37-2.1</u> through -2.5, 18A:37-7 through -12	
<u>N.J.S.A. 18A:40A-1 et seq.</u>	Substance abuse
<u>See particularly:</u>	
<u>N.J.S.A. 18A:40A9, 10,</u> -11, 12	
<u>N.J.S.A. 18A:5420</u>	Powers of board (county vocational schools)
<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsions
<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C. 6A:16-1.3, -4.3,</u> -5.1, -5.5, -5.6, -5.7	
<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C. 6A:322.1</u>	Definitions
<u>N.J.A.C. 6A:3212.2</u>	School-level planning

20 U.S.C.A. 1400 et seq. - Section 504 of the Rehabilitation Act of 1973

P.L. 103-382, Improving America's Schools Act of 1994

Goss v. Lopez, 419 U.S. 565, 581 (1975)

Tibbs v. Franklin Township Board of Education, 114 N.J. Super. 287 (App. Div.) aff'd 59 NJ 506 (1971)

R.R. v. Shore Reg. Board of Education, 109 N.J. Super. 337 (Ch. Div. 1970)

H.A. v. Board of Education Warren Hills Regional, 1976 S.L.D. 336

82: July 28, C.F. v. Board of Education of the Upper Freehold Regional School District

Honig v. Doe, 484 U.S. 305 (1988)

Somerset County Educational Services Commission v. North Plainfield Board of Education 1999 S.L.D. September 7

State in re G.S. 330 N.J. Super. 383 (Ch. Div. 2000)

P.L. 2010, c.122 amended N.J.S.A. 18A:37-2 to include harassment, intimidation or bullying as a good cause for suspension or expulsion.

See also Commissioners' Decisions indexed under "Pupils—Punishment of" in Index to N.J. School Law Decisions

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

**Possible**

SUSPENSION AND EXPULSION (continued)

<b><u>Cross References:</u></b>	*5113	Absences and excuses
	*5124	Reporting to parents/guardians
	*5131	Conduct/discipline
	*5131.5	Vandalism/violence
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	*6154	Homework/makeup work
	*6164.2	Guidance services
	*6164.4	Child study team
	*6171.4	Special education
	*6172	Alternative educational programs
	*6173	Home instruction

\*Indicates policy is included in the Critical Policy Reference Manual.

**Sample Policy**

---

SUSPENSION AND EXPULSION

While the board believes that positive approaches to acceptable behavior are usually more effective, it is sometimes necessary to penalize pupils for violations of school regulations to ensure the good order of the school and to teach pupils the consequences of disruptive behavior.

Pupils who indulge in disruptive behavior may be suspended or expelled. Disruptive behavior includes, but is not limited to:

- A. Continued and willful disobedience;
- B. Open defiance of the authority of any teacher or person having authority over a pupil;
- C. Actions that constitute a continuing danger to the physical wellbeing of other pupils;
- D. Physical assault upon another pupil, a teacher, or any school employee with or without a firearm or other weapon;
- E. Taking, or attempting to take, personal property or money from another pupil whether by force or fear;
- F. Willfully causing, or attempting to cause, substantial damage to school property;
- G. Taking part in any unauthorized occupancy of a district facility and refusing to leave promptly when directed to do so by a person in authority;
- H. Inciting others to take part in an unauthorized occupancy;
- I. Inciting other pupils to truancy;
- J. Truancy and class cutting; leaving school property without permission;
- K. Poor attendance and lateness;
- L. Use or possession of unsafe or illegal articles;
- M. Use of any tobacco product on school property;
- N. Use, possession or sale of a controlled dangerous substance, drug paraphernalia, anabolic steroids or alcohol;
- O. Use of profanity or abusive language;
- P. Turning in a false alarm;
- Q. Tampering with or damaging property of other pupils or staff members;
- R. Selling or buying lottery tickets or any other gambling paraphernalia on school property;



SUSPENSION AND EXPULSION (continued)

## S. Harassment, intimidation or bullying.

Any pupil who commits an assault (as defined by N.J.S.A. 2C:121) with or without a weapon upon a board member, teacher, administrator or other employee of the board of education shall be suspended from school immediately according to procedural due process, and suspension or expulsion proceedings shall begin no later than 30 calendar days from the date of the pupil's suspension.

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The chief school administrator may modify this suspension on a case-by-case basis. Each pupil so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the board. The hearing shall take place no later than 30 days following the day the pupil is removed from the regular education program and shall be closed to the public.

The principal shall be responsible for the removal of such students and shall immediately report them to the chief school administrator. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

The chief school administrator shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with procedures established by the Commissioner of Education.

Inschool Suspension

The board directs the administration to arrange facilities for inschool suspension whenever possible. Pupils will be required to occupy themselves with schoolrelated work during such suspensions. No socializing shall be permitted. Pupils shall be counted as present in school but absent (excused) from individual classes.

General

Pupils on home suspension shall be counted absent (excused) unless the duration of the suspension requires home instruction.

Except when special considerations warrant (at the discretion of the administration), every pupil will be given a written warning in the form of a disciplinary notice that subsequent violation of school regulations may result in his/her exclusion or suspension.

Pupils under suspension are prohibited from participating in or attending any schoolregulated activity during the period of their suspension. They may not enter the school buildings or grounds of this district without the permission of the chief school administrator. Any pupil under suspension who enters the school buildings or grounds without the permission of the chief school administrator may have the period of his/her suspension extended. The right to continue the suspension or to expel is reserved to the board of education, acting upon the recommendation of the administration.

Serious violations of school regulations which create a dangerous or unsafe condition for other pupils shall cause a pupil to be suspended upon the first offense.

Making Up Missed Work

Pupils who are under suspension will be required to make up all assignments missed during the period of their suspension and will be given adequate opportunity to make up this work.

SUSPENSION AND EXPULSION (continued)

Upon their readmission, failure to complete the makeup assignments will result in a meeting with the parents/guardians. The chief school administrator will notify parents/guardians by telephone and send a letter regarding the telephone conversation immediately.

Procedures

The administration shall establish, and the board shall approve, specific procedures for dealing with suspension cases. Regulations ensuring due process to all pupils before a suspension is imposed shall be developed with the advice of the board attorney and shall include at least:

- A. Informing the pupil of the charges against him/her;
- B. Giving the pupil a chance to reply to them.

These regulations shall also include safeguards for the dismissal of pupils suspended from school, procedures for calling an immediate conference with parents/guardians, limitations on the length of suspensions, and specifics for the reinstatement of pupils.

Every effort shall be made to adjust each suspension promptly so that the pupil can be returned to school with a minimum loss of school time and school work.

When the chief school administrator imposes a suspension, he/she must report it to the board. No suspension for reasons other than assault upon a teacher, administrator, board member or other board employee may continue beyond the second regular meeting of the board following the suspension without board action. No suspension for assault upon a teacher, administrator, board member or other board employee may be continued beyond 30 days without board action. A suspended pupil may be reinstated by the chief school administrator before board action.

Each pupil shall be afforded an informal hearing before the suspension or, if circumstances prohibit, as soon as possible after the suspension except that, when extraordinary circumstances involving the health and safety of the pupil or others in the school require immediate exclusion, the hearing may be delayed to such time as circumstances permit. Pupils suspended for a period of time longer than a shortterm suspension shall be afforded a formal hearing before the board which shall take place not later than the second regular meeting of the board following the suspension. If the offense involves a weapon or assault with or without the weapon (as described above), the hearing shall take place not later than 30 days after the suspension occurs.

The board shall make a decision within five days of the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision.

The board requires that such hearings shall be closed to the public, but should all parties thereto agree, the hearing may be publicly held. Each suspended pupil who has requested a formal hearing shall be restored to the regular educational program pending the outcome of the hearing, except when, in the opinion of the chief school administrator, the presence of the pupil in school poses such a danger to himself/herself or others as to warrant continued absence.

Each such pupil suspended from the schools of this district shall receive individual instruction commencing not later than five working days after the suspension occurs, except that the board may, on the recommendation of the chief school administrator, assign the pupil to an alternate educational program to meet his/her particular needs (see policy #6172).

Expulsion

SUSPENSION AND EXPULSION (continued)

The board will consider expulsion only if:

- A. The chief school administrator with his/her staff have exhausted all means of bringing about a correction of repeated misconduct; or
- B. The nature of a single act presents such a clear possibility of danger to others that immediate definitive action is indicated.

The parents/guardians of the pupil shall be interviewed, if possible, and advised of the reasons why expulsion is being considered, of the rights of the pupil to a full hearing which will afford him/her procedural due process, and the right of parents/guardians to appeal to the chief school administrator.

The child shall remain out of school until either:

- A. An appeal made to the chief school administrator is decided in the child's favor; or
- B. The appeal (if made) has been denied and the board has met to hear the chief school administrator's recommendation.

If the board determines that the charges, if true, may warrant expulsion, the board will set a date for the hearing. The board attorney will arrange for the giving of legal notice to all parties concerned for the preparation and presentation of evidence in support of the charges at the hearing.

The pupil must receive:

- A. Notification of the charges against him/her;
- B. The names of the adverse witnesses;
- C. Copies of the statements and affidavits of those adverse witnesses;
- D. The opportunity to be heard in his/her own defense;
- E. The opportunity to present witnesses and evidence in his/her own defense;
- F. The opportunity to crossexamine adverse witnesses; and
- G. The opportunity to be represented by counsel.

Juvenile authorities and law enforcement agencies shall be notified or consulted if necessary.

If a pupil younger than 18 years of age is expelled, the board shall continue to supply an educational program for him/her.

Implementation

The chief school administrator shall develop detailed written procedures to implement this policy. He/she shall ensure uniform and consistent application of the policy and shall report to the board as required on its effectiveness.

When an alternative educational program is provided for a pupil identified as disruptive but not disabled, the chief school administrator shall inform the board.

SUSPENSION AND EXPULSION (continued)

Date:

Legal References:      Use legal reference sheet.

Cross References:      List your appropriate policies. See legal reference sheet for possibilities.

Key Words

Suspension, Expulsion, Pupil Suspension/Expulsion, Student Suspension/Expulsion

**Policy**

---

SUSPENSION AND EXPULSION

While the board believes that positive approaches to acceptable behavior are usually more effective, it is sometimes necessary to penalize pupils for violations of school regulations to ensure the good order of the school and to teach pupils the consequences of disruptive behavior.

Pupils who indulge in disruptive behavior may be suspended or expelled. Disruptive behavior includes, but is not limited to:

- A. Continued and willful disobedience;
- B. Open defiance of the authority of any teacher or person having authority over a pupil;
- C. Actions that constitute a continuing danger to the physical wellbeing of other pupils;
- D. Physical assault upon another pupil, a teacher, or any school employee with or without a firearm or other weapon;
- E. Taking, or attempting to take, personal property or money from another pupil whether by force or fear;
- F. Willfully causing, or attempting to cause, substantial damage to school property;
- G. Taking part in any unauthorized occupancy of a district facility and refusing to leave promptly when directed to do so by a person in authority;
- H. Inciting others to take part in an unauthorized occupancy;
- I. Inciting other pupils to truancy;
- J. Truancy and class cutting; leaving school property without permission;
- K. Poor attendance and lateness;
- L. Use or possession of unsafe or illegal articles;
- M. Use of any tobacco product on school property;
- N. Use, possession or sale of a controlled dangerous substance, drug paraphernalia, anabolic steroids or alcohol;
- O. Use of profanity or abusive language;
- P. Turning in a false alarm;
- Q. Tampering with or damaging property of other pupils or staff members;
- R. Selling or buying lottery tickets or any other gambling paraphernalia on school property.

SUSPENSION AND EXPULSION (continued)

Any pupil who commits an assault (as defined by N.J.S.A. 2C:121) with or without a weapon upon a board member, teacher, administrator or other employee of the board of trustees shall be suspended from school immediately according to procedural due process, and suspension or expulsion proceedings shall begin no later than 30 calendar days from the date of the pupil's suspension.

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The chief school administrator may modify this suspension on a case-by-case basis. Each pupil so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the board. The hearing shall take place no later than 30 days following the day the pupil is removed from the regular education program and shall be closed to the public.

The CSA shall be responsible for the removal of such students and shall immediately report them to the chief school administrator. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

The chief school administrator shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with procedures established by the Commissioner of Education.

Inschool Suspension

The board directs the administration to arrange facilities for inschool suspension whenever possible. Pupils will be required to occupy themselves with schoolrelated work during such suspensions. No socializing shall be permitted. Pupils shall be counted as present in school but absent (excused) from individual classes.

General

Pupils on home suspension shall be counted absent (excused) unless the duration of the suspension requires home instruction.

Except when special considerations warrant (at the discretion of the administration), every pupil will be given a written warning in the form of a disciplinary notice that subsequent violation of school regulations may result in his/her exclusion or suspension.

Pupils under suspension are prohibited from participating in or attending any schoolregulated activity during the period of their suspension. They may not enter the school buildings or grounds of this district without the permission of the chief school administrator. Any pupil under suspension who enters the school buildings or grounds without the permission of the chief school administrator may have the period of his/her suspension extended. The right to continue the suspension or to expel is reserved to the board of trustees, acting upon the recommendation of the administration.

Serious violations of school regulations which create a dangerous or unsafe condition for other pupils shall cause a pupil to be suspended upon the first offense.

Making Up Missed Work

Pupils who are under suspension will be required to make up all assignments missed during the period of their suspension and will be given adequate opportunity to make up this work.

SUSPENSION AND EXPULSION (continued)

Upon their readmission, failure to complete the makeup assignments will result in a meeting with the parents/guardians. The chief school administrator will notify parents/guardians by telephone and send a letter regarding the telephone conversation immediately.

Procedures

The administration shall establish, and the board shall approve, specific procedures for dealing with suspension cases. Regulations ensuring due process to all pupils before a suspension is imposed shall be developed with the advice of the board attorney and shall include at least:

- A. Informing the pupil of the charges against him/her;
- B. Giving the pupil a chance to reply to them.

These regulations shall also include safeguards for the dismissal of pupils suspended from school, procedures for calling an immediate conference with parents/guardians, limitations on the length of suspensions, and specifics for the reinstatement of pupils.

Every effort shall be made to adjust each suspension promptly so that the pupil can be returned to school with a minimum loss of school time and school work.

When the chief school administrator imposes a suspension, he/she must report it to the board. No suspension for reasons other than assault upon a teacher, administrator, board member or other board employee may continue beyond the second regular meeting of the board following the suspension without board action. No suspension for assault upon a teacher, administrator, board member or other board employee may be continued beyond 30 days without board action. A suspended pupil may be reinstated by the chief school administrator before board action.

Each pupil shall be afforded an informal hearing before the suspension or, if circumstances prohibit, as soon as possible after the suspension except that, when extraordinary circumstances involving the health and safety of the pupil or others in the school require immediate exclusion, the hearing may be delayed to such time as circumstances permit. Pupils suspended for a period of time longer than a shortterm suspension shall be afforded a formal hearing before the board which shall take place not later than the second regular meeting of the board following the suspension. If the offense involves a weapon or assault with or without the weapon (as described above), the hearing shall take place not later than 30 days after the suspension occurs.

The board shall make a decision within five days of the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision.

The board requires that such hearings shall be closed to the public, but should all parties thereto agree, the hearing may be publicly held. Each suspended pupil who has requested a formal hearing shall be restored to the regular educational program pending the outcome of the hearing, except when, in the opinion of the chief school administrator, the presence of the pupil in school poses such a danger to himself/herself or others as to warrant continued absence.

Each such pupil suspended from the schools of this district shall receive individual instruction commencing not later than five working days after the suspension occurs, except that the board may, on the recommendation of the chief school administrator, assign the pupil to an alternate educational program to meet his/her particular needs (see policy #6172).

SUSPENSION AND EXPULSION (continued)

Expulsion

The board will consider expulsion only if:

- A. The chief school administrator with his/her staff have exhausted all means of bringing about a correction of repeated misconduct; or
- B. The nature of a single act presents such a clear possibility of danger to others that immediate definitive action is indicated.

The parents/guardians of the pupil shall be interviewed, if possible, and advised of the reasons why expulsion is being considered, of the rights of the pupil to a full hearing which will afford him/her procedural due process, and the right of parents/guardians to appeal to the chief school administrator.

The child shall remain out of school until either:

- A. An appeal made to the chief school administrator is decided in the child's favor; or
- B. The appeal (if made) has been denied and the board has met to hear the chief school administrator's recommendation.

If the board determines that the charges, if true, may warrant expulsion, the board will set a date for the hearing. The board attorney will arrange for the giving of legal notice to all parties concerned for the preparation and presentation of evidence in support of the charges at the hearing.

The pupil must receive:

- A. Notification of the charges against him/her;
- B. The names of the adverse witnesses;
- C. Copies of the statements and affidavits of those adverse witnesses;
- D. The opportunity to be heard in his/her own defense;
- E. The opportunity to present witnesses and evidence in his/her own defense;
- F. The opportunity to cross-examine adverse witnesses; and
- G. The opportunity to be represented by counsel.

Juvenile authorities and law enforcement agencies shall be notified or consulted if necessary.

If a pupil younger than 18 years of age is expelled, the board shall continue to supply an educational program for him/her.

Implementation



SUSPENSION AND EXPULSION (continued)

The chief school administrator shall develop detailed written procedures to implement this policy. He/she shall ensure uniform and consistent application of the policy and shall report to the board as required on its effectiveness.

When an alternative educational program is provided for a pupil identified as disruptive but not disabled, the chief school administrator shall inform the board.

Date:

Key Words

Suspension, Expulsion, Pupil Suspension/Expulsion, Student Suspension/Expulsion

<b><u>Legal References:</u></b>	N.J.S.A. 2C:121	Definition of assault
	N.J.S.A. 18A:111	General mandatory powers and duties
	N.J.S.A. 18A:37-1 <u>et seq.</u>	Discipline of pupils
	See particularly:	
	N.J.S.A. 18A:37-2.1	
	through -2.5, 18A:37-7	
	through -12	
	N.J.S.A. 18A:40A-1 <u>et seq.</u>	Substance abuse
	See particularly:	
	N.J.S.A. 18A:40A9, 10,	
	-11, 12	
	N.J.S.A. 18A:5420	Powers of board (county vocational schools)
	N.J.A.C. 6A:14-2.8	Discipline/suspension/expulsions
	N.J.A.C. 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
	See particularly:	
	N.J.A.C. 6A:16-1.3, -4.3,	
	-5.1, -5.5, -5.6, -5.7	
	N.J.A.C. 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	N.J.A.C. 6A:322.1	Definitions
	N.J.A.C. 6A:3212.2	School-level planning
	20 U.S.C.A. 1400 <u>et seq.</u> - Section 504 of the Rehabilitation Act of	1973
	P.L. 103-382, Improving America's Schools Act of 1994	
	Goss v. Lopez, 419 U.S. 565, 581 (1975)	
	Tibbs v. Franklin Township Board of Education, 114 N.J. Super. 287 (App. Div.) aff'd 59 NJ 506 (1971)	
	R.R. v. Shore Reg. Board of Education, 109 N.J. Super. 337 (Ch. Div. 1970)	
	H.A. v. Board of Education Warren Hills Regional, 1976 S.L.D. 336	
	82: July 28, C.F. v. Board of Education of the Upper Freehold Regional School District	

SUSPENSION AND EXPULSION (continued)

Honig v. Doe, 484 U.S. 305 (1988)

Somerset County Educational Services Commission v. North Plainfield Board of Education  
1999 S.L.D. September 7

State in re G.S. 330 N.J. Super. 383 (Ch. Div. 2000)

See also Commissioners' Decisions indexed under "Pupils—Punishment of" in Index to N.J. School Law Decisions

Manual for the Evaluation of Local School Districts

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions)

**Possible**

**Cross References:**

*5113	Absences and excuses
*5124	Reporting to parents/guardians
*5131	Conduct/discipline
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
*6154	Homework/makeup work
*6164.2	Guidance services
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs
*6173	Home instruction

\*Indicates policy is included in the Critical Policy Reference Manual.

## Policy

---

### NONRESIDENTS

The board shall operate the schools of this district for the benefit of all children resident in the three sending school districts and such others as may be admitted, pursuant to statute and policy of the board. Admission to PACS is by lottery and waiting list. The board reserves the right to verify the residency of any pupil and the validity of any affidavit of guardianship. Documentation required to prove eligibility to attend the schools of this district shall be in accord with policy 5111 Admission and the administrative code.

#### Future Residents

A child otherwise eligible for attendance whose parent/guardian has signed a contract to buy, build or rent a residence in a sending district shall be enrolled for a period not to exceed [60] days previous to the anticipated date of residency without tuition charges. If the child has not become a resident of the district by the end of the period of free attendance, tuition shall be required for the remainder of the time until residency is established.

Parents/guardians of children who are future residents shall be required to demonstrate proof of the anticipated residency. The board reserves the right to verify such claims, and to remove from school a nonresident pupil whose claim cannot be verified.

#### Former Residents

Regularly enrolled children whose parents/guardians have moved out of the school district during the final marking period shall be permitted to finish the school year without payment of tuition. Regularly enrolled children whose parents/guardians move from the district at any other time during the school year may remain enrolled for the remainder of the school year on payment of tuition prorated.

#### Children of Nonresident Staff Members

Children of nonresident employees of the board may be enrolled in the schools of this district on payment of tuition and in accordance with policy for other nonresident pupils.

NOTE: BECAUSE IT IS A TERM OR CONDITION OF EMPLOYMENT, ALLOWING NONRESIDENT STAFF MEMBERS TO SEND THEIR CHILDREN TO DISTRICT SCHOOLS FOR ANYTHING LESS THAN FULL TUITION SHOULD BE NEGOTIATED.

#### Foreign Exchange Students

The board may admit foreign exchange students into PACS in order to promote cultural awareness and understanding among students, consistent with the lottery process and waiting list.

The board may accept exchange students on a J-1 visa who reside within the district as participants in group-sponsored exchange programs approved by the board. Tuition may be waived for students on a J-1 visa.

The board may accept privately sponsored exchange students on an F-1 visa for attendance only in secondary

NONRESIDENTS (continued)

schools upon payment of tuition at the established district rate. Tuition cannot be waived for students on an F-1 visa, and attendance in district schools shall not exceed 12 months. Students attending the schools of this district on an F-1 visa may not participate in any adult-education programs sponsored by the board under any circumstances.

All potential organizations or individuals applying for admission shall forward the request to the chief school administrator by July 1 preceding the school year of attendance. Foreign exchange students shall comply with all immunization requirements for students of this district. The chief school administrator shall be responsible for determining the visa status and eligibility of foreign exchange students applying for admission.

Homeless Pupils

The district will determine the educational placement of homeless students in each child's best interest and respond to appeals concerning them made by parents/guardians or other parties in accordance with New Jersey statutes and administrative code, as well as pertinent federal law.

Other Nonresident Pupils

Other nonresident pupils may be admitted to PACS on payment of tuition and availability of space, consistent with the lottery process and the waiting list.

The chief school administrator shall develop procedures for the enrollment of nonresident children that allow admission of such children only on the proper application of parent/guardian; verify claims of residency and submission of affidavits of guardianship; deny admission where the educational program maintained for the children of this district is inadequate to meet the needs of the applicant; do not exclude any child, otherwise eligible, on the basis of such child's race, color, creed, national origin, affectional or sexual orientation, atypical hereditary cellular or blood trait of any individual or ancestry; and make continued enrollment of any nonresident pupil contingent upon maintaining good standards of citizenship and discipline.

When a child must either relocate to or from this district because his/her parent/guardian is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States and has been ordered into active service, the child shall be eligible to attend the schools of this district without paying tuition. The district shall not be responsible for transporting the child.

The chief school administrator or his/her designee shall recommend to the board for its approval the admission of qualified applicants.

The board shall not be responsible for the transportation to or from school of any nonresident pupils, except as may be required by state or federal law.

The board shall annually determine tuition rates for nonresident pupils.

Date:

Key Words

Nonresidents, Tuition Pupil, Affidavit Pupil, Homeless Pupil

**Legal References:**      N.J.S.A. 18A:7F-3      Definitions

NONRESIDENTS (continued)

<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:36B-1 <u>et seq.</u>	Interdistrict Public School Choice Program Act of 1999
<u>N.J.S.A.</u> 18A:38-1 <u>et seq.</u>	Attendance at school free of charge
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:38-2, 38-3, 38-8, 38-9	
<u>N.J.S.A.</u> 18A:46-20	Receiving pupils from outside district; establishment of facilities
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:12-1.3 <u>et seq.</u>	Interdistrict Public School Choice
<u>N.J.A.C.</u> 6A:17-1.1 <u>et seq.</u>	Students at Risk of Not Receiving a Public Education
<u>N.J.A.C.</u> 6A:22	Student residency
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:22-3	Eligibility to attend school
<u>N.J.A.C.</u> 6A:22-3.1	Students domiciled within the school district
<u>N.J.A.C.</u> 6A:23-5.2	Method of determining the district of residence
<u>N.J.A.C.</u> 6A:23-5.3	Address submission for determining the district of residence

Illegal Immigrant and Immigration Responsibility Act of 1997, 8 U.S.C. § 1101

Board of Education of the Borough of Englewood Cliffs v. Board of Education of the City of Englewood, 132 NJ 327; cert. denied, 510 U.S. 991 (1993); subsequent listing 333 N.J. Super. (App. Div. 2000)

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

---

J.A. v. Board of Education of South Orange/Maplewood, 318 N.J. Super. 512 (App.Div 1999)

**Possible**

<b><u>Cross References:</u></b>	3240	Tuition income
	*5111	Admission
	*5114	Suspension and expulsion
	6142.5	Travel and exchange programs
	*6151	Class size

\*Indicates policy is included in the Critical Policy Reference Manual.

**Note on the terms “residence” and “domicile.”**

These terms are often used interchangeably in education law and regulations, for example “residency or domicile” [N.J.A.C.22-4.1(d)], sometimes with an intensifying adjective (“actual domicile or residence,” same citation). The most important chapter of N.J. Administrative Code on the topic is entitled “Student residency” while the key section concerning “Eligibility to attend school” (Subchapter 3) is titled “Students domiciled within the school district” [N.J.A.C. 6A:22-3.1].

There is a legal adage that “a person can have many residences, but only one domicile.” This distinction of “true, fixed,

NONRESIDENTS (continued)

permanent domicile” versus “temporary residence” (in essence, a legal fiction) is sometimes mentioned but is not consistently maintained in the area of education. The words themselves do not (and inherently cannot) answer the fundamental question: Is a parent or student fraudulently claiming to live at an address in order to obtain tuition-free enrollment?

For additional insights into using the terms “domicile” and “residence” for determining whether a student can attend school in a district, read “Pupil Residency”: Who is Eligible for a Free Public Education?” in N.J. School Leader (July-August 2002) by Donna Kaye, Esq.

## Policy

---

### TRANSFERS

#### General

All transfers into the schools of the district shall be in accord with file code 5111 Admission and shall be in accordance with the lottery process and the waiting list. Students transferring into PACS are expected to present copies of records from the previously attended school (or district) to aid in placement. Also required are proof of immunizations and proof of identity.

Parents/guardians of pupils or adult pupils transferring from the charter school shall notify the principal in a timely manner of their intention to leave the school.

Student records shall be transferred between chief school administrators within the time frame prescribed by law.

The chief school administrator shall ensure that the district complies with all requirements of federal law and the state department of education. He/she shall prepare regulations to implement this policy.

Date:

#### Key Words

Transfers, Persistently Dangerous Schools, Victims of Violent Crimes

<b><u>Legal References:</u></b>	<u>N.J.S.A. 18A:7B-12</u>	District of residence; determination
	<u>N.J.S.A. 18A:36-19a</u>	Newly enrolled students; records and identification
	<u>N.J.S.A. 18A:36-25.1</u>	Proof of child's identity required for enrollment; transfer of record between districts
	<u>N.J.S.A. 18A:36B-1 et seq.</u>	Interdistrict Public School Choice Program
	<u>N.J.S.A. 18A:38-8</u>	Duty to receive pupils from other districts
	<u>N.J.A.C. 6A:12-3.2</u>	Criteria to guide the Commissioner's approval of choice program applications
	<u>N.J.A.C. 6A:23-5.2</u>	Method of determining the district of Residence
	<u>N.J.A.C. 6A:32-8.2</u>	School enrollment

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Unsafe School Choice Option Policy, New Jersey Department of Education, June 30, 2003

Transfers (continued)**Possible****Cross References:**

*5111	Admission
*5125	Pupil records
*5131	Conduct/discipline
*5131.5	Vandalism/violence
*5141.3	Health examinations and immunizations

\*Indicates policy is included in the Critical Policy Reference

Manual.



## Policy

---

### ASSESSMENT OF INDIVIDUAL NEEDS

Each pupil shall be assessed upon entrance into the charter school and shall be assessed annually thereafter, to identify pupils not meeting proficiency levels.

Students will be involved in the acts of gathering data and using analysis to determine action steps for growth. Each student will maintain a working portfolio as well as display and assessment portfolios in most classes to catalogue work, celebrate achievement, show growth, and demonstrate skill. An important component of the student portfolios will be the self-assessment pieces in which students write reflective narratives explaining how they evaluate their work and outlining future steps based on this analysis. Each report card will also include a student self-evaluation sheet that students will complete after analyzing their quarterly performance results.

In addition to in-house standardized assessments, a school-wide outside source standardized literacy testing instrument (such as Terra Nova) will be employed at Pride academy at the beginning and end of each school year to serve as an independent outside measurement of student growth and performance with literacy skills. Staff will use the data gained from this standardized test, as well as the data from the state NJASK and GEPA tests, to drive future instruction and shape curriculum.

The staff will work collaboratively on evaluating these assessments and analyzing their results. Test data will be used in part for determining student placement within appropriate ability levels as well as to identify key class weaknesses and areas of strength. Teachers will meet in grade level groups throughout the year to review and analyze targeted skill data and to share and create consistent effective practices and tools of instruction. Teacher work sessions will be built into the school schedule to ensure time for collaboration, analysis, development and review of appropriate action plans. All grade level teachers will assist in this collaboration to ensure a cross-discipline focus on strengthening literacy skills throughout the content areas and will receive training on methods of data analysis.

A scope and sequence for all curriculums will be determined and reviewed by teachers and administrators to ensure a consistent focus on targeted literacy skills throughout the school year. Teacher training and guidance with curriculum mapping will occur at the beginning of each school year and will be routinely followed with end of the quarter curriculum review sessions.

The use of innovative practices and alternative literacy assessments for students will be explored by staff within their classes and regularly shared with staff members during horizontal and vertical staff meetings. Students will be presented with a menu of alternative assessment options to choose from in order to allow students the opportunities to best demonstrate their literacy capabilities in a variety of ways. A range of options for students who fail to meet school benchmarks for literacy will be considered. Some possibilities the school may explore to aid students who have not demonstrated proficient literacy skill include, but are not limited to, the following actions:

- Recommending student attendance at summer academic and/or basic-skill educational programs.
- Providing targeted student-assistance in class and/or after school.
- Utilizing the school's I&RS program and procedures to help identify areas of weaknesses and possible strategies for help.
- Reviewing and restructuring teacher/class assignments to ensure the most effective placements.
- Involving parent/guardians in strategy sessions to create a viable program and plan for their child.
- Closely examining and regularly reviewing curriculum and instruction practices to maximize the school's program for student success.

ASSESSMENT OF INDIVIDUAL NEEDS (continued)

- Providing professional development opportunities closely aligned with the school's curricular goals and geared towards helping all teachers reach a variety of learners and to meet individual student needs.
- Examining the student discipline records to determine patterns of behavior and develop individual behavioral charts to address behaviors that may be prohibiting academic growth.

The chief school administrator shall develop procedures to implement a program of individual pupil needs assessment that shall include but not be limited to:

- A. Identifying school needs as the basis for development of mandated goals; development of staff inservice programs; selecting and approving instructional materials; staffing;
- B. Identifying and determining the needs of:
  1. Gifted and talented pupils;
  2. Disruptive pupils;
  3. Disaffected pupils;
  4. Potential dropouts;
  5. Pupils who require basic skills improvement programs;
  6. Pupils with limited English proficiency;
  7. Pupils who may require formal referral to the child study team for classification.

Policies addressing these specific groups and appropriate educational programs for them are listed in the cross references to this policy.

- C. Disseminating results of such assessments to parents/guardians and to appropriate staff and state and federal agencies as required without invading the privacy of the individual pupil.

The chief school administrator/designee shall review all individual assessment procedures annually to ensure that they serve the purposes for which they are intended. At all times, these procedures shall conform with federal and state law.

Date:

Key Words

Pupil Assessment; Assessment of Individual Needs

Legal References:

N.J.S.A. 18A:7A-10

Evaluation of performance of each school

N.J.A.C. 6A:8-3.1 et seq.

Implementation of the Core Curriculum Content

ASSESSMENT OF INDIVIDUAL NEEDS (continued)

<u>N.J.A.C. 6A:8-4.1 et seq.</u>	Standard
<u>See particularly:</u>	Implementation of the Statewide Assessment System
<u>N.J.A.C. 6A:84.1(d),</u>	
4.3(c)(d), -4.4	
<u>N.J.A.C. 6A:8-5.1</u>	Graduation requirements
<u>N.J.A.C. 6A:14-1.1 et seq.</u>	Special Education
<u>See particularly:</u>	
<u>N.J.A.C. 6A:14-3.3, 3.4, 3.8,</u>	
4.11, 4.12	
<u>N.J.A.C. 6A:15-1.1 et seq.</u>	Bilingual Education
<u>See particularly:</u>	
<u>N.J.A.C. 6A:151.3, 1.10,</u>	
1.11	
<u>N.J.A.C. 6A:16-8.1</u>	Establishment of intervention and referral services
<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C. 6A:322.1</u>	Definitions
<u>N.J.A.C. 6A:324.3(g)4</u>	Evaluation of tenured and nontenured chief school administrators
<u>N.J.A.C. 6A:324.4(f)4</u>	Evaluation of tenured teaching staff members
<u>N.J.A.C. 6A:3214.1</u>	Review of mandated programs and services

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Manual for the Evaluation of Local School Districts (September 2002)

**Possible****Cross References:**

*1100	Communicating with the public
*1120	Board of education meetings
*2240	Research, evaluation and planning
4010	Goals and objectives
*4131/4131.1	Staff development; inservice education/visitations/conferences
*5111	Admission
5119	Transfers
*5124	Reporting to parents/guardians
*5125	Pupil records
*6010	Goals and objectives
*6141	Curriculum design/development
*6142.2	English as a second language; bilingual/bicultural
*6146	Graduation requirements
*6146.2	Promotion/retention
*6147	Standards of proficiency
*6147.1	Evaluation of individual student performance
*6160	Instructional services and resources
6161	Equipment, books and materials
*6161.1	Guidelines for evaluation and selection of instructional materials
*6164.2	Guidance services
*6164.4	Child study team

ASSESSMENT OF INDIVIDUAL NEEDS (continued)

*6171.1	Remedial instruction
*6171.2	Gifted and talented
*6171.3	At-risk and Title 1
*6171.4	Special education
*6172	Alternative educational programs

\*Indicates policy is included in the Critical Policy Reference Manual.

5/06  
5120

## Policy

---

### REPORTING TO PARENTS/GUARDIANS

The board believes that the cooperation of school and home is vital to the growth and education of the whole child. It recognizes its responsibility to keep parents/guardians informed of pupil welfare and progress in school.

The board directs the establishment of a system of reporting pupil progress that shall include written reports, pupilteacher conferences, and parent/guardianteacher conferences. If the parent/guardian's primary language is other than English, translation shall be provided whenever possible.

The chief school administrator shall develop procedures for reporting pupil progress which:

- A. Use various methods of reporting appropriate to grade level and curriculum content;
- B. Ensure that both pupil and parent/guardian receive ample warning of a pending grade of "failure" or one that would adversely affect the pupil's status;
- C. Enable the scheduling of parent/guardianteacher conferences in such places and at such times as will ensure the greatest degree of participation by parents/guardians;
- D. Specify the issuance of report cards at intervals of not less than four times during the school year and issuance of deficiency notices as required during the school year;
- E. Ensure the continual review and improvement of methods of reporting pupil progress to parents/guardians and involve pupils, staff and parents/guardians in that review.

A record shall be kept indicating the legal custodian of each pupil, so that reports can be made to and conferences arranged with the proper person.

### Options for students who fail to meet school benchmarks

A range of options for students who fail to meet school benchmarks for applying these higher order thinking skills will be considered. Some possibilities the school may explore to aid students who have not demonstrated proficiency include, but are not limited to, the following actions:

- Recommending student attendance at summer academic and/or basic-skill educational programs.
- Providing targeted student-assistance in class and/or after school.
- Utilizing the school's I&RS program and procedures to help identify areas of weaknesses and possible strategies for help.
- Reviewing and restructuring teacher/class assignments to ensure the most effective placements.
- Involving parent/guardians in strategy sessions to create a viable program and plan for their child.
- Closely examining and regularly reviewing curriculum and instruction practices to maximize the school's program for student success.

REPORTING TO PARENTS/GUARDIANS (continued)

- Providing professional development opportunities closely aligned with the school's curricular goals and geared towards helping all teachers reach a variety of learners and to meet individual student needs.
- Examining the student discipline records to determine patterns of behavior and develop individual behavioral charts to address behaviors that may be prohibiting academic growth.

Parental Notification

The chief school administrator shall develop regulations to ensure that parents/guardians are notified in all instances when the law and/or the best interests of the pupil and the district require it.

Date:

Key Words

Parents/Guardians; Reporting to Parents/Guardians; Role of Parents/Guardians

Legal References:

<u>N.J.S.A.</u> 18A:7E-2	School report card program
through -5	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:111	Pupil promotion and remediation; policies and procedures
<u>N.J.S.A.</u> 18A:354.9	Reporting of pupils under influence or believed to be using anabolic steroids; examination report, return home; treatment; evaluation of possible need and referral
<u>N.J.S.A.</u> 18A:40A12	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 18A:5420	Accountability
<u>N.J.A.C.</u> 6A:84.3	Public reporting
<u>N.J.A.C.</u> 6A:8-4.5	Graduation requirements
<u>N.J.A.C.</u> 6A:8-5.1	Special Education
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:141.1, -2.3, -2.4, -2.5, -2.6, -3.5, -7.9	
<u>N.J.A.C.</u> 6A:15-1.1 <u>et seq.</u>	Bilingual Education
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:15-1.13, -1.15	
<u>N.J.A.C.</u> 6A:16-1.4	District policies and procedures
<u>N.J.A.C.</u> 6A:10A-1.1 <u>et seq.</u>	<i>Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts</i>
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:10A-2.2, -5.1(a)3, -5.3	
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:327.1(d, k)	General considerations
<u>N.J.A.C.</u> 6A:3212.1	Reporting requirements

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

REPORTING TO PARENTS/GUARDIANS (continued)Manual for the Evaluation of Local School Districts**Possible****Cross References:**

*1000/1010	Concepts and roles in community relations; goals and objectives
*1120	Board of education meetings
*1250	Visitors
*2224	Nondiscrimination/affirmative action
*3542.31	Free or reduced-price lunches/milk
*5020	Role of parents/guardians
*5113	Absences and excuses
*5114	Suspension and expulsion
*5120	Assessment of individual needs
*5125	Pupil records
*5126	Awards for achievement
*5131	Conduct/discipline
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141	Health
*5141.3	Health examinations and immunizations
*5142	Pupil safety
*5145.12	Search and seizure
*5200	Nonpublic school pupils
*6010	Goals and objectives
*6142.1	Family life education
*6142.2	English as a second language; bilingual/bicultural
*6145	Extracurricular activities
*6145.1/6145.2	Intramural competition; interscholastic competition
*6146	Graduation requirements
*6164.2	Guidance services
*6164.4	Child study team
*6171.1	Remedial instruction
*6171.3	At-risk and Title 1
*6171.4	Special education
*6173	Home instruction
6174	Summer school
6178	Early childhood education/preschool

\*Indicates policy is included in the Critical Policy Reference Manual.

## Policy

---

### STUDENT RECORDS

The board of trustees shall conform in all respects to the requirements of state and federal law regarding gathering, maintaining, securing, disclosing, allowing access to and destruction of student records.

The chief school administrator shall be responsible for the security of student records maintained in the school district. He/she shall formulate and the board shall review administrative procedures to guarantee the safety and security of all student records, and to provide authorized persons and organizations access to these records at a convenient place and time within the limits stipulated by law, i.e., within 10 days of the request but prior to any review or hearing conducted in accordance with state board of trustees regulations.

Student records shall include all those mandated by the New Jersey administrative code or state statutes, or authorized by administrative directives, and such permitted records as the board of trustees shall authorize by resolution at a regular public meeting in order to promote the educational welfare of the student. Records so authorized must comply with code standards as to relevance and objectivity.

The board of trustees shall review and report regularly such as annually at a public meeting a description of the types of student records it has authorized certified school personnel to collect and maintain.

Student records shall contain only such information as is relevant to the education of the student, and is objectively based on the personal observations or knowledge of the originator of the record.

All anecdotal information and assessment reports collected on a student shall be dated and signed by the individual who originated the data.

Parents/guardians and adult students shall be notified annually in writing of their rights in regard to student records. Such rights include:

- A. Notification of rights in writing, in dominant language of parent/adult student, if possible. When the parent or adult student's dominant language is not English, or the parent/adult student is deaf, the district shall provide interpretation of the record in the dominant spoken or sign language;
- B. Copies of applicable state and federal laws and local policies made available on request;
- C. Should the parental rights of one or the other parent/guardian be terminated by a court of appropriate jurisdiction, it is the responsibility of the person/agency having legal custody to notify the district that the right to review student records should be denied the person whose rights have been terminated;
- D. Parents/guardians or adult students have the right to seek to include in the records material they think pertinent or to seek exclusion from the records of material that is untrue, irrelevant to the student's present educational situation or otherwise improperly contained in the student's record. Parents/adult students have the right to request an immediate stay of disclosure pending final determination of the challenge procedure. They also have the right to challenge the district's granting or denial of access to the student's records;



STUDENT RECORDS (continued)

The chief school administrator shall devise procedures to review such requests. These procedures shall include an appeal process as required by New Jersey administrative code.

Student Information Directories

The district shall compile, publicize and make available a "student information directory" as defined in the administrative code. Such directory information and school facilities shall be available to educational, occupational and military recruiters as required by law.

The district must notify parents/guardians and adult students annually in writing of their rights in regard to student participation in educational, occupational and military recruitment programs.

Such rights include:

- A. Notification of these rights in writing, in dominant language of parents/guardians or adult student.
- B. A 10day period in which to submit a written statement to the chief school administrator prohibiting the district from including any or all types of information about the student in any student information directory before allowing access to such directory and school facilities to educational, occupational and military recruiters pursuant to statute.
- C. A 10-day period to submit a written statement to the Chief School Administrator excluding information from any school directory for official use.
- D. Copies of applicable state and federal laws and local policies will be made available on request.

District Review of Student Records

The chief school administrator shall require all permitted student records of students currently enrolled in the regular educational program to be reviewed annually by certified school personnel to determine the educational relevance of the material contained therein. The reviewer shall cause to be deleted from the records data no longer descriptive of the student or educational situation.

Such information shall be destroyed and shall not be recorded elsewhere nor shall a record of such deletion be made.

Such data may not be removed from the record of a disabled student without prior parental notice.

Records of Classified Students

All records of disabled students shall be maintained in accordance with administrative code and established procedures that will ensure proper accessibility and confidentiality.

A special confidential file shall be maintained listing the code numbers assigned to disabled students on whose behalf the board of trustees must take public action. Motions concerning disabled students shall be anonymous and refer to this confidential file. This shall be maintained in accordance with N.J.A.C. 6A:32-7.

Parents/adult students or designees shall be permitted to inspect and review the contents of the student's record maintained by the district without unnecessary delay and before any meeting regarding the student's IEP. Any consent required for disabled students under N.J.A.C. 6A:327 shall be obtained according to N.J.A.C. 6A:14-1.3 "Consent" and N.J.A.C. 6A:142.3.

STUDENT RECORDS (continued)Transfer of Student Records

- A. The chief school administrator shall request records of a newly enrolled student from the district of previous attendance as soon as possible after enrollment, but in any case within the time limit prescribed by the administrative code.
- B. The chief school administrator shall forward mandated student records as soon as possible upon receipt of the request from the chief school administrator of the district to which the student has transferred, but in any case within the time limit prescribed by the administrative code. Permitted records shall be forwarded in the same manner at the same time if parental permission was given at the time the student's parents/guardians informed the district of the transfer.
- C. NOTE: THE FOLLOWING PARAGRAPH APPLIES TO DISTRICTS THAT ARE CONSTITUENTS OF A REGIONAL OR WHICH HAVE A CONTRACTUAL SENDING RELATIONSHIP WITH ANOTHER DISTRICT.

All records of district students moving into the \_\_\_\_\_ grade in the \_\_\_\_\_ school system shall be transferred in a secure and orderly fashion at the mutual convenience of the two chief school administrators.

Permitted Access to Student Records

A nonadult student may assert rights of access only through his/her parent/guardian. However, certified school personnel may, in their discretion, disclose student records to nonadult students or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the student or other persons.

A parent/guardian or adult student shall either have access to or be specifically informed about only that portion of another student's record that contains information about his/her own child or himself/herself.

A student record may be withheld from a parent of a student under 18 or from an adult student only when the district obtains a court order or is provided with evidence that there is a court order revoking the right to access. Only that portion of the record designated by the court may be withheld.

The board shall limit access to, disclosure of and communication regarding student records and health records to authorized organizations, agencies or persons as defined by code.

Particular attention shall be paid to the development of procedures whereby student records are made accessible to assigned secretarial and clerical staff in the performance of their duties, and to compliance with requirements for the security of computerized student records that will limit access to authorized persons. Limited access shall be granted to secretarial and clerical personnel under the direct supervision of certified school personnel to those portions of the record and to the extent necessary to record data and conduct routine clerical tasks.

The district (will) (will not) make a charge for copies.

NOTE: THE CHARGE MAY NOT PREVENT PARENTS FROM EXERCISING THEIR RIGHTS.

School personnel are not prohibited from disclosing information in the student health record to students or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the student or other persons.

STUDENT RECORDS (continued)

In complying with this policy all individuals shall adhere to N.J.S.A. 47:1A-10, the Open Public Records Act (OPRA) and 20 U.S.C. 1232g; 34 CFR Part 99, the Family Educational Rights and Privacy Act (FERPA).

Conditions of Access

No student record shall be altered or destroyed during the time period between a request to review the record and the actual review of the record. Those from outside the school whose access requires consent of parents/adult students must submit the request in writing, together with any required authorization, to the chief school administrator/designee. District regulation shall be developed in accordance with code to ensure that records are not altered, damaged or lost during inspection, and that records of access granted are complete.

Retention and Destruction of Records

The chief school administrator shall develop regulations in accordance with the administrative code concerning retention and destruction of student records. No additions may be made to the record after the graduation or permanent departure of a student without the prior written consent of the parent/adult student.

New Jersey district of last enrollment must keep in perpetuity: name, date of birth, gender, citizenship, address, phone number, health history and immunization, standardized assessment and test answer sheet (protocol), grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

Liability

Liability shall not be attached to any member, officer or employee of the board of trustees permitting access or furnishing student records in accordance with these rules and regulations. It shall be the responsibility of the chief school administrator to keep abreast of all changes in state and federal law and regulation concerning student records.

Date:

Key Words

Student Records, Student Records, Records, Special Education Student Records

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 2A:4A-60 <u>et al.</u>	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A.</u> 18A:3619	Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
	<u>N.J.S.A.</u> 18A:3619a	Newly enrolled students; records and identification
	<u>N.J.S.A.</u> 18A:36-19.1	Military recruiters; access to schools and student information directories
	<u>N.J.S.A.</u> 18A:3635	Disclosure of certain student information on Internet prohibited without parental consent

STUDENT RECORDS (continued)

<u>N.J.S.A.</u> 18A:404	Examination for physical defects and screening of hearing of students; health records
<u>N.J.S.A.</u> 18A:4019	Records and reports of tuberculosis testing; disposition; inspection
<u>N.J.S.A.</u> 26:5C-7 through -14	Acquired Immune Deficiency Syndrome
<u>N.J.S.A.</u> 47:1A-1 <u>et seq.</u>	Examination and copies of public records ("Open Public Records Act")
<u>N.J.S.A.</u> 47:315 <u>et seq.</u>	Destruction of Public Records Law
<u>N.J.S.A.</u> 52:17B-9.8a through -9.8c	Marking of missing child's school record
<u>N.J.A.C.</u> 6A:8-4.2	Documentation of student achievement
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
See particularly: <u>N.J.A.C.</u> 6A:14-1.3, -2.3, -2.9, -7.9	
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
See particularly: <u>N.J.A.C.</u> 6A:16-1.4, -2.2, -2.4, -3.2, -5.4, -6.5, -10.2	
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-2.1	Definitions
<u>N.J.A.C.</u> 6A:327.1 <u>et seq.</u>	Student records
<u>N.J.A.C.</u> 6A:32-8.1	School register
<u>N.J.A.C.</u> 6A:3214.1	Review of mandated programs and services
<u>N.J.A.C.</u> 8:611.1	Attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV)
<u>N.J.A.C.</u> 15:32	State records manual
20 <u>U.S.C.A.</u> 1232g - Family Educational and Privacy Rights Act	
42 <u>U.S.C.A.</u> 4541 <u>et seq.</u> - Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act of 1980	
42 CFR Part II	
<u>Owasso Independent School District No. I-001 v. Falvo</u> , 534 U.S. (2002)	
<u>Plainfield Board of Education v. Cooperman</u> , 105 NJ 587 (1987)	
<u>Manual for the Evaluation of Local School Districts</u>	
<u>No Child Left Behind Act of 2001</u> , Pub. L. 107-110, <u>20 U.S.C.A.</u> 6301 <u>et seq.</u>	

**Possible****Cross References:**

*1110	Media
*1120	Board of education meetings
3543	Office services
*3570	District records and reports

STUDENT RECORDS (continued)

*5113	Absences and excuses
*5124	Reporting to parents/guardians
*5131	Conduct/discipline
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141.2	Illness
*5141.3	Health examinations and immunizations
*5142	Student safety
*6145.1/6145.2	Intramural competition; interscholastic competition
*6147.1	Evaluation of individual student performance
*6164.2	Guidance services
*6171.4	Special education
*9322	Public and executive sessions

\*Indicates policy is included in the Critical Policy Reference Manual.

## Policy

---

### AWARDS FOR ACHIEVEMENT

#### General

The board of trustees believes that pupil achievement should be recognized at all levels in a manner appropriate to the pupil's accomplishment.

Each school year, Pride Academy Charter School will offer its students a multiple range of opportunities to be recognized for practicing the core values as outlined in the Code of Conduct. Opportunities for positive recognition include but are not limited to Core Value Awards, Effort Awards, Improvement Awards, Perfect Attendance awards, and Homeroom Challenge Awards.

The board directs the chief school administrator/designee to develop criteria and procedures for presenting awards to pupils for scholarship and outstanding accomplishments, including in the arts, athletics and citizenship.

The chief school administrator shall review and advise the board on acceptance of proposed trophies, prizes, scholarships or other awards from nonschool donors. Any such proposed award shall be free from bias as outlined in the district's affirmative action policies.

Criteria regarding eligibility and selection for awards shall be disseminated annually to all pupils and parents/guardians.

#### Academic Recognition

The board directs the chief school administrator/designee to establish criteria and procedures for placing pupils on academic honor rolls.

#### Service Participation

School service groups shall be recognized for participation in order to emphasize the importance of good citizenship in school life as outlined in the course of study.

Date:

#### Key Words

Awards, Pupil Achievement Awards, Academic Awards, Honor Roll

#### Legal References:

N.J.S.A. 18A:36-20

N.J.S.A. 18A:71-27

Discrimination; prohibition

Higher education; scholarship funds; establishment; administration

AWARDS FOR ACHIEVEMENT (continued)**Possible**

<b><u>Cross References:</u></b>	*1322	Contests for pupils
	*3280	Gifts, grants and bequests
	*5120	Assessment of individual needs
	*5125	Pupil records
	*5127	Commencement activities
	*5131	Conduct/discipline
	*6145.1/6145.2	Intramural competition; interscholastic competition
	*6147	Standards of proficiency

\*Indicates policy is included in the Critical Policy Reference Manual.

## Policy

---

### COMMENCEMENT ACTIVITIES

The board endorses graduation activities and ceremonies. The date of graduation shall annually be recommended by the chief school administrator and approved by the board.

Graduation shall not occur prior to completion of the required 180 days of pupil instruction.

#### Guidelines for Graduation Year Activities

Pupil participation in special graduation year activities will require conduct of the highest caliber in all school situations.

Criteria for exclusion from these activities concern consistent behavioral patterns and shall include, but not be limited to:

- A. Consistent involvement in disciplinary action(s);
- B. Suspension;

The final decision shall be made by the chief school administrator.

Pupils and parents/guardians shall be given advance notification of these criteria.

#### Graduation Procedures and Ceremonies

No pupil shall be barred from participation in graduation ceremonies for arbitrary or discriminatory reasons. A pupil who may be prevented from participation and his/her parents/guardians shall be so notified in advance and no later than [10] days prior to the close of the school year.

When a pupil or his/her parents/guardians experiences financial hardship and is unable to pay the costs of participation in graduation ceremonies, the board shall assume the costs of the following items:

- A. Rental or purchase of cap and gown;
- B. One year book;
- C. Other, as may be determined by the board.

Financial hardship shall be defined by eligibility standards for free and reduced price meals under the state school lunch program.

The board reserves the right to deny participation in graduation activities when extreme circumstances warrant it. Such denial shall be treated in the same manner as a suspension and the pupil so affected shall be afforded the rights of review provided in policies of this board.

The board reserves the right to withhold a diploma and transcripts until all fines are paid.



COMMENCEMENT ACTIVITIES (continued)Awarding of Diplomas

A board member shall present a copy of the Declaration of Independence, the Constitution of the United States and the amendments thereto, and the Constitution of the State of New Jersey and the amendments thereto to each pupil upon graduation from elementary school.

The president of the board of trustees and/or another designated member of the board shall award the diplomas. Board members and former board members shall be afforded the opportunity to award diplomas to their own children.

The board shall not prevent, or otherwise deny participation in, constitutionally protected prayer in any district school, consistent with guidance issued by the United States Department of Education and applicable judicial decisions interpreting the religion clauses of the First Amendment of the U.S. Constitution.

Date:

Key Words

Commencement Activities, Graduation Ceremonies

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:7C-5.1	Boards of education prohibited from excluding students from graduation ceremony or from obtaining yearbook for inability to pay fees
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:36-18	Books containing organic laws at graduation
	<u>N.J.S.A.</u> 18A:37-2	Causes for suspension or expulsion of pupils
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:8-5.1 <u>et seq.</u>	Implementation of Graduation Requirements
	<u>N.J.A.C.</u> 6A:16-7.1 <u>et seq.</u>	Student Conduct

Ballato v. Long Branch Board of Education, 1990 S.L.D. (August 20)

Lee v. Weisman, 112 S.Ct. 2649 (1992)

R.L. v. Kingsway Regional Board of Education, 95 NJAR2d (EDU) 296

D.C. v. Parsippany Troy Hills Board of Education, 96 NJAR2d (EDU) 697

DO'G v. Ridgely Park Board of Education, 96 NJAR2d (EDU) 820

R.F. v. Park Ridge Board of Education, 97 NJAR2d (EDU) 1

American Civil Liberties Union v. Blackhorse Pike Regional Board of Education, 84 F.3d 1471 (3d Cir. 1996)

COMMENCEMENT ACTIVITIES (continued)**Possible**

<b><u>Cross References:</u></b>	*5113	Absences and excuses
	*5114	Suspension and expulsion
	*5126	Awards for achievement
	*5131	Conduct/discipline
	*6111	School calendar
	*6115	Ceremonies and observances
	*6141.2	Recognition of religious beliefs and customs
	*6146	Graduation requirements

\*Indicates policy is included in the Critical Policy Reference Manual.

## **Policy**

---

### CONDUCT/DISCIPLINE

The board believes that an effective instructional program requires an orderly school environment and that the effectiveness of the educational program is, in part, reflected in the behavior of pupils.

The board of education expects pupils to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other pupils, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment.

The board of education believes that standards of pupil behavior must be set cooperatively by interaction among the pupils, parents/guardians, staff and community, producing an atmosphere that encourages pupils to grow in selfdiscipline. Such an atmosphere must include respect for self and others, as well as for district and community property.

The board directs the chief school administrator to develop and implement a code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions, and as appropriate, conduct away from school grounds. The board shall direct development of detailed regulations suited to the age level of the pupils and the physical facilities of the individual schools. Board policy requires each pupil of this district to adhere to the rules and regulations established by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. The chief school administrator shall provide to pupils and their parents/guardians the rules of this district regarding pupil conduct and the sanctions that may be imposed for breach of those rules. Provisions shall be made for informing parents/guardians whose primary language is other than English.

In developing the standards, policies and procedures to implement this policy, the chief school administrator shall ensure that the code of student conduct:

- A. Is based on parent, student and community involvement which represents, where possible, the composition of the schools and community;
- B. Is based on locally determined and accepted core ethical values;
- C. Is board approved.

The chief school administrator shall develop regulations that:

- A. Require pupils to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority and respond to those who hold that authority;
- B. Establish the degree of order necessary to the educational program in which pupils are engaged.

The board will annually review and update the code of student conduct and this process shall include:

- A. Parent, student and community involvement which represents, where possible, the composition of the schools and community;
- B. Consideration of the findings of the annual reports of student conduct, suspensions and expulsions; and incidences

CONDUCT/DISCIPLINE (continued)

reported under the Electronic Violence and Vandalism Reporting System.

The chief school administrator shall annually:

- A. Disseminate the code of student conduct to all staff, students and parents;
- B. Report on the implementation of the code of student conduct to the board of education at a public meeting in accordance with N.J.A.C. 6A:16-7.1(a) 5, i-iv.
- C. Report to the New Jersey Department of Education on student conduct, including all student suspension and expulsion and incidences reported under the Electronic Violence and Vandalism Reporting System.

Pupils who display chronic behavioral or academic problems may be referred to the child study team by the chief school administrator for possible identification as disruptive or disaffected. Such referrals shall be in strict accordance with the due process regulations prescribed by the administrative code. Pupils so identified shall be provided with appropriate programs and services as prescribed by the child study team.

A pupil whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be suspended or expelled, following due process.

Any pupil who commits an assault (as defined by N.J.S.A. 2C:121) upon a board member, teacher, administrator or other employee of the board of education shall be suspended from school immediately according to procedural due process, and suspension or expulsion proceedings shall begin no later than 30 calendar days from the date of the pupil's suspension.

Substance Abuse

In accordance with statute and code, penalties shall be assigned for use, possession and distribution of proscribed substances and drug paraphernalia. The penalties shall be graded according to the severity of the offense. Infractions shall be reported to the local law enforcement agency in accordance with the district's memorandum of agreement. Confidentiality shall be protected in accordance with federal and state law.

Weapons Offenses

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The chief school administrator may modify this suspension on a case-by-case basis. Each pupil so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the board. The hearing shall take place no later than 30 days following the day the pupil is removed from the regular education program and shall be closed to the public.

The principal shall be responsible for the removal of such students and shall immediately report them to the chief school administrator. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

The chief school administrator shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with procedures established by the Commissioner of Education.

Teaching staff members and other employees of this board having authority over pupils shall take such lawful means as may be necessary to control the disorderly conduct of pupils in all situations and in all places where such pupils are

CONDUCT/DISCIPLINE (continued)

within the jurisdiction of this board.

Harassment, Intimidation or Bullying

The board expects all pupils to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. This type of behavior interferes with a pupil's ability to learn and a school's ability to educate its pupils in a safe environment. Therefore, the school district will not tolerate acts of harassment, intimidation or bullying.

The board prohibits acts of harassment, intimidation or bullying against any pupil.

"Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin or ethnicity, or by any other distinguishing characteristic, that takes place on school grounds, at any school-sponsored function or on a school bus and that:

- A. A reasonable person should know, under the circumstances, will have the effect of harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of harm to his/her person or damage to his/her property; or
- B. Has the effect of insulting or demeaning any pupil or group of pupils in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

"Electronic communication" means a communication that is transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager, that takes place on school grounds, at any school-sponsored function or on a school bus.

Consequences of Acts of Harassment, Intimidation or Bullying

The consequences for pupils who commit acts of harassment, intimidation or bullying shall be varied and graded according to:

- A. Nature of the behavior;
- B. Developmental age of student;
- C. Student's history of problem behaviors and performance;
- D. Consistent with provisions of N.J.A.C. 6A:16-7.

Classified pupils are subject to the same disciplinary procedures as nondisabled pupils and may be disciplined in accordance with their IEP. However, before disciplining a classified pupil, it must be determined that:

- A. The pupil's behavior is not primarily caused by his/her educational disability;
- B. The program that is being provided meets the pupil's needs.

Any staff member that commits the act of harassment, intimidation or bullying shall be subjected to disciplinary charges which could result in either suspension or termination.

Remedial Action for Acts of Harassment, Intimidation or Bullying

CONDUCT/DISCIPLINE (continued)

The district shall take appropriate remedial action for a pupil who commits an act of harassment, intimidation or bullying that considers:

- A. The nature of the behavior;
- B. The developmental age of the student; and
- C. The student's history of problem behaviors and performance and that may include the following:
  - 1. A behavioral assessment or evaluation including, but not limited to, a referral to the child study team, as appropriate; and
  - 2. Supportive interventions and referral services, including those at N.J.A.C. 6A:16-8.

Reporting Harassment, Intimidation or Bullying

Any school employee, pupil or volunteer who has witnessed, or has reliable information that a pupil has been subject to harassment, intimidation or bullying, must report the incident to the building principal or his/her designee.

Reports of harassment, intimidation or bullying in any form, which includes but is not limited to, oral reports, written reports or electronic reports shall be taken. The board shall allow reports to anonymous, but no formal disciplinary action shall be based solely on an anonymous report.

The board requires that all violations and complaint reports of harassment, intimidation or bullying be investigated promptly by the building principal or his/her designee. All investigations shall be thorough and complete. The building principal shall maintain all reports and records of the investigation on file.

Range of Ways to Respond to Harassment, Intimidation or Bullying

The school district shall respond to incidents of harassment, intimidation or bullying on a case by case basis. The response may include one or all of the following:

- A. Support programs for victims;
- B. Corrective actions for documented systematic problems;
  - 1. Counseling;
  - 2. Suspension;
  - 3. Expulsion.
- C. Reporting to law enforcement.

Retaliation and Reprisal Prohibited

The board shall not tolerate any act of retaliation or reprisal against any person who reports an act of harassment, intimidation or bullying. Any student, school employee, volunteer or visitor who engages in the act of retaliation or reprisal or who falsely accuses another shall be subjected to either disciplinary and/or criminal charges. In cases where any State or Federal law has been violated, the local law enforcement agency shall be notified.

Dissemination and Implementation

CONDUCT/DISCIPLINE (continued)

The chief school administrator shall take all necessary steps to publicize this policy, and shall inform pupils and staff that harassment, intimidation or bullying is prohibited on school grounds or any school-sponsored function. This shall include development of a process to annually discuss the policy with students. This information shall also be incorporated into the student handbook and employee training programs.

The board shall annually review the training needs of district staff for the effective implementation of this policy and procedures. The board shall also implement locally determined staff training programs consistent with this review.

The board shall annually review the extent and characteristics of harassment, intimidation and bullying behavior in the district's schools, and implement locally determined program, or other responses, if appropriate. These programs or other services shall be planned in consultation with parents, and other community members, including appropriate community-based social and health provider agencies, law enforcement officials, school employees, school volunteers, students, and school administrators, as appropriate.

This policy shall be posted on the district website and parents/guardians and students notified that the policy is available on the district website.

The chief school administrator shall ensure that the rules for this policy are applied consistently and uniformly, and that all disciplinary sanctions are carried out with necessary due process.

The board shall review all related policies on a regular basis.

Adopted: June 2008

NJSBA Review/Update: September 2009

Readopted:

Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Weapons, Vandalism

<b><u>Legal References:</u></b>	<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A. 2C:12-1</u>	Definition of assault
	<u>N.J.S.A. 2C:33-19</u>	Paging devices, possession by students
	<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
	<u>N.J.S.A. 18A:61</u>	Corporal punishment of pupils
	<u>N.J.S.A. 18A:111</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:252</u>	Authority over pupils
	<u>N.J.S.A. 18A:36-19a</u>	Newly enrolled students; records and identification
	<u>N.J.S.A. 18A:37-1 et seq.</u>	Discipline of Pupils
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:37-15</u>	
	<u>N.J.S.A. 18A:40A-1 et seq.</u>	Substance Abuse
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsions
	<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to Support Student Development
	<u>See particularly:</u>	
	<u>N.J.A.C. 6A:16-1.4, -2.4</u>	
	-4.1, -5.1, -6.1, -6.2,	
	-7.1 through -7.6	

CONDUCT/DISCIPLINE (continued)

N.J.A.C. 6:32-12.1 Reporting requirements  
N.J.A.C. 6:32-12.2 School-level planning

P.L. 2007, c.129, amends N.J.S.A. 18A:37-15 and includes electronic communication in the definition of public school “harassment, intimidation or bullying”

20 U.S.C.A. 1415(k) Individual with Disabilities Education Act Amendments of 1997

Bethel School District No. 403, v. Fraser, 478 U.S. 675 (1986)

Hazelwood v. Kuhlmeier 484 U.S. 260 (1988)

Honig v. Doe, 484 U.S. 305 (1988)

See also Commissioners’ Decisions indexed under “Pupils – Punishment of” in Index to N.J. School Law Decisions

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

Manual for the Evaluation of Local School Districts

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions)

**Possible****Cross References:**

*1220	<u>Ad hoc</u> advisory committees
*1410	Local units
3517	Security
*3541.33	Transportation safety
*4131/	Staff development; inservice education/visitation conferences
4131.1	
4148	Employee protection
*4231/	Staff development; inservice education/visitation conferences
4231.1	
4248	Employee protection
5000	Concepts and roles in pupil personnel
5010	Personal goals and objectives for pupils
*5020	Role of parents/guardians
*5113	Absences and excuses
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5127	Commencement activities



CONDUCT/DISCIPLINE (continued)

*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
5132	Dress and grooming
5145	Rights
5145.2	Freedom of speech/expression
*5145.4	Equal educational opportunity
*5145.6	Pupil grievance procedure
*5145.11	Questioning and apprehension
*5145.12	Search and seizure
*6145	Extracurricular activities
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs

\*Indicates policy is included in the Critical Policy Reference Manual.

**Legal References**

---

CONDUCT/DISCIPLINE**QSAC Monitored:**

Section 3: Governance

**Mandated:**

N.J.S.A. 18A:37-15 requires policy prohibiting harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus.

N.J.S.A. 18A:37-14 defines electronic communication as “a communication transmitted by means of an electronic device, including, but not limited to , a telephone, cellular phone, computer, or pager” and includes “electronic communication” in the definition of harassment, intimidation and bullying. N.J.S.A. 18A:37-15.1 requires that the mandated school district policy on harassment, intimidation and bullying to be amended to include “electronic communication”.

N.J.S.A. 18A:37-15.2 requires that districts make the policy prohibiting harassment, intimidation or bullying available on the district's website, and notify students and parents that the policy is available on the district's website.(P.L. 2007, C. 303)

N.J.S.A. 18A:40A10 requires policy statement providing for the identification, evaluation, referral for treatment and discipline of pupils who are substance abusers.

N.J.S.A. 18A:40A11 requires policies and procedures for the evaluation, referral for treatment and discipline of pupils involved in incidents of possession or abuse of substances on school property or at school functions.

N.J.A.C. 6A:16-1.4(a)10 and 13 through –15 require policies on the removal of students for weapons offenses and assaults, prohibition of remotely activated paging devices, cooperation with law enforcement and substance abuse prevention, intervention and treatment referral.

N.J.A.C. 6A:16-1.4(a)16 requires policies that provide for the development and implementation of a code of student conduct. Required elements of the code are listed at N.J.A.C. 6A:16-7.1

N.J.A.C. 6A:16-4.1 requires policies and procedures for the assessment, evaluation, intervention and referral to treatment and discipline of pupils who possess, consume or on reasonable grounds are suspected of being under the influence of substances defined by law; must include sanctions graded according to severity of offense. Other required components are listed at N.J.A.C. 6A:16-4.1(a)(b)(c).

N.J.A.C. 6A:16-6.1 requires adoption of policies and procedures to ensure cooperation between school staff and law enforcement authorities in all matters pertaining to unlawful possession, distribution and disposition of controlled dangerous substances, drug paraphernalia, alcohol, firearms and other deadly weapons. Required elements of these policies and procedures are included at N.J.A.C. 6A:16-6.2(a)(b).

N.J.A.C. 6A:16-7.1(a-d) requires district boards of to develop and implement a code of student conduct, and sets forth the purposes of the code, the minimum standards to be included in the code, and requires due process procedures and policy for students and their families in accordance with N.J.A.C. 6A:16-7.2 through 7.6.

CONDUCT/DISCIPLINE (continued)

N.J.A.C. 6A:16-7.6 governs district authority for student conduct away from school grounds.

N.J.A.C. 6A:16-7.9 governs harassment, intimidation, and bullying policy requirements.

**Other Reasons:**

Districts are reminded that they must develop a Code of Student Conduct in accordance with N.J.A.C. 6A:16-7.1. This policy shall be aligned with and not replace the district's Code of Student Conduct.

The weight of court and commissioner decisions, added to the possibly damaging consequences to the district of a lack of clear policy, makes it a critical policy topic for behavior other than substance abuse or weapons possession.

N.J.S.A. 2A:4A-60 allows the principal to request information from law enforcement authorities on a juvenile charged with an offense, including the identity of the juvenile, the offense charged and the adjudication and disposition of the case. Law enforcement or the prosecuting agency must inform the principal under all circumstances enumerated in the statute. N.J.A.C. 6A:16-1.4(a)19 and N.J.A.C. 6A:16-5.4 requires policy on maintaining confidentiality during these proceedings.

No Child Left Behind requires the state to establish statewide policy requiring that a student who is attending a "persistently dangerous" elementary or secondary school or who becomes a "victim of a violent criminal offense" be allowed to attend a "safe" school within the district, including a charter school. The SDOE is coordinating efforts to establish such a policy that would include definitions of pertinent terms.

**Recommendation:**

A policy that:

- A. Addresses general standards of student conduct;
- B. Addresses general standards of disciplinary action;
- C. Addresses the code of conduct;
- D. Addresses special concerns in disciplining the educationally disabled;
- E. Requires appropriate levels of due process and graded sanctions appropriate to the seriousness of the offense;
- F. Requires staff effort to identify disruptive and disaffected pupils and to provide appropriate educational programs and services for them;
- G. Disciplinary sanctions for substance abuse should be addressed at 5131.6 as well as here. Weapons and dangerous instruments are addressed at 5131.7. Policy on vandalism, violence and threats is at 5131.5;
- H. Prohibits harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus.

In developing policy, districts should review the Department of Education's model policy and guidance for prohibiting harassment, intimidation and bullying (<http://www.state.nj.us/education>).

<b><u>Legal References:</u></b>	<u>N.J.S.A. 2A:4A-60</u> et al.	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A. 2C:12-1</u>	Definition of assault
	<u>N.J.S.A. 2C:3319</u>	Paging devices, possession by students
	<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons

CONDUCT/DISCIPLINE (continued)

N.J.S.A. 18A:61 Corporal punishment of pupils  
N.J.S.A. 18A:111 General mandatory powers and duties  
N.J.S.A. 18A:252 Authority over pupils  
N.J.S.A. 18A:36-19a Newly enrolled students; records and identification  
N.J.S.A. 18A:37-1 et seq. Discipline of Pupils

See particularly:

N.J.S.A. 18A:37-15 Harassment, intimidation, and bullying  
N.J.S.A. 18A:40A-1 et seq. Substance Abuse  
N.J.S.A. 18A:5420 Powers of board (county vocational schools)  
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions  
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-1.4, -2.4,  
 -4.1, -5.1, -6.1, -6.2, -7.1,  
 -7.6, -7.9

N.J.A.C. 6A:32-12.1 Reporting requirements  
N.J.A.C. 6A:32-12.2 School-level planning

P.L. 2007, c.129, amends N.J.S.A. 18A:37-15 and includes electronic communication in the definition of public school "harassment, intimidation or bullying"

20 U.S.C.A. 1415(k) Individual with Disabilities Education Act Amendments of 1997

Bethel School District No. 403, v. Fraser, 478 U.S. 675 (1986)

Hazelwood v. Kuhlmeier 484 U.S. 260 (1988)

Honig v. Doe, 484 U.S. 305 (1988)

See also Commissioners' Decisions indexed under "Pupils – Punishment of" in Index to N.J. School Law Decisions

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

PossibleCross References:

\*1220 Ad hoc advisory committees  
 \*1410 Local units  
 3517 Security  
 \*3541.33 Transportation safety  
 \*4131/ Staff development; inservice education/visitation conferences  
 4131.1  
 4148 Employee protection  
 \*4231/ Staff development; inservice education/visitation conferences  
 4231.1

CONDUCT/DISCIPLINE (continued)

4248	Employee protection
5000	Concepts and roles in pupil personnel
5010	Personal goals and objectives for pupils
*5020	Role of parents/guardians
*5113	Absences and excuses
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5127	Commencement activities
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
5132	Dress and grooming
5145	Rights
5145.2	Freedom of speech/expression
*5145.4	Equal educational opportunity
*5145.6	Pupil grievance procedure
*5145.1	Questioning and apprehension
*5145.1	Search and seizure
*6145	Extracurricular activities
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs

\*Indicates policy is included in the Critical Policy Reference Manual.

**Sample Policy**

---

CONDUCT/DISCIPLINE

The board believes that an effective instructional program requires an orderly school environment and that the effectiveness of the educational program is, in part, reflected in the behavior of students.

The board of education expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment. Students are required to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority and respond to those who hold that authority.

The board of education believes that standards of student behavior must be set cooperatively by interaction among the students, parents/guardians, staff and community, producing an atmosphere that encourages students to grow in selfdiscipline. Such an atmosphere must include respect for self and others, as well as for district and community property.

Board policy requires each student of this district to adhere to the rules and regulations established by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. The chief school administrator shall provide to students and their parents/guardians the rules of this district regarding student conduct and the sanctions that may be imposed for breach of those rules. Provisions shall be made for informing parents/guardians whose primary language is other than English.

The chief school administrator shall establish the degree of order necessary to the educational program in which students are engaged.

Code of Conduct

The chief school administrator shall oversee the development of and the board shall approve a code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions. The code of conduct shall be based on parent/guardian, student and community involvement, and locally determined core ethical values. The chief school administrator has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.6.

This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, and when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. The board shall direct development of detailed regulations suited to the age level of the students and the physical facilities of the individual schools.

The district code of conduct shall contain:

- A. A description of student responsibilities that includes expectations for academic achievement, behavior and attendance;

CONDUCT/DISCIPLINE (continued)

- B. A description of behaviors that will result in suspension or expulsion;
- C. A description of the students' rights to:
  - 1. Advance notice of behaviors that will result in suspensions or expulsions;
  - 2. Education that supports student development into productive citizens;
  - 3. Attendance in safe and secure school environment;
  - 4. Attendance in school irrespective of marriage, pregnancy, or parenthood;
  - 5. Due process and appeal procedures in accordance with law and board policy;
  - 6. Parent notifications consistent with board policy and law for law enforcement interviews (5145.11 Questioning and Apprehension), short-term and long-term suspension (5114 Suspension and Expulsion), due process and appeal procedures, and attendance (5113 Attendance, Absences and Excuses);
  - 7. Records and privacy protections (5125 Student Records).
- D. A description of behavioral supports that promote positive student development and assist each student in fulfilling the district behavioral expectations established including intervention and referral services, remediation, and intervention and supports services for students with disabilities;
- E. A description of graded responses to violations of the code of conduct that includes remediation, is consistent with law concerning corporal punishment, and is consistent with laws and board policies concerning violence/vandalism (5131.5) and, weapons and dangerous instruments (5131.7);
- F. Cover the board attendance policy (5113) and the harassment, intimidation and bullying policy (5131.1);
- G. Lists community-based health and social service providers, and local legal resources.

Student Behavioral Infractions

Students who display chronic behavioral or academic problems may be referred to the child study team by the chief school administrator for an evaluation to determine disability or the need for other services. Such referrals shall be in strict accordance with the due process regulations prescribed by the administrative code. Students so identified shall be provided with appropriate programs and services as prescribed by the child study team.

A student whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be suspended in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.5, following due process. However, one incident alone is not sufficient cause for an expulsion.

Any student who commits an assault (as defined by N.J.S.A. 2C:121) upon a board member, teacher, administrator or other employee of the board of education shall be suspended from school immediately according to procedural due process, and suspension in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.5. However, one incident alone is not sufficient cause for an expulsion. Proceedings shall begin no later than 30 calendar days from the date of the student's suspension.

Substance Abuse

In accordance with statute and code, penalties shall be assigned for use, possession and distribution of proscribed substances and drug paraphernalia. The penalties shall be graded according to the severity of the offense in accordance with policy 5131.6 Substance Abuse. Infractions shall be reported to the local law enforcement agency in accordance with the district's memorandum of agreement. Confidentiality shall be protected in accordance with federal and state law.

Weapons Offenses

CONDUCT/DISCIPLINE (continued)

Any student who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The chief school administrator may modify this suspension on a case-by-case basis. Each student so removed shall be placed in an alternative educational program or on home instruction pending alternative education program placement and shall be entitled to a hearing before the board. The hearing shall take place no later than 30 days following the day the student is removed from the regular education program and shall be closed to the public.

The principal shall be responsible for the removal of such students and shall immediately report them to the chief school administrator. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

The chief school administrator shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with N.J.A.C. 6A:16-5.5(i).

Teaching staff members and other employees of this board having authority over students shall take such lawful means as may be necessary to control the disorderly conduct of students in all situations and in all places where such students are within the jurisdiction of this board.

Harassment, Intimidation or Bullying

The board expects all students to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. This type of behavior interferes with a student's ability to learn and a school's ability to educate its students in a safe environment. Therefore, the school district will not tolerate acts of harassment, intimidation or bullying.

The board prohibits acts of harassment, intimidation or bullying against any student in accordance with board policy 5131.1 Harassment, Intimidation and Bullying, and law.

"Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds in accordance with law, and that:

- A. Substantially disrupts or interferes with the orderly operation of the school or the rights of other students;
- B. A reasonable person should know, under the circumstances, will have the effect of physically or mentally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or mental harm to his/her person or damage to his/her property; or
- C. Has the effect of insulting or demeaning any student or group of students; or
- D. Creates a hostile educational environment by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

"Electronic communication" means a communication that is transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager, that takes place on school grounds, at any school-sponsored function or on a school bus.

Students with Disabilities



CONDUCT/DISCIPLINE (continued)

Classified students are subject to the same disciplinary procedures as nondisabled students and may be disciplined in accordance with their IEP. However, before disciplining a classified student, it must be determined that:

- A. The student's behavior is not primarily caused by his/her educational disability;
- B. The program that is being provided meets the student's needs.

Staff shall comply with state and federal law and the regulations of the New Jersey administrative code in dealing with discipline and/or suspension of all students with disabilities.

Policy and Procedure Development, Review and Dissemination

The standards and procedures developed to implement this policy shall be aligned with the board approved code of student conduct and accepted board approved core ethical values. Policies, standards and procedures shall be based on parent, student and community involvement which represents, where possible, the composition of the schools and community, in accordance with N.J.A.C. 6A:16-7.1.

This policy shall be reviewed annually and updated along with the code of student conduct. This process shall include:

- A. Parent, student and community involvement which represents, where possible, the composition of the schools and community;
- B. Consideration of the findings of the annual reports of student conduct, suspensions and expulsions; and incidences reported under the Electronic Violence and Vandalism Reporting System.

The chief school administrator shall annually:

- A. Disseminate the code of student conduct to all staff, students and parents;
- B. Report on the implementation of the code of student conduct to the board of education at a public meeting in accordance with N.J.A.C. 6A:16-7.1(a) 5, i-iv;
- C. Report to the New Jersey Department of Education on student conduct, including all student suspension and expulsion and incidences reported under the Electronic Violence and Vandalism Reporting System.

Implementation

The chief school administrator shall ensure that the rules for this policy are applied consistently with the district's code of student conduct (N.J.A.C. 6A:16-7) and all applicable laws and regulations and that all disciplinary sanctions are carried out with necessary due process.

This and all related policies shall be reviewed on a regular basis.

Date:

Legal References: Use legal reference sheet.

Cross References: List your appropriate policies. See legal reference sheet for possibilities.

Key Words

Conduct, Discipline, Student Conduct, Weapons, Vandalism, Harassment, Intimidation, Bullying

X   Monitored  X   Mandated  X   Other Reasons**Legal References**

---

HARASSMENT, INTIMIDATION AND BULLYING**QSAC Monitored:**

Section 3: Governance

**Mandated:**

P.L. 2010, c.122 concerning harassment, intimidation, and bullying in school settings, amended various parts of the statutory law and supplements N.J.S.A. 18A:37-13 et seq. and chapter 3B of Title 18A of the New Jersey Statutes. It created the "Anti-Bullying Bill of Rights Act" which is contained in N.J.S.A. 18A: 37-13 through N.J.S.A. 18A:37-32.

N.J.S.A. 18A:37-14, as amended by P.L. 2010, c.122 section 11, defines "harassment, intimidation or bullying" to include "any gesture, written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- A. A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;
- B. Has the effect of insulting or demeaning any student or group of students; or
- C. Creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student. "

An "electronic communication is defined as "a communication transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager."

N.J.S.A. 18A:37-15 requires each school district to adopt a policy through a process that includes representation of parents/guardians, school employees, volunteers, students, administrators, and community representatives that:

- A. Prohibits harassment, intimidation or bullying on school property, at a school-sponsored function or on a school bus;
- B. Contains a definition of harassment, intimidation and bullying no less inclusive as set forth in N.J.S.A. 18A:37-14;
- C. Describes the type of behavior expected from each student;
- D. Lists the consequences and appropriate remedial action for a person who commits an act of harassment, intimidation or bullying;
- E. Enumerates the time frames and statutory procedures for reporting and promptly investigating reports of violations and complaints of harassment, intimidation and bullying, as well as post-investigative reporting to the chief school administrator and the board and district response and disposition of reported incidents;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- F. Ensures that parents/guardians and students who are parties to an investigation receive written information within 5 days of the date the results of the investigation are reported to the board, regarding the nature of the investigation, evidence and actions taken, and are afforded an opportunity for a hearing before the board;
- G. Details and includes the legal time frames for the appeal processes to the board; to the commissioner; and to the Division on Civil Rights;
- H. Details that the district response to harassment, intimidation and bullying shall be defined by the principal in conjunction with the anti-bullying specialist and include an appropriate combination of actions;
- I. Prohibits reprisal or retaliation for reporting harassment intimidation and bullying;
- J. States the consequences and appropriate remedial action for a person who has been found to have falsely accused another person as a means of retaliation or as a means of harassment, intimidation and bullying;
- K. Includes a statement of how the policy will be publicized, including notification of the policy's application to school sponsored functions;
- L. Is distributed annually to parents and guardians who have children enrolled in a school in the school district; and is linked in a prominent location of the school and district website homepage, along with the identifying information regarding the district anti-bullying coordinator and the school anti-bullying specialist;
- M. Is annually re-evaluated, reassessed and reviewed with revisions transmitted to the executive county superintendent within 30 days of the revision (beginning September 1, 2011).

A district may adopt more stringent provisions than those required. A district is required to provide notice of its policy in any of its publications that contain school rules, and in any student handbook.

N.J.S.A. 18A:37-15.3 (P.L. 2010, c.122, Section 16) requires that district policy include provisions for appropriate responses to harassment, intimidation and bullying as defined in N.J.S.A. 18A:37-14, that occurs off school grounds, where a school employee is made aware of such actions. The responses must be consistent with the code of student conduct and the board policy on harassment, intimidation and bullying.

N.J.S.A. 18A:37-16 (see P.L. 2010, c.122, Section 13) prohibits retaliation and false accusations by a board member, school employee, student or volunteer against a victim, or person with reliable information about an act of harassment, intimidation or bullying. It also requires reporting of incidents by a board member, school employee, contracted service provider, student or volunteer with reliable information that a student has been subject to harassment, intimidation, or bullying. Reporting shall be to the designated school official, or any school administrator or safe schools resource officer.

A board member or school employee who promptly and properly reports an incident of harassment, intimidation or bullying, is protected from legal action for damages arising from any failure to remedy the incident. A school administrator who receives a report and fails to conduct an investigation, or who should have known of an incident but fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

N.J.S.A. 18A:37-17 (see P.L. 2010, c. 122, Section 14) requires the principal of each school to appoint from existing trained and qualified staff a school anti-bullying specialist and details the responsibilities of the anti-bullying specialist. Additionally, the law requires the chief school administrator to appoint a district anti-bullying coordinator and lists the responsibilities pertaining to the district's bullying policy and programs, and requires the anti-bullying coordinator to meet at least two times a year with the school anti-bullying specialists.

N.J.S.A. 18A:37-26 requires the Commissioner of Education to establish inservice workshops and training programs to train selected public school employees to act as district anti-bullying coordinators and school anti-bullying specialists. (P.L. 2010, c. 122, Section 23)

HARASSMENT, INTIMIDATION AND BULLYING (continued)

N.J.S.A. 18A:37-21 (P.L. 2010, c. 122, Section 18) requires each school to form a school safety team which at a minimum includes the principal or his or her designee (who shall be a senior school administrator), a teacher, the anti-bullying specialist, a parent/guardian of a student in the school and other members as determined by the principal. The school safety team is required to meet at least twice a year, and its responsibilities are enumerated and include the review and analysis of bullying reports; investigations; school bullying program and policy assessment and revision; training and staff development programs; community education; and district data accumulation and reporting. Parents may not participate in certain activities, including those that would compromise student confidentiality.

N.J.S.A. 18A:37-18 provides that the school statutes involving harassment, bullying, and intimidation do not prevent a victim from seeking redress under any other available law.

N.J.S.A. 18A:37-19, adopted in 2002 (P.L. 2002, c.83, s.7.) provides for a school district that incurs additional costs to implement the bullying law, to apply to the Commissioner of Education for reimbursement.

N.J.S.A. 18A: 37-28 (P.L. 2010, c. 122, Section 25) establishes a “Bullying Prevention Fund” to be used for grants to school districts to provide training on harassment, intimidation, and bullying prevention and on the effective creation of positive school climates.

N.J.S.A. 18A:37-19 requires the Department of Education, in consultation with the Division on Civil Rights in the Department of Law and Public Safety to develop a guidance document and to maintain it on their respective websites.

N.J.A.C. 6A:16-1.4(a)16 requires policies that provide for the development and implementation of a code of student conduct. Required elements of the code are listed at N.J.A.C. 6A:16-7.1

N.J.A.C. 6A:16-7.1(a-d) requires district boards of education to develop and implement a code of student conduct, and sets forth the purposes of the code, the minimum standards to be included in the code, and requires due process procedures and policy for students and their families in accordance with N.J.A.C. 6A:16-7.2 through 7.6.

N.J.A.C. 6A:16-7.6 governs district authority for student conduct away from school grounds.

N.J.A.C. 6A:16-7.9 governs the development, adoption and implementation of a policy prohibiting harassment, intimidation, and bullying pursuant to N.J.S.A. 18A:37-15.

**Other Reasons:**

Districts are reminded that they must develop a Code of Student Conduct in accordance with N.J.A.C. 6A:16-7.1. The range of school responses to harassment, intimidation and bullying shall be aligned with and not replace the district’s Code of Student Conduct.

N.J.S.A. 18A:6-112 requires that teaching staff receive professional development on suicide prevention and instruction on the relationship between the risk of suicide and incidents of harassment, intimidation and bullying. In addition, staff shall receive information on reducing the risk of students who are identified as at high risk of suicide.

N.J.S.A. 18A:12-33 requires newly elected or appointed board of education members and charter school trustees to complete training on harassment intimidation and bullying within one year of being newly elected or appointed or being re-elected or re-appointed to the board. A board member shall be required to complete the program only once.

N.J.S.A. 18A:17-46 requires the chief school administrator to report two times each school year, between September 1 and January 1 and between January 1 and June 30, at a public hearing, all acts of violence, vandalism and harassment, intimidation or bullying which occurred the previous reporting period. The elements of the report are enumerated such as the number, status and nature of the incidents. It also requires the board to report once each reporting period the information to the Department of Education. The DOE shall use the information to “grade” each school and the district. The grades must be posted on the homepage of the school’s and district’s websites.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

N.J.S.A. 18A:26-8.2 requires “school leaders,” meaning a school district staff member who holds a position that requires the possession of a chief school administrator, principal or supervisor endorsement, complete training that includes information on the prevention of harassment, intimidation, and bullying.

N.J.S.A. 18A:37-17 requires that the district provide training to staff, students and volunteers who have significant contact with students, on the district harassment, intimidation and bullying policy; preventing bullying; and district reporting procedures.

N.J.S.A. 18A:37-22 (P.L. 2010, c. 122, Section 19) requires all candidates for teaching certification who have completed a teacher preparation program at a regionally accredited institution of higher education to have satisfactorily completed a program on harassment, intimidation and bullying training. Also, the State Board must require public school teachers to complete at least two hours of instruction on harassment, intimidation, or bullying prevention in each professional development period as part of the professional development requirement.

N.J.S.A. 18A:37-22 (P.L. 2010, c. 122, Section 20) requires all candidates for administrative and supervisory certification to have satisfactorily completed a program on harassment, intimidation and bullying training.

N.J.S.A. 18A:37-19 (P.L. 2010, c. 122, Section 26) requires all schools to observe a “Week of Respect” on the first Monday in October each year and provide age appropriate instruction focusing on preventing harassment, intimidation and bullying during that week, as well as throughout the school year.

**Recommendation:**

A policy that:

- A. Prohibits harassment, intimidation or bullying at a minimum for all circumstances allowed under the law N.J.S.A. 18A:37-13 et seq.;
- B. Contains the definition of harassment, intimidation and bullying set forth in N.J.S.A. 18A:37-14;
- C. Describes the type of behavior expected from each student;
- D. Describes the appointment and responsibilities of the district anti-bullying coordinator, anti-bullying specialist, and the school safety team;
- E. Lists the consequences and appropriate remedial action for any person who commits an act of harassment, intimidation or bullying;
- F. Prohibits retaliation, reprisal for reporting harassment, intimidation and bullying and lists the consequences and appropriate remedial actions;
- G. Prohibits false reporting of harassment, intimidation and bullying and enumerates consequences and appropriate remedial actions;
- H. Describes the range of ways a district will respond to harassment; intimidation and bullying;
- I. Lists a range of school responses to harassment, intimidation and bullying that are aligned with and do not replace the district’s Code of Student Conduct;
- J. Describes the school and/or district reporting and investigating procedures for violations and complaints;
- K. Ensures that parents/guardians and students involved in an investigation receive the necessary information;
- L. Details the appeal processes to the board; to the commissioner; and to the Division on Civil Rights;
- M. Covers the Week of Respect;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- N. Includes all training requirements for board members, staff, volunteers and students;
- O. Includes reporting requirements to the board and to the Department of Education;
- P. Describes program assessment and review requirements;
- Q. Describes policy development, adoption, review and revision requirements;
- R. Describes district requirements for policy publication, dissemination and implementation.

In developing policy, districts should review the Department of Education's Model Policy and Guidance for Prohibiting Harassment, Intimidation and Bullying.

<b>Legal References:</b>	<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	<u>N.J.S.A. 18A:6-112</u>	Instruction on suicide prevention for public school teaching staff
	<u>N.J.S.A. 18A:111</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:12-33</u>	Training program; requirements
	<u>N.J.S.A. 18A:17-46</u>	Reporting of certain acts by school employee; annual report; public hearing (acts of violence)
	<u>N.J.S.A. 18A:252</u>	Authority over pupils
	<u>N.J.S.A. 18A:26-8.2</u>	School leader defined; training as part of professional development
	<u>N.J.S.A. 18A:36-19</u>	Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
	<u>N.J.S.A. 18A:36-19a</u>	Student records (Newly enrolled students; transfers of records, identification)
	<u>N.J.S.A. 18A:37-1 et seq.</u>	Submission of Pupils to Authority (Discipline)
	<u>N.J.S.A. 18A:37-13 et seq.</u>	<u>Anti-Bullying Bill of Rights Act</u>
	See particularly:	
	<u>N.J.S.A. 18A:37-14, -15, -17</u>	Harassment, intimidation, and bullying
	<u>N.J.S.A. 18A:5420</u>	Powers of board (county vocational schools)
	<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsions (students with disabilities)
	<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to support student development (includes student conduct code)
	See particularly:	
	<u>N.J.A.C. 6A:16-1.4, -7.1, -7.6, -7.9</u>	
	<u>N.J.A.C. 6A:32-12.1</u>	Reporting requirements
	<u>N.J.A.C. 6A:32-12.2</u>	School-level planning

Gebser v. Lago Vista Independent School District 524 U.S. 274 (1989) United States Supreme Court addresses the standard by which a district will be held liable for sexual harassment of a student by a school employee under Title IX --requires actual notice and deliberate indifference.

Davis v. Monroe County Board of Education 526 U.S. 629 (1999) United States Supreme Court establishes the standard under which a school district may be liable under Title IX for sexual harassment of one student by another student. The district will be liable for damages only where the school officials are proven to have been deliberately indifferent to harassment of which it is actually aware. The harassment must be "severe, pervasive and objectively

HARASSMENT, INTIMIDATION AND BULLYING (continued)

offensive.”

Saxe v. State College Area School District 240 F.3d 200 (3<sup>rd</sup> Cir 2001) A Pennsylvania school district’s anti-harassment policy was overly broad and therefore violated the Constitutional guarantee of freedom of speech.

L. W. v. Toms River Regional Schools Board of Education 189 N.J. 381 (2007) The New Jersey Supreme Court held that the standard under which a school district may be liable under the New Jersey Law Against Discrimination for student-on-student bullying or harassment is not the Title IX deliberate indifference standard, but is rather the same standard used under the NJLAD for hostile work environment cases. A district will be judged by whether the district's response met the “reasonable person” test: what would a reasonable person (teacher, supervisor, vice principal, principal, etc.) do in a similar situation. School districts will be shielded from liability under NJLAD when their preventive and remedial actions are reasonable in light of the totality of the circumstances.

**Possible****Cross References:**

*1220	<u>Ad hoc</u> advisory committees
*1410	Local units
3517	Security
*3541.33	Transportation safety
*4131/4131.1	Staff development; inservice education/visitation conferences
4148/4248	Employee protection
*4231/4231.1	Staff development; inservice education/visitation conferences
5000	Concepts and roles for students
5010	Goals and objectives for students
*5020	Role of parents/guardians
*5113	Attendance, absences and excuses
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5131	Conduct and discipline
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
5132	Dress and grooming
*5142	Student safety
5145	Rights
5145.2	Freedom of speech/expression
*5145.4	Equal educational opportunity
*5145.6	Pupil grievance procedure
*5145.1	Questioning and apprehension
*5145.1	Search and seizure
*6145	Extracurricular activities
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs

\*Indicates policy is included in the Critical Policy Reference Manual.

X   Monitored  X   Mandated  X   Other Reasons**Sample Policy**HARASSMENT, INTIMIDATION AND BULLYING

The board of education believes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Since students learn by example, school administrators, faculty, staff, and volunteers are required to demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying. Harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Therefore, the school district will not tolerate acts of harassment, intimidation or bullying.

The board of education expects all students to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. The board expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment.

The standards of character education are an essential component of the \_\_\_\_\_ School District's Code of Conduct. The board believes that with the appropriate infusion of character education into the school curriculum, modeling of appropriate behavior by adults; support and assistance of students in school, the community and home; our students will achieve the above standards of character education.

The board prohibits acts of harassment, intimidation or bullying against any student. School responses to harassment, intimidation and bullying shall be aligned with the board approved code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions. The chief school administrator shall be responsible for ensuring the prompt investigation and response to all reports of harassment, intimidation and bullying committed on school grounds, at school activities and on school buses. In addition, the chief school administrator shall ensure that this policy is applied to incidents of harassment, intimidation and bullying that are committed off school grounds in cases where a school employee is made aware of such actions. The chief school administrator has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.6.

This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, and when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. The board directs the chief school administrator or his or her appropriately trained and qualified designee to develop detailed regulations suited to the age level of the students and the physical facilities of the individual schools.

"Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds, in accordance with law, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students, and that:



HARASSMENT, INTIMIDATION AND BULLYING (continued)

- A. A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
- B. Has the effect of insulting or demeaning any student or group of students; or
- C. Creates a hostile educational environment for the student by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

"Electronic communication" means a communication that is transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager.

Consequences and Remedial Measures for Acts of Harassment, Intimidation or BullyingStudents

Consequences and remedial measures for a student who commits an act of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance. Consequences shall be consistent with the board approved code of student conduct and N.J.A.C. 6A:16-7. Consequences and remedial measures shall be designed to:

- A. Correct the problem behavior;
- B. Prevent another occurrence of the problem;
- C. Protect and provide support for the victim of the act; and
- D. Take corrective action for documented systemic problems related to harassment, intimidation or bullying.

Consequences and appropriate remedial actions for a student who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to and including short and long-term suspension or expulsion, as permitted by law. The consequences and remedial measures may include, but are not limited to:

**\*\*\*NOTE: THIS LIST CONTAINS SOME EXAMPLES AND SHOULD BE MODIFIED BY THE BOARD ACCORDING TO LOCAL DISTRICT PRACTICES. THE BOARD MAY WISH TO INCLUDE THE GRADING OF OFFENSES (e.g. First Offense, Second Offense, Third Offense).**

- A. Consequences
  - 1. Admonishment;
  - 2. Temporary removal from the classroom;
  - 3. Deprivation of privileges;
  - 4. Classroom or administrative detention;
  - 5. Referral to disciplinarian;
  - 6. In-school suspension during the school week or the weekend;
  - 7. After-school programs;
  - 8. Out-of-school suspension (short-term or long-term);
  - 9. Legal action; and
  - 10. Expulsion.
- B. Remedial Measures

HARASSMENT, INTIMIDATION AND BULLYING (continued)

1. Personal
  - a. Restitution and restoration;
  - b. Mediation;
  - c. Peer support group;
  - d. Recommendations of a student behavior or ethics council;
  - e. Corrective instruction or other relevant learning or service experience;
  - f. Supportive student interventions, including participation of the intervention and referral services team;
  - g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
  - h. Behavioral management plan, with benchmarks that are closely monitored;
  - i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
  - j. Involvement of school disciplinarian;
  - k. Student counseling;
  - l. Parent conferences;
  - m. Student treatment; or
  - n. Student therapy.
2. Environmental (Classroom, School Building or School District)
  - a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
  - b. School culture change;
  - c. School climate improvement;
  - d. Adoption of research-based, systemic bullying prevention programs;
  - e. School policy and procedures revisions;
  - f. Modifications of schedules;
  - g. Adjustments in hallway traffic;
  - h. Modifications in student routes or patterns traveling to and from school;
  - i. Supervision of students before and after school, including school transportation;
  - j. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
  - k. Teacher aides;
  - l. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
  - m. General professional development programs for certificated and non-certificated staff;
  - n. Professional development plans for involved staff;
  - o. Disciplinary action for school staff who contributed to the problem;
  - p. Supportive institutional interventions, including participation of the intervention and referral services team;
  - q. Parent conferences;
  - r. Family counseling;
  - s. Involvement of parent-teacher organizations;

Classified students are subject to the same disciplinary procedures as nondisabled students and may be disciplined in accordance with their IEP. However, before disciplining a classified student, it must be determined that:

- A. The student's behavior is not primarily caused by his/her educational disability;
- B. The program that is being provided meets the student's needs.

Staff

Consequences and appropriate remedial actions for any staff member who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to disciplinary charges which could result in suspension or termination. The consequences and remedial measures may include, but are not limited to:

HARASSMENT, INTIMIDATION AND BULLYING (continued)

**\*\*\*NOTE: THIS LIST CONTAINS SOME EXAMPLES AND SHOULD BE MODIFIED BY THE BOARD ACCORDING TO LOCAL DISTRICT PRACTICES. THE BOARD MAY WISH TO INCLUDE THE GRADING OF OFFENSES (e.g. First Offense, Second Offense, Third Offense).**

## A. Consequences

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Referral to disciplinarian;
5. Withholding of Increment
6. Suspension;
7. Legal action; and
8. Termination

## B. Remedial Measures

## 1. Personal

- a. Restitution and restoration;
- b. Mediation;
- c. Support group;
- d. Recommendations of behavior or ethics council;
- e. Corrective action plan;
- f. Behavioral assessment or evaluation;
- g. Behavioral management plan, with benchmarks that are closely monitored;
- h. Involvement of school disciplinarian;
- i. Counseling;
- j. Conferences;
- k. Treatment; or
- l. Therapy.

## 2. Environmental (Classroom, School Building or School District)

- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- b. School culture change;
- c. School climate improvement;
- d. Adoption of research-based, systemic bullying prevention programs;
- e. School policy and procedures revisions;
- f. Modifications of schedules;
- g. Supervision;
- h. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- i. General professional development programs for certificated and non-certificated staff;
- j. Professional development plans for involved staff;
- k. Disciplinary action;
- l. Supportive institutional interventions, including participation of the intervention and referral services team;
- m. Conferences;
- n. Counseling;

Reporting Harassment, Intimidation and Bullying Behavior

HARASSMENT, INTIMIDATION AND BULLYING (continued)

The chief school administrator, principal and/or their designee shall be responsible for receiving complaints alleging violations of this policy.

The board shall allow reports to be anonymous, but no formal disciplinary action shall be based solely on an anonymous report. Any school employee, board member, contracted service provider, student, visitor or volunteer who has witnessed, or has reliable information that a student has been subject to harassment, intimidation or bullying, must report the incident to the building principal or his/her designee.

The following procedures shall apply to the reporting of incidents of harassment, intimidation and bullying:

- A. All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident;
- B. The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services; and
- C. All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying.

A board member, school employee, contracted service provider, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or bullying shall report the incident to the building principal and any appropriate school official, or to any school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning school bullying.

A board member or a school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, and who makes this report in compliance with the procedures in this policy, shall be immune from a cause of action for damages arising from any failure to remedy the reported incident.

A school administrator who receives a report of harassment, intimidation, or bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

District Anti-Bullying Coordinator

The chief school administrator shall appoint a district anti-bullying coordinator. The chief school administrator shall make every effort to appoint an employee of the school district to this position. The district anti-bullying coordinator shall:

- A. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, and bullying of students;
- B. Collaborate with school anti-bullying specialists in the district, the board of education, and the chief school administrator to prevent, identify, and respond to harassment, intimidation, and bullying of students in the district;
- C. Provide data, in collaboration with the chief school administrator, to the Department of Education regarding harassment, intimidation, and bullying of students; and

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- D. Execute such other duties related to school harassment, intimidation, and bullying as requested by the chief school administrator.

The district anti-bullying coordinator shall meet at least twice a school year with the school anti-bullying specialists in the district to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.

School Anti-Bullying Specialist

The principal in each school shall appoint a school anti-bullying specialist. When a school guidance counselor, school psychologist, or another individual similarly trained is currently employed in the school, the principal shall appoint that individual to be the school anti-bullying specialist. If no individual meeting these criteria is currently employed in the school, the principal shall appoint a school anti-bullying specialist from currently employed school personnel. The school anti-bullying specialist shall:

- A. Chair the school safety team;
- B. Lead the investigation of incidents of harassment, intimidation, and bullying in the school; and
- C. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school.

School Safety Team

The district shall form a school safety team in each school to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school and to address school climate issues such as harassment, intimidation, or bullying. The school safety team shall meet at least two times per school year.

The school safety team shall be appointed by the principal and consist of the principal or his or her designee who, if possible, shall be a senior administrator; a teacher in the school; the school anti-bullying specialist; a parent of a student in the school; and other members to be determined by the principal. The school anti-bullying specialist shall serve as the chair of the school safety team.

The school safety team shall:

- A. Receive any complaints of harassment, intimidation, or bullying of students that have been reported to the principal;
- B. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;
- C. Identify and address patterns of harassment, intimidation, or bullying of students in the school;
- D. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
- E. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
- F. Participate in the training required pursuant to the provisions of (N.J.S.A.18A:37-13 et seq.) and other training which the principal or the district anti-bullying coordinator may request;
- G. Collaborate with the district anti-bullying coordinator in the collection of district-wide data and in the development of district policies to prevent and address harassment, intimidation, or bullying of students; and

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- H. Execute such other duties related to harassment, intimidation, and bullying as requested by the principal or district anti-bullying coordinator.

No parent/guardian who is a member of the school safety team shall:

- A. Receive complaints of harassment, intimidation or bullying of students that have been reported to the principal;
- B. Receive copies of reports prepared after an investigation of a harassment, intimidation or bullying incident;
- C. Identify and address patterns of harassment, intimidation or bullying of students; or
- D. Participate in any other activities of the team which may compromise the confidentiality of a student.

Investigating Reported Harassment, Intimidation and Bullying

All reported incidents of harassment, intimidation and bullying shall be investigated promptly and in accordance with law and the following procedures:

- A. All investigations shall be thorough and complete, and documented in writing, and shall include, but not be limited to:
  - 1. Taking of statements from victims, witnesses and accused;
  - 2. Careful examination of the facts;
  - 3. Support for the victim; and
  - 4. Determination if alleged act constitutes a violation of this policy.
- B. The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.
- C. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.
- D. The results of the investigation shall be reported to the chief school administrator within two school days of the completion of the investigation, and in accordance with law and board policy. The chief school administrator may initiate intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action.
- E. The results of each investigation shall be reported to the board of education no later than the date of the next board meeting following the completion of the investigation, and include:
  - 1. Any services provided;
  - 2. Training established;
  - 3. Discipline imposed; or
  - 4. Other action taken or recommended by the chief school administrator.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- F. The chief school administrator or his or her designee shall ensure that parents or guardians of the students who are parties to the investigation shall receive information about the investigation. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board and include:
1. The nature of the investigation;
  2. Whether the district found evidence of harassment, intimidation, or bullying; or
  3. Whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying.

Range of Ways to Respond to Harassment, Intimidation or Bullying

The board of education recognizes that some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts and provide support programs for victims. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom, school building or school district levels or by law enforcement officials.

In considering whether a response beyond the individual is appropriate, the administrator shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom; school building; school district) responses include:

- A. School and community surveys;
- B. Mailings;
- C. Focus groups;
- D. Adoption of research-based bullying prevention program models;
- E. Training for certificated and non-certificated staff;
- F. Participation of parents and other community members and organizations;
- G. Small or large group presentations for staff, students, and the community for fully addressing a positive school climate and culture as well as the issues surrounding harassment, intimidation and bullying in the school community; and
- H. The involvement of law enforcement officers, including school resource officers.

For every incident of harassment, intimidation or bullying, the district shall respond to the individual who committed the act. Responses may include:

- A. Individual responses can include positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) and punitive actions (e.g., detention, in-school or out-of-school suspension, expulsion);
- B. Classroom responses can include class discussions about an incident of harassment, intimidation or bullying, role plays, research projects, observing and discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance, assertiveness and conflict management;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- C. School responses can include theme days, learning station programs, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices;
- D. District-wide responses can include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs and coordination with community-based organizations (e.g., mental health; health services; health facilities; law enforcement; faith-based).

The range of ways in which the school shall respond once an incident of harassment, intimidation or bullying is identified shall be defined by the principal in conjunction with the school anti-bullying specialist, and shall include an appropriate combination of counseling, support services, intervention services, and other programs as defined by the commissioner.

Retaliation and Reprisal Prohibited

The board prohibits reprisal or retaliation or false accusation against any person who witnesses and/or reports an act of harassment, intimidation or bullying by any student, school employee, board member, contracted\_service provider, visitor or volunteer. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation or false accusation shall be determined by the chief school administrator and/or principal or their designee after consideration of the nature, severity and circumstances of the act, in accordance with case law and board policies and procedures.

Any act of retaliation or reprisal or false accusation against any person who reports an act of harassment, intimidation or bullying shall not be tolerated. Any student, school employee, board member, contracted\_service provider, volunteer or visitor who engages in the act of retaliation or reprisal or who falsely accuses another shall be subjected to consequence and appropriate remedial action. In cases where any state or federal law has allegedly been violated, the local law enforcement agency shall be notified.

## A. Students

The consequences and appropriate remedial action for a student found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance, and shall be consistent with this policy. Consequences may include positive behavioral interventions, notification of the parents/guardians, up to and including short or long-term suspension or expulsion, as permitted by law;

## B. School Employees

Consequences and appropriate remedial action for a school employee found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with district policies, procedures and agreements, up to and including suspension or dismissal from service;

## C. Board Members

Consequences and appropriate remedial action for a board member found to have committed an act of harassment, intimidation, or bullying; or found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with district policies, procedures and agreements, up to and including a public sanction or filed ethics charges;

## D. Visitors, Volunteers, Contracted Service Providers, and All Other Persons

Consequences and appropriate remedial action for a visitor, volunteer, contracted service providers and all other



HARASSMENT, INTIMIDATION AND BULLYING (continued)

persons found to have engaged in harassment, intimidation or bullying; or engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined by the chief school administrator after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

Consequences and remediation for students, employees, board members, visitors, volunteers, and contracted service providers, engaging in harassment, intimidation or bullying or engaged in retaliation, reprisal and/or false accusations may include the following:

**\*\*\*NOTE: THIS LIST CONTAINS SOME EXAMPLES AND SHOULD BE MODIFIED BY THE BOARD ACCORDING TO LOCAL DISTRICT PRACTICES. THE BOARD MAY WISH TO INCLUDE THE GRADING OF OFFENSES (e.g. First Offense, Second Offense, Third Offense).**

A. Consequences

1. Admonishment;
2. Temporary removal from the classroom or school;
3. Deprivation of privileges
4. Prohibited from access to the school facilities (visitors, vendors, board members, all other people);
5. Classroom or administrative detention;
6. Referral to disciplinarian;
7. In-school suspension during the school week or the weekend;
8. After-school programs;
9. Out-of-school suspension (short-term or long-term);
10. Legal action;
11. Withholding of Increment;
12. Suspension;
13. Expulsion;
14. Termination;
15. Termination of service agreements or contracts (vendors, volunteers);
16. Public sanction (board members);
17. Ethics charges (some administrators, board members).

B. Remedial Measures

1. Personal
  - a. Restitution and restoration;
  - b. Mediation;
  - c. Peer support group;
  - d. Recommendations of a student behavior or ethics council;
  - e. Corrective instruction or other relevant learning or service experience;
  - f. Supportive student interventions, including participation of the intervention and referral services team;
  - g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
  - h. Behavioral management plan, with benchmarks that are closely monitored;
  - i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
  - j. Involvement of school disciplinarian;
  - k. Counseling;
  - l. Conferences;
  - m. Treatment; or
  - n. Therapy.
2. Environmental (Classroom, School Building or School District)

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- b. School culture change;
- c. School climate improvement;
- d. Adoption of research-based, systemic bullying prevention programs;
- e. School policy and procedures revisions;
- f. Modifications of schedules;
- g. Supervision;
- h. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- i. General professional development programs for certificated and non-certificated staff;
- j. Professional development plans for involved staff;
- k. Disciplinary action;
- l. Supportive institutional interventions, including participation of the intervention and referral services team;
- m. Conferences;
- n. Counseling;

Appeal Process

The parent or guardian may request a hearing before the board after receiving the information from the chief school administrator regarding the investigation. The hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents.

At the next board of education meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the chief school administrator's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with law, no later than the 90 days after the issuance of the board's decision.

A parent, student, guardian, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination."

Week of Respect

The week beginning with the first Monday in October of each year is designated as a "Week of Respect" in the State of New Jersey. The district, in order to recognize the importance of character education, shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation, or bullying as defined by law (N.J.S.A. 18A:37-14). Throughout the school year the district shall provide ongoing age-appropriate instruction focusing on preventing harassment, intimidation, and bullying in accordance with the Core Curriculum Content Standards.

Training

## A. School Leaders

Any school leader who holds a position that requires the possession of a chief school administrator, principal, or supervisor endorsement shall complete training on issues of school ethics, school law, and school governance as part of the professional development for school leaders required in accordance with State Board of Education regulations. This training shall also include information on the prevention of harassment, intimidation, and bullying (N.J.S.A. 18A:26-8.2).

## B. Teaching Staff Development

HARASSMENT, INTIMIDATION AND BULLYING (continued)

Each public school teaching staff member shall complete at least two hours of instruction in suicide prevention, to be provided by a licensed health care professional with training and experience in mental health issues, in each professional development period. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide (N.J.S.A. 18A:6-112).

## C. Board Members

Within one year after being newly elected or appointed or being re-elected or re-appointed to the board of education, a board member shall complete a training program on harassment, intimidation, and bullying in schools, including a school district's responsibilities as required by law (N.J.S.A. 18A:37-13 et seq.). A board member shall be required to complete the program only once (N.J.S.A. 18A:12-33).

## D. Staff, Student and Volunteer Training

The school district shall:

1. Provide training on the school district's harassment, intimidation, or bullying policy to school employees and volunteers who have significant contact with students;
2. Provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements;
3. Ensure that the training includes instruction on preventing bullying on the basis of the protected categories as required by law (N.J.S.A. 18A:37-14) and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying; and
4. Develop a process for discussing the district's harassment, intimidation or bullying policy with students.

Information regarding the school district policy against harassment, intimidation or bullying shall be incorporated into a school's employee training program and shall be provided to full-time and part-time staff, volunteers who have significant contact with students, and those persons contracted by the district to provide services to students.

Throughout the school year, the district shall provide ongoing age-appropriate instruction on preventing harassment, intimidation and bullying, consistent with the Core Curriculum Content Standards.

Reporting to the Board

Two times each year between September 1 and January 1 and between January 1 and June 30, the school board shall hold a public hearing at which the chief school administrator will report to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

- A. The number of reports of harassment, intimidation, or bullying;
- B. The status of all investigations;
- C. The nature of the bullying based on one of the protected categories identified in N.J.S.A. 18A:37-14 such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic;
- D. The names of the investigators;
- E. The type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying; and

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- F. Any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying.

Reporting to the Department of Education

The information, including but not limited to, oral reports, written reports or electronic reports shall also be reported once during each reporting period between September 1 and January 1 and between January 1 and June 30, to the Department of Education. The report shall include:

- A. Data broken down by the enumerated categories including the protected categories as listed above and the type of harassment, intimidation and bullying (any gesture; any written, verbal or physical act; or any electronic communication, whether it be a single or series of incidents); and
- B. Data broken down by each school in the district, in addition to district-wide data.

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with law (N.J.S.A. 18A:37-13 et seq.). The district shall receive a grade determined by averaging the grades of all the schools in the district.

Each school shall post the grade received by the school and the overall district grade on the homepage of the school's website. The district shall post all the grades for each school of the district and the overall district grade on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within 10 days of the receipt of a grade by the school and district.

It shall be a violation to improperly release any confidential information not authorized by federal or State law for public release.

The chief school administrator will annually submit the report to the Department of Education utilizing the Electronic Violence and Vandalism Reporting system (EVVRS). The chief school administrator shall accurately report on each incident of violence, vandalism, alcohol and other drug abuse, and incident of harassment intimidation and bullying within the school district. Any allegations of falsification of data will be reviewed by the board of education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g).

The State Board of Education shall impose penalties on any school employee who knowingly falsifies the report. Therefore, the chief school administrator shall make a reasonable effort to verify reports of violence, vandalism, and harassment, intimidation, or bullying. The board shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements. The majority representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, and harassment, intimidation, or bullying.

Program Assessment and Review

Schools and school districts shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. The programs or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying.

Policy Development and Review

The district harassment, intimidation and bullying policy shall be adopted through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

The district shall annually conduct a re-evaluation, reassessment, and review of this policy, making any necessary revisions and additions. The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review. The district shall transmit a copy of the revised policy to the appropriate executive county superintendent within 30 school days of the revision (beginning September 1, 2011).

Publication, Dissemination and Implementation

In publicizing this policy, the community including students, staff, board members, contracted service providers, visitors and volunteers, shall be duly notified that the rules detailed within apply to any incident of harassment intimidation and bullying that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students in accordance with law.

The chief school administrator shall take the following steps to publicize this policy:

- A. Provide a link to this policy on a prominent place on the district website;
- B. Provide a link to this policy on a prominent place on each school's website;
- C. Distribute this policy annually to all staff, students and parents/guardians; and
- D. Print this policy in any district publication that sets forth the comprehensive rules, procedures and standards of student conduct and in student handbooks;

The district shall notify students and parents/guardians that the policy is available on the district's website. The district shall publish the name, school phone number, school address and school email address of the district anti-bullying coordinator on the home page of the district website. Each school within the district shall publish the name, school phone number, school address and school email address of the district anti-bullying coordinator and their school anti-bullying specialist on the home page of the school's website. The information concerning the district anti-bullying coordinator and the school anti-bullying specialists shall also be maintained on the Department of Education's website.

Additionally, the district shall make available, in an easily accessible location of its website, the Department of Education's guidance document for the use by parent/guardians, students and district staff to assist in resolving complaints concerning student harassment, intimidation or bullying.

The chief school administrator shall ensure that the rules for this policy are applied consistently with the district's code of student conduct (N.J.A.C. 6A:16-7) and all applicable laws and regulations. All disciplinary sanctions shall be carried out with necessary due process.

This and all related policies shall be reviewed on a regular basis.

Date:

Legal References: Use legal reference sheet.

Cross References: List your appropriate policies. See legal reference sheet for possibilities.

Key Words

Harassment, Intimidation, Bullying, False Accusation, Retaliation, Reprisal, Conduct, Discipline, Student Conduct,

X   Monitored  X   Mandated  X   Other Reasons**Legal References**

---

VANDALISM/VIOLENCE**QSAC Monitored:**

Section 1: Operations

Section 3: Governance

**Mandated:**N.J.A.C. 6A:16-5.5(a) requires policies and procedures on student offenses involving firearms.N.J.A.C. 6A:16-5.6(a) requires policies and procedures regarding student assaults with a weapon.N.J.A.C. 6A:16-5.7(a) requires policies and procedures regarding student assaults without the use of a weapon.N.J.A.C. 6A:16-6.1 requires policies and procedures to ensure cooperation between school staff and law enforcement authorities in all matters involving firearms and other weapons.**Other Reasons:**N.J.S.A. 18A:1746 requires that two times each school year between September 1 and January 1 and between January 1 and June 30, the school board shall hold a public hearing at which the chief school administrator reports to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.N.J.S.A. 18A:17-46 requires the board to provide ongoing staff training, in cooperation with the Department of Education on violence, vandalism and harassment, intimidation or bullying reporting.N.J.S.A. 18A:36-5.1 requires school districts to observe "School Violence Awareness Week" on the week beginning with the third Monday in October of each year.N.J.A.C. 6A:16-5.1 requires plans, procedures and mechanisms for responding to emergencies and crises.N.J.A.C. 6A:16-5.3(f)1-2 requires that a transcript of the public hearing be kept on file and made available to the public, and that the transcript be filed with the Department of Education by November 1. Not enforceable since underlying statutory requirement has been repealed.N.J.A.C. 6A:16-5.2(a)4 requires that the district board of education shall hold an annual public hearing on all acts of violence and vandalism and incidents of substance abuse that occurred during the previous school year. This requirement is now outdated, due to the statutory change in N.J.S.A. 18:17-46, to require two hearings per year.

No Child Left Behind requires the state to establish statewide policy requiring that a student who is attending a "persistently dangerous" elementary or secondary school or who becomes a "victim of violent criminal offense" be allowed to attend a "safe" school within the district, including a charter school. The NJDOE is coordinating efforts to establish such a policy that would include definitions of pertinent terms.

VANDALISM/VIOLENCE (continued)

QSAC monitoring, in the "Operations" section, includes several procedural requirements to ensure accurate reporting of violence and vandalism information, consistent with N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5. Procedures for board of education review of allegations of falsification of data are set forth in N.J.A.C. 16A:16-5.3(g). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record.

**Recommendation:**

A policy directing compliance with legal requirements to report vandalism, violence and drug/alcohol related incidents to the commissioner and reaffirming parent/guardian responsibilities for restitution for damages. Information on exclusion of pupils who have been caught with weapons must be included in this report. The policy should also address "violent" disruptions, and refer to other policies dealing with disruptive behavior.

If the board wants to include specific language addressing threats of violence, it should be included here.

<b><u>Legal References:</u></b>	<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A. 2A:53A15</u>	Liability of parent or guardian for willful destruction of property by infant under 18
	<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
	<u>N.J.S.A. 18A:1746</u>	Act of violence; report by school employee; notice of action taken; annual report,
	<u>N.J.S.A. 18A:252</u>	Authority over pupils
	<u>N.J.S.A. 18A:36-5.1</u>	School violence awareness week
	<u>N.J.S.A. 18A:371 et seq.</u>	Discipline of Pupils
	See particularly: <u>N.J.S.A. 18A:37-2, -2.1</u> through -2.5, -3, -7 through -12	
	<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsion
	<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to Support Student Development
	See particularly: <u>N.J.A.C. 6A:16-1.4, -5.1,</u> -5.2, -5.3, -5.5, -5.6, -5.7, -6.1	

"H.A." v. Warren Hills Regional School District, 1976 S.L.D. 336

See also Commissioners' Decisions indexed under "Pupils – Punishment of" in Index to N.J. School Law Decisions

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

2003

Unsafe School Choice Option Policy, New Jersey Department of Education, June 30,

**Possible**

**Cross References:** \*1120 Board of education meetings

VANDALISM/VIOLENCE (continued)

*3250	Income from fees, fines, charges
3517	Security
4131	Staff Development, Inservice Education, Visitations, Conferences
4148	Employee protection
4248	Employee protection
*5114	Suspension and expulsion
*5119	Transfers
*5124	Reporting to parents/guardians
*5131	Conduct/discipline
5131.4	Campus disturbances
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
*6114	Emergencies and disaster preparedness
*6172	Alternative educational programs

\*Indicates policy is included in the Critical Policy Reference Manual.



X   Monitored  X   Mandated  X   Other Reasons**Sample Policy**

---

VANDALISM/VIOLENCEVandalism

The board of education views vandalism against school property by pupils as reprehensible. The causes of such misbehavior often are complex, calling for careful study by parents/guardians, school staff and appropriate community officials.

The board believes that pupils should respect property and take pride in the schools of this district. Whenever a pupil has been found to have done willful and malicious damage to property of the board, the principal of the school shall notify the chief school administrator. The board will hold the pupil or his/her parents/guardians liable for the damage caused by him/her.

When vandalism is discovered, the administration is directed to take such steps as are necessary to identify the vandals. If pupils have taken part in the vandalism, the appropriate administrator shall:

- A. Identify the pupils involved;
- B. Call together persons, including the parents/guardians, needed to study the causes;
- C. Decide upon disciplinary and/or legal action possibly including suspension. Should parents/guardians fail to cooperate in the discussions, the administration may charge the pupil with being delinquent by a petition stating the offense and requesting appearance in juvenile court;
- D. Take any constructive actions needed to try to guard against further such pupil misbehavior;
- E. Seek appropriate restitution.

Violence

Physical violence including assault with or without a weapon, against another pupil, a staff member or board member is prohibited and will result in the disciplinary sanctions included in policies on suspension and expulsion and conduct/discipline. Disruptive behavior that is characterized by violence, even though not directed toward another person, should be reported by the classroom teacher to the school principal, unless instructed otherwise, so that possible program adjustments may be identified.

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm or any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The chief school administrator may modify this suspension on a case-by-case basis. Each pupil so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the board.

Any school employee observing or having direct knowledge from a participant or victim of an act of violence in the district public school(s) should complete the standard report form and submit it to the school principal who is

VANDALISM/VIOLENCE (continued)

responsible for preparing the official report to the chief school administrator. S.

Theto N.J.S.A. 18A:17-46.

Two times each school year between September 1 and January 1 and between January 1 and June 30, the school board shall hold a public hearing at which the chief school administrator reports to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

Threats of Violence

The board is committed to promoting healthy relationships and a safe learning environment. Therefore, it shall not tolerate pupil threats of harm to self or others or other threatening behaviors, including threats to damage school property. Threatening behaviors shall not be tolerated on school property or at activities under the jurisdiction of the board of education.

Pupils shall inform a teacher, guidance counselor or principal when he/she is in possession of knowledge of such threats. Staff shall immediately notify the principal of any threat or threatening behavior that he/she has knowledge of, has witnessed or received. All such threats shall be promptly reported to the appropriate law enforcement agency.

Pupils who perpetrate threatening behaviors shall be disciplined in accordance with policy and regulations on suspension and expulsion and conduct/discipline.

Unsafe School Choice Option

The chief school administrator shall comply with all requirements of the Unsafe School Choice Option policy adopted by the state board of education for schools in districts that receive funds under the No Child Left Behind Act of 2001. He/she shall keep the board informed of all state requirements and actions taken to implement the policy.

Particularly, if a school in the district is designated as “persistently dangerous” as defined in the policy, corrective action plans shall be prepared and presented to the board for review. The corrective action plans shall be in the format provided by the department of education and shall describe how the schools will reduce the number of incidents of violence as determined by the Electronic Violence and Vandalism Reporting System (EVVRS).

Likewise, if a student while at school or on school grounds becomes a victim of a violent criminal offense as defined by state statute, he/she shall be offered the option of transferring to another safe school within the district.

Parents/guardians shall be informed according to law and policy.

The board shall be provided with access to a copy of the current statewide Unsafe School Choice Option Policy.

School Violence Awareness Week

This school district shall observe School Violence Awareness Week, the week beginning on the third Monday in October of each year. Organized activities focused on the prevention of school violence will be offered to students, employees and board members. Local law enforcement personnel will be invited to participate.

Violence and Vandalism Reporting

The chief school administrator will annually submit a report utilizing the Electronic Violence and Vandalism Reporting system (EVVRS) accurately reporting on each incident of violence, vandalism and alcohol and other drug abuse within the school district. Any allegations of falsification of data will be reviewed by the board of education using the

VANDALISM/VIOLENCE (continued)

requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record.

Implementation

The chief school administrator shall oversee the development of implementing regulations on all aspects of this policy, including the establishment of procedures for cooperation between school staff and law enforcement officials for all situations involving firearms or other deadly weapons.

Date:

Legal References:      Use legal reference sheet.

Cross References:      List your appropriate policies. See legal reference sheet for possibilities.

Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Vandalism, Violence

## Policy

---

### VANDALISM/VIOLENCE

#### Vandalism

The board of trustees views vandalism against school property by pupils as reprehensible. The causes of such misbehavior often are complex, calling for careful study by parents/guardians, school staff and appropriate community officials.

The board believes that pupils should respect property and take pride in the charter school. Whenever a pupil has been found to have done willful and malicious damage to PACS property, the CSA of the school shall be notified. The board will hold the pupil or his/her parents/guardians liable for the damage caused by him/her.

When vandalism is discovered, the administration is directed to take such steps as are necessary to identify the vandals. If pupils have taken part in the vandalism, the appropriate administrator shall:

- A. Identify the pupils involved;
- B. Call together persons, including the parents/guardians, needed to study the causes;
- C. Decide upon disciplinary and/or legal action possibly including suspension. Should parents/guardians fail to cooperate in the discussions, the administration may charge the pupil with being delinquent by a petition stating the offense and requesting appearance in juvenile court;
- D. Take any constructive actions needed to try to guard against further such pupil misbehavior;
- E. Seek appropriate restitution.

#### Violence

Physical violence including assault with or without a weapon, against another pupil, a staff member or board member is prohibited and will result in the disciplinary sanctions included in policies on suspension and expulsion and conduct/discipline. Disruptive behavior that is characterized by verbal or physical violence, even though not directed toward another person, should be reported by the classroom teacher to the CSA, so that possible program adjustments may be identified.

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm or any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The chief school administrator may modify this suspension on a case-by-case basis. Each pupil so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the board.

Any school employee observing or having direct knowledge from a participant or victim of an act of violence in PACS should complete the standard report form and submit it to the chief school administrator.

VANDALISM/VIOLENCE (continued)

The chief school administrator shall annually:

- A. Report to the board of trustees at a public meeting in October, all acts of violence and vandalism in the district that occurred during the previous school year;
- B. Ensure that a transcript of the annual report of violence and vandalism is kept on file at the board office and made available to the public;
- C. Forward the transcript of the public hearing on violence and vandalism to the Department of Education by November 1. If an error is later discovered in the report, the corrective action procedure is that the CSA is to promptly provide corrected information to NJDOE and to notify the board of trustees by placing it as an agenda item at its next regular meeting, for ratification by the board;
- D. Notify the county superintendent of action taken regarding incidents of violence.

Threats of Violence

The board is committed to promoting healthy relationships and a safe learning environment. Therefore, it shall not tolerate pupil threats of harm to self or others or other threatening behaviors, including threats to damage school property. Threatening behaviors shall not be tolerated on school property or at activities under the jurisdiction of the board of trustees.

Pupils shall inform a teacher, guidance counselor or principal when he/she is in possession of knowledge of such threats. Staff shall immediately notify the CSA of any threat or threatening behavior that he/she has knowledge of, has witnessed or received. All such threats shall be promptly reported to the appropriate law enforcement agency.

Pupils who perpetrate threatening behaviors shall be disciplined in accordance with policy and regulations on suspension and expulsion and conduct/discipline.

Unsafe School Choice Option

The chief school administrator shall comply with all requirements of the Unsafe School Choice Option policy adopted by the state board of trustees for schools in districts that receive funds under the No Child Left Behind Act of 2001. He/she shall keep the board informed of all state requirements and actions taken to implement the policy. If a school in the district is designated as "persistently dangerous" as defined in the policy, corrective action plans shall be prepared and presented to the board for review. The board shall be provided with access to a copy of the current statewide Unsafe School Choice Option Policy.

School Violence Awareness Week

This school district shall observe School Violence Awareness Week, the week beginning on the third Monday in October of each year. Organized activities focused on the prevention of school violence will be offered to students, employees and board members. Local law enforcement personnel will be invited to participate.

Implementation

The chief school administrator shall oversee the development of implementing regulations on all aspects of this policy, including the establishment of procedures for cooperation between school staff and law enforcement officials for all situations involving firearms or other deadly weapons.

Date:

VANDALISM/VIOLENCE (continued)Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Vandalism, Violence

- Legal References:**
- |   |  |
|---|--|
| <u>N.J.S.A.</u> 2A:4A-60 <u>et al.</u>  | Disclosure of juvenile information; penalties for disclosure                           |
| <u>N.J.S.A.</u> 2A:53A15  | Liability of parent or guardian for willful destruction of property by infant under 18 |
| <u>N.J.S.A.</u> 2C:39-5   | Unlawful possession of weapons   |
| <u>N.J.S.A.</u> 18A:1746  | Act of violence; report by school employee; notice of action taken; annual report      |
| <u>N.J.S.A.</u> 18A:252   | Authority over pupils  |
| <u>N.J.S.A.</u> 18A:36-5.1  | School Violence Awareness Week   |
| <u>N.J.S.A.</u> 18A:371 <u>et seq.</u>  | Discipline of Pupils   |
| <u>See particularly:</u>  |  |
| <u>N.J.S.A.</u> 18A:37-2, -2.1 through -2.5, -3, -7 through -12   |  |
| <u>N.J.A.C.</u> 6A:14-2.8   | Discipline/suspension/expulsion  |
| <u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>  | Programs to Support Student Development  |
| <u>See particularly:</u>  |  |
| <u>N.J.A.C.</u> 6A:16-1.4, -5.1, -5.2, -5.3, -5.5, -5.6, -5.7, -6.1   |  |
| <br>"H.A." v. <u>Warren Hills Regional School District</u> , 1976 <u>S.L.D.</u> 336                                       |  |
| <br>See also Commissioners' Decisions indexed under "Pupils – Punishment of" in <u>Index to N.J. School Law Decisions</u> |  |
| <br><u>No Child Left Behind Act of 2001</u> , Pub. L. 107-110, <u>20 U.S.C.A.</u> 6301 <u>et seq.</u>                     |  |
| <br><u>A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials</u> (1999 Revisions)       |  |
| <br><u>Unsafe School Choice Option Policy</u> , New Jersey Department of Education, June 30, 2003                         |  |

**Possible**

- Cross References:**
- |       |                                  |
|-------|----------------------------------|
| *1120 | Board of education meetings      |
| *3250 | Income from fees, fines, charges |
| 3517  | Security                         |
| 4148  | Employee protection              |
| 4248  | Employee protection              |
| *5114 | Suspension and expulsion         |
| *5119 | Transfers                        |
| *5124 | Reporting to parents/guardians   |

VANDALISM/VIOLENCE (continued)

- \*5131 Conduct/discipline
- 5131.4 Campus disturbances
- \*5131.6 Drugs, alcohol, tobacco (substance abuse)
- \*5131.7 Weapons and dangerous instruments
- \*6114 Emergencies and disaster preparedness
- \*6172 Alternative educational programs

\*Indicates policy is included in the Critical Policy Reference Manual.

5/06  
5131-5

## Sample Regulation

---

### DRUGS, ALCOHOL, TOBACCO (Substance Abuse)

In accordance with board policy, the following procedures are established for the instruction of pupils in drug, alcohol, tobacco and steroid abuse; the evaluation and treatment of pupils who possess drugs, alcohol, tobacco and steroids and for pupils who are suspected or found to be under the influence of drugs, alcohol, tobacco and/or steroids.

#### Instruction

- A. Teachers shall be guided by the drug, alcohol, tobacco and steroid program approved by the board of education as a part of the health education curriculum in accordance with state board rules and department of education guidelines.
- B. Teachers and administrators will be requested to evaluate annually the effectiveness of the drug, alcohol, tobacco and steroid education programs.

#### Reporting, Notification, and Examination Procedures for Pupils Suspected of Being Under the Influence of Drugs, Alcohol or Steroids

Teaching staff members will be alert to the signs of a pupil's involvement with drugs, alcohol, or steroids including; impaired health or fatigue; excessive truancy or tardiness; lower grades; depressed appetite or loss of weight; extremes; eyes that are bloodshot, watery, extremely wide, or have extremely small pupils; an unusual body or breath odor; needle tracks; a change in attitude, personality, temperament, appearance, or peer groups; and mental confusion. A behavior checklist is provided for each referral that is made with reference to possible drug, alcohol or steroid use.

Concerns over student use of chemicals outside of school and away from schoolrelated activities may be passed on, via use of the referral and/or behavior checklist, to a core team member, guidance counselor, substance awareness coordinator, the school nurse or any administrator who can follow through on the process of investigating nonemergency cases of suspected drug, alcohol, or steroid involvement.

- A. In instances involving intoxication either in school or at a schoolsponsored activity by alcoholic beverages, controlled dangerous substances or any chemical or chemical compound as identified in N.J.A.C. 6A:16-4.1(a), the following shall apply:
  - 1. Any professional staff member to whom it appears that a pupil may be under the influence of alcoholic beverages or other drugs on school property or at a school function shall report the matter as soon as possible to the school nurse or medical inspector and the CSA.

In the absence of the CSA, his/her designee shall be notified; and in instances where the school nurse, medical inspector or the CSA are not in attendance, the staff member responsible for the school function shall be immediately notified.



DRUGS, ALCOHOL, TOBACCO (continued)

2. The CSA or his/her designee shall immediately notify the parent/guardian and arrange for an immediate examination of the pupil. The examination may be performed by a physician selected by the parent/guardian or by the medical inspector. If the chosen physician is not immediately available, the pupil shall be accompanied by a member of the school staff, designated by the CSA, to the emergency room of the nearest hospital for examination. If available, a parent/guardian should also accompany the pupil.
3. If, at the request of the parent or legal guardian, the medical examination is conducted by a physician other than the medical inspector, such examination shall not be at the expense of the district board of trustees.
4. Provisions shall be made for the appropriate care of the pupil while awaiting the results of the medical examination.
5. A written report of the medical examination shall be furnished to the parent/guardian of the pupil and the CSA by the examining physician within 24 hours.
6. If the written report of the medical examination is not submitted to the parent/guardian and CSA within 24 hours, the pupil shall be allowed to return to school until such time as a positive diagnosis of alcohol or other drug use is received.
7. If there is a positive diagnosis from the medical examination indicating that the pupil is under the influence of alcoholic beverages or other drugs, the pupil shall be returned to the care of a parent/guardian as soon as possible. Attendance at school shall not resume until a written report has been submitted to the parent/guardian of the pupil and the CSA from a physician who has examined the pupil to diagnose alcohol or other drug use. The report shall certify that substance abuse no longer interferes with the pupil's physical and mental ability to perform in school. In addition, the staff member shall complete the violence, vandalism and substance abuse incident report.
8. A student will be disciplined in accordance with guidelines outlined in the discipline procedure manual when involved in drugrelated activities while in school or involved in a schoolsponsored activity.
9. The student and parent/guardian will be advised by the SAC of available counseling and support services in the community which are approved by the county LACADA or the state department of health. Individual referrals will be made as appropriate.
10. The board of trustees shall provide for inhouse assessment of student drug and alcohol concerns, as well as instruction, counseling, and related services for that student and/or family members. These counseling interventions will be offered by the substance awareness coordinator and/or core team members who are trained in drug and alcohol prevention, intervention, and aftercare procedures.
11. While the student is at home because of disciplinary and/or medical reasons, the child study team will intervene to determine the student's eligibility for home instruction, develop an IEP, and provide additional assessment if needed. The child study team will assess the student's eligibility and need for special education and/or related services.
12. The core team, substance awareness coordinator, crisis counselor, or other staff member assigned to monitor the student's stability, progress, and possible reentry into the daily school routine shall be

DRUGS, ALCOHOL, TOBACCO (continued)

responsible to keep all appropriate school personnel informed of the status of the student referral. Staff should work in close cooperation with the pupil's parents/guardians in an effort to fully support the student.

## B. In instances involving anabolic steroids:

1. Whenever any teaching staff member, school nurse or other educational personnel of any public school shall have reason to believe that a pupil has used or may be using anabolic steroids, that teaching staff member, school nurse or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a substance awareness coordinator, and to the CSA or, in his or her absence, to his or her designee.
2. The CSA or his or her designee, shall immediately notify the parent or guardian and shall arrange for an examination of the pupil by a doctor selected by the parent or guardian or by the medical inspector. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil has been using anabolic steroids.
3. A written report of that examination shall be furnished by the examining physician to the parent or guardian of the pupil and to the CSA.
4. If it is determined that the pupil has been using anabolic steroids, the pupil shall be interviewed by a substance awareness coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination, the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with such experts in the field of substance abuse as may be necessary and appropriate.
5. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and wellbeing, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

## C. Implementation

1. Transportation to a physician's office will be provided by the district, if parents/guardians are unable or unwilling to take their child to the physician's office.
2. Service will be accessed by contacting the student support office (7685108).
3. A minibus will be available within 30 60 minutes to transport student(s) who need medical interventions such as D&A examination, physicals for CST placements, etc.
4. A staff member must accompany the student being taken from school for any reason. The bus driver is responsible for transporting the student only.
5. If the substance awareness coordinator is not available, an assistant principal shall escort the student to the physician's office for drug screening.
6. No faculty member should transport a student in his/her own car, as coverage for damages
7. A parent/guardian notice of steps for reentry must be given or mailed to the parents/guardians

DRUGS, ALCOHOL, TOBACCO (continued)

of students suspected of being "under the influence of drugs and/or alcohol" while in school.

8. The physician will send the results of the drug screening to the substance awareness coordinator to disseminate to the administration for the implementation of board policies (drugfree school and discipline).

Pupils Suspected of Possessing, Buying, Selling and/or Distributing Drugs, Alcohol, or Steroids

Whenever it shall appear that a pupil may be in possession, buying, selling or distributing a controlled dangerous substance, chemicals or chemical compound which releases vapor or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, taken for purposes other than the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings, the following procedures shall be followed:

- A. School personnel shall report the matter as soon as possible to the school CSA, or in his/her absence, to his/her designee.
- B. The CSA, observing all due process procedures, shall then attempt to establish the truth of the actual possession or sale and/or distribution of drugs or alcohol.
- C. If so determined, the CSA shall immediately notify the pupil's parent/guardian.
- D. The law enforcement authorities shall be notified in accordance with provisions established by N.J.A.C. 6A:16-6.1et seq. In cases where a student has voluntarily requested assistance for a substance abuse concern, and has not been involved in distribution activities, he/she can be protected from disclosure to police if he/she agrees to participate in assessment, evaluation, treatment, counseling support services and/or aftercare provided by inhouse SAC and/or core team staff; referral to community treatment services may be warranted.
- E. The CSA will initiate referral to the substance awareness coordinator, or to drug and alcohol members of the core team for purposes of documentation of all drug, alcohol, or steroid incidents. The substance awareness coordinator and/or core team will make appropriate student and family referrals to community agencies offering assistance for drug and alcohol related issues.
- F. While the student is at home because of disciplinary and/or medical reasons, the child study team will intervene to determine the student's eligibility for home instruction, develop an IEP, and provide additional assessment if needed. The child study team will assess the student's eligibility and need for special education and/or related services.
- G. The violence, vandalism and substance abuse incident report is to be completed by the CSA.

Recordkeeping Regarding Selfdisclosure vs. Discovery of Student Substance Abuse Concerns

- A. In all cases involving drugs, alcohol, or steroids, voluntary student disclosures will be kept confidential and exchange of information will be kept between student, substance awareness coordinator, and core team, and the student support program director. Records will be confidential and kept separate and apart from general student files. These files will be kept locked. Feedback to referral sources will be limited to status of student progress only.
- B. Disciplinary referrals, or cases which involve discovery of student chemical use by students, teachers, administrators, and other staff persons, will be recorded in student disciplinary files. Only the content of student disclosures made thereafter to a substance awareness coordinator or core team member will be kept

DRUGS, ALCOHOL, TOBACCO (continued)

as a part of the confidential substance awareness treatment program records. It must be noted that even under the strictest of confidentiality laws, a counselor is required to report a student whom they believe to:

1. Be suicidal
2. Be assaultive (murder, rape, armed robbery intent)
3. Have been abused
4. Be under the influence of drugs
5. Be in need of emergency medical treatment

Transporting Pupils for Districtrequired Assessments

Those identified as drug and/or alcohol and/or steroid dependent will be referred to a community agency and required to complete a treatment program appropriate to their needs. We will make every effort to provide assessment, intervention and referral, including transportation to and from testing, if necessary, to ensure a thorough and comprehensive response to our students' addiction concerns.

Prohibition of Smoking by Students

Students are not permitted to smoke at any time in school buildings, or anywhere within school boundaries, or on school buses, or when on a schoolsponsored trip or activity off school premises. Students are not to carry cigarettes or other smoking materials such as tobacco, pipes or cigarette rolling papers while on school property.

Penalties for Involvement with Drugs, Alcohol, Steroids and/or Tobacco as Per Previously Adopted Policy

All students should be aware that school authorities will take all reasonable steps to prevent the possession and use of drugs, alcohol, steroids, or tobacco on school property and to apprehend those who possess, use, or distribute drugs, alcohol, steroids, or tobacco.

These steps will include:

- A. Locker and desk searches when there is reason to believe that inspection is warranted;
- B. Required urine screening and/or blood test to determine presence of alcohol and other drugs, when observation of student behavioral indicators suggest the possibility of intoxication.

<u>Offense</u>	<u>Penalty</u>
1. Possession of drug paraphernalia, not containing any controlled dangerous substance otherwise identified in <u>N.J.A.C. 6A:16-4.1(a)</u>	<p>First offense</p> <ol style="list-style-type: none"> <li>a. Parents/guardians notified</li> <li>b. Referral to SAC for assessment and recommended action plan</li> <li>c. Possible referral to core team</li> </ol> <p>Second offense Twoday suspension plus all of the above</p> <p>Third offense</p>

DRUGS, ALCOHOL, TOBACCO (continued)

<p>2. Possession of alcohol, drugs, steroids, or substances identified in <u>N.J.A.C. 6A:16-4.1(a)</u></p>	<p>External suspension plus b. and c.</p> <p>First offense</p> <ul style="list-style-type: none"> <li>a. Parents/guardians notified</li> <li>b. Tendency suspension</li> <li>*c. Police informed and appropriate action taken</li> </ul> <p>Second offense</p> <p>All of the above plus an expulsion hearing before the board</p>
<p>3. Under the influence of alcohol, drugs, steroids or substance identified in <u>N.J.A.C. 6A:16-4.1(a)</u></p>	<p>First offense</p> <ul style="list-style-type: none"> <li>a. Parents/guardians notified</li> <li>b. Immediate medical examination including urinalysis and/or blood test to verify use and determine extent of use</li> </ul>
<p><u>Offense</u></p>	<p><u>Penalty</u></p> <ul style="list-style-type: none"> <li>c. Tendency suspension upon verification of positive diagnosis of alcohol, drug, or steroid use</li> <li>d. Medical statement substantiating student's state of well being is required before reentry after positive diagnosis of chemical use. (Possible urinalysis with negative result may be required upon return to school.)</li> <li>e. Student and parent/guardian referral to SAC for treatment, aftercare, and reentry plan</li> </ul> <p>Second offense</p> <p>All of the above plus an expulsion hearing before the board</p>
<p>4. Distribution, transferring, or selling controlled dangerous substance or possession of amount large enough to indicate possible intent to distribute, transfer or sell</p>	<p>First offense</p> <ul style="list-style-type: none"> <li>a. Parents/guardians notified</li> <li>b. Minimum 10day suspension pending expulsion hearing before board of education</li> <li>c. Police informed and appropriate action taken</li> </ul>
<p>5. Conviction for violation of the drug abuse law committed off school property</p>	<p>First offense</p> <ul style="list-style-type: none"> <li>a. Parents/guardians notified</li> <li>b. The school will take whatever action it believes is necessary to protect the rights and wellbeing of the entire student body</li> </ul>
<p>6. Students who are found exhaling smoke, or possessing cigarettes or smoking paraphernalia</p>	<p>First offense</p> <ul style="list-style-type: none"> <li>a. Parents/guardians notified</li> <li>b. Suspension and/or referral to SAC for</li> </ul>

DRUGS, ALCOHOL, TOBACCO (continued)

assistance in quitting

Second offense

- a. Phone call to parent/guardian
- b. Suspension
- c. Referral to counseling
- d. Required notification to parents/guardians  
and/or pursuit of \$100 fine, pursuant to  
N.J.S.A. 26:3D20

Date:

Key Words

Drugs, Alcohol, Tobacco, Steroids, Substance Abuse, Smoking, Drinking, Drug Testing

<u>X</u>	Monitored
<u>X</u>	Mandated
<u>X</u>	Other Reasons

## Policy

---

### DRUGS, ALCOHOL, TOBACCO (Substance Abuse)

#### Drugs, Alcohol, Tobacco, and Steroids

It is the responsibility of the board of trustees to safeguard the health, character, citizenship, and personality development of the students in its schools. We, therefore, must maintain that the use of drugs and the unlawful possession and use of alcohol is wrong and harmful. The board of trustees recognizes that the misuse of drugs, alcohol, tobacco or steroids threatens the positive development of that student and the welfare of the entire school community. The board of trustees is committed to the prevention of drug, alcohol, tobacco and steroid abuse and the rehabilitation of identified abusers.

#### Students

For the purpose of this policy, "drug" includes all controlled dangerous substances set forth in N.J.S.A. 24:211 et seq. and all chemicals that release toxic vapors set forth in N.J.S.A. 2C:35-10.4 et seq.

- A. The board of trustees prohibits the use, possession and/or distribution of any drug, alcohol, tobacco, or steroids on school premises, and at any event away from the school provided by the board. Compliance with a drugfree standard of conduct at all school functions is mandatory for all students. Pupils suspected of being under the influence of drugs, alcohol, tobacco, or steroids will be identified, evaluated, and reported in accordance with the law. Assessment will be provided by individuals who are certified by the New Jersey State Board of Examiners as substance awareness coordinators or by individuals who are appropriately certified by the New Jersey Board of Examiners and trained in alcohol and other drug abuse prevention. A pupil who uses, possesses, or distributes drugs, alcohol, tobacco or steroids on school premises or while attending a schoolsponsored activity will be subject to discipline, that may include suspension or expulsion, and may be reported to appropriate law enforcement personnel. Pupils suspected of involvement with alcohol, drugs or steroids away from school premises will be offered appropriate treatment and remediation. Treatment services for students who are affected by alcohol or other drug use will be provided by individuals who are certified as substance awareness coordinators or who are otherwise appropriately trained in drug and alcohol prevention, intervention, and followup.
- B. The board will enforce the laws of New Jersey requiring a program of drug, alcohol, tobacco and steroid education. The superintendent shall prepare and submit to the board for its approval a comprehensive curriculum for such instruction in grades seven through 12 offering a minimum of 10 clock hours per school year of alcohol and other drug education in accordance with department of education chemical health guidelines, pursuant to N.J.S.A. 18A:40A1 et seq. Drug, alcohol, tobacco and steroid education shall be integrated with the health curriculum. Additionally, the district will offer a special class or course designed to meet the needs of pupils with alcohol or other drug use problems.
- C. All district personnel shall be alert to signs of alcohol, drug, tobacco and steroid use by pupils and shall respond to those signs in accordance with procedures established by the superintendent of schools. The board of trustees will provide inservice training to assist teaching staff members in identifying the

DRUGS, ALCOHOL, TOBACCO (continued)

pupil who uses drugs, alcohol, tobacco and/or steroids, and in helping pupils with drug, alcohol, tobacco and steroid-related problems in a program of rehabilitation. The board directs the establishment of a program designed to provide short-term counseling and support services for pupils who are in care or returning from care for alcohol and other drug dependencies. The district shall establish a parent/guardian substance abuse program offered at times and places convenient to the parents/guardians of the district on school premises or other facilities.

- D. The chief school administrator (CSA) shall develop administrative regulations for:
1. A comprehensive program of drug, alcohol, tobacco and steroid education;
  2. The identification and remediation of pupils involved with drugs, alcohol, tobacco and steroids;
  3. The examination and treatment of pupils suspected of being under the influence of drugs, alcohol, tobacco or steroids to determine the extent of the pupil's drug or alcohol use or dependency;
  4. The treatment and discipline of pupils who use, possess or distribute drugs, alcohol, tobacco and steroids in violation of law or this policy through referral to an appropriate drug/alcohol abuse program as recommended by the department of health; and
  5. The readmission to school and treatment of pupils who have been convicted of drug, alcohol, tobacco and/or steroid offenses.
- E. The board of trustees shall establish an annual process to review the effectiveness of its alcohol and other drug policies and procedures. The board of trustees shall solicit community input as well as consult with local agencies recommended by the state department of health in the review process. Alcohol and other drug policies and procedures for discipline, evaluation, and treatment of pupils shall be made available annually to all school staff, pupils, and parent/guardians. This policy shall be in each building, and notification of its availability shall appear annually in the parent's handbook.
- F. Any staff member who reports a pupil to the CSA or his/her designee in compliance with the provisions of this subsection shall not be liable in civil damages as a result of making such a report as provided for under N.J.S.A. 18A:40A1 et seq.
- G. All policies and procedures must comply with the confidentiality requirements established in federal regulation found at 42 CFR Part II.

Substance abuse in the district is considered a health risk. It is the expressed position of the district that when school rules have been violated, and when a student's health is at risk, we must notify the student's parents/guardians and attempt to involve the family in the rehabilitation plan subject to the confidentiality restrictions of 42 CFR Part II.

- H. Refusal or failure by a parent/guardian to comply with the provisions of N.J.S.A. 18A: 40A12 shall be deemed a violation of the compulsory education (N.J.S.A. 18A:3825 and 18A:3831) and/or child neglect (N.J.S.A. 9:61 et seq.) laws.

Enforcement of Drugfree School Zones

The board of trustees recognizes its responsibility to ensure continuing cooperation between school staff and law



DRUGS, ALCOHOL, TOBACCO (continued)

enforcement authorities in all matters relating to the use, possession, and distribution of controlled dangerous substances and drug paraphernalia on school property. The board further recognizes its responsibility to cooperate with law enforcement authorities in planning and conducting law enforcement activities and operations on school property. The board shall, therefore, establish a formal Memorandum of Agreement with the appropriate law enforcement authorities and set forth the following policies and procedures after consultation with the county prosecutor and approval by the county superintendent of schools. The Memorandum of Agreement shall be consistent with the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions).

Law Enforcement Liaison

In order to ensure that such cooperation continues, the board directs the CSA to designate a school district liaison(s) to law enforcement agencies and to prescribe the roles and responsibilities of the school liaison(s). Such assignment shall be in accordance with the district's collective bargaining agreement, if applicable.

Undercover Operations

The board hereby recognizes that the CSA may request that law enforcement authorities conduct an undercover operation in the school if he/she has reason to believe that drug use and/or drug trafficking is occurring in the school and that a less intrusive means of law enforcement intervention would be ineffective. The board hereby authorizes the CSA to request such intervention under these circumstances. The board recognizes that the CSA is not permitted to ask the board's approval for his/her action and is not permitted to discuss any aspect of the undercover operation until authorized to do so by law enforcement authorities.

The board recognizes that law enforcement authorities may contact the CSA to request that an undercover operation be established in a district school. The board recognizes that the CSA is prohibited from discussing the request with the board. The board hereby authorizes the CSA to act upon any such request in the manner that he/she determines is in conformity with the law and the Attorney General's Executive Directive 19881 and that is in the best interests of the students and the school district.

The board directs the CSA to cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The CSA or any other school staff or district board member who may have been informed about the undercover operation is required to immediately communicate information to the county prosecutor or designee if the integrity of the undercover school operation has been compromised in any way.

At the completion of an undercover operation in a school, and with the consent of the appropriate law enforcement authority, the superintendent shall report to the board regarding the nature of the operation, the result of the operation, and any serious problems encountered during the operation.

Summoning Law Enforcement Authorities onto School Property for the Purpose of Conducting Investigations, Searches, Seizures, and Arrests

Any school employee who has reason to believe a student(s) or a staff member(s) is using or distributing controlled dangerous substances, including anabolic steroids, or drug paraphernalia on school premises shall bring that information to the CSA, who shall immediately report that information to the appropriate law enforcement agency. If, after consultation with the law enforcement official, it is determined that further investigation is necessary, the CSA will cooperate with the law enforcement authorities in accordance with the law and administrative code. He/she will provide the officials with a room in an area away from the general student population in which to conduct their law enforcement duties. If law enforcement officials do not choose to investigate the incident, the CSA may continue the investigation to determine if any school rules have been broken and whether any school

DRUGS, ALCOHOL, TOBACCO (continued)

discipline is appropriate.

If an arrest is necessary, and no exigent circumstances exist, the CSA and staff will cooperate with the law enforcement officials and provide them access to the office of a school administrator or some other area away from the general student population. Every effort shall be made to enable law enforcement personnel to carry out the arrest in a manner that is least disruptive to the educational environment. The CSA shall immediately notify the student's parent/guardian whenever a pupil is arrested for violating any laws prohibiting the possession, use, sale, or distribution of any controlled substance or drug paraphernalia.

Whenever the police have been summoned to a school building by the CSA, the CSA shall report the reason the police were summoned and any pertinent information to the board at its next regular meeting. If confidentiality is required, the report shall be made in executive session.

Student Searches and Securing Physical Evidence

The CSA or his/her designee may conduct a search of a student's person or belongings if the search is necessary to maintain discipline and order in the school, and the school official has a reasonable suspicion that the student is concealing contraband. All searches and seizures conducted by designated school staff shall comply with the standards prescribed by the United States Supreme Court in New Jersey v. T.L.O., U.S. 325 (1985), and the New Jersey School Search Policy Manual.

If, as a result of the search, a controlled dangerous substance or drug paraphernalia is found, or if a controlled dangerous substance or drug paraphernalia is by any means found on school property, the individual discovering the item or substance shall immediately notify the CSA who shall immediately, in turn, notify the appropriate law enforcement agency. The CSA shall ensure that the controlled or dangerous substance and/or drug paraphernalia is labeled and secured in a locked cabinet or desk until law enforcement officials pick it up. The CSA shall then contact the student's parents/guardians to inform them of the occurrence.

Whenever law enforcement officials have been called into the school, and a search of a student's person or belongings is necessary, or an interrogation is to be conducted, the CSA shall request that the law enforcement officials conduct the search, seizure, or interrogation.

Police Presence at Extracurricular Activities

The CSA is hereby authorized to contact the appropriate law enforcement agency and arrange for the presence of an officer(s) in the event of an emergency or when the superintendent believes that uniformed police presence is necessary to deter illegal drug use or trafficking or to maintain order or crowd or traffic control at a school function.

Resolving Disputes Concerning Law Enforcement Activities

The board authorizes the CSA to contact the chief executive officer of the law enforcement agency involved with any dispute or objection to any proposed or ongoing law enforcement operation or activity on school property. If for any reason the dispute or objection is not satisfactorily resolved with the chief executive officer of the agency, the CSA shall work in conjunction with the county prosecutor and, where appropriate, the division of criminal justice to take appropriate steps to resolve the matter. Any dispute that cannot be resolved at the county level shall be reported to the board and shall be resolved by the attorney general whose decision will be binding.

Confidentiality of Pupil Involvement in Intervention and Treatment Programs

Nothing in this policy shall be construed in any way to authorize or require the transmittal of any information or

DRUGS, ALCOHOL, TOBACCO (continued)

records that are in the possession of a substance abuse counseling or treatment program including, but not limited to, the school district's own substance abuse programs. All information concerning a pupil's or staff member's involvement in a school intervention or treatment program shall be kept strictly confidential. See 42 CFR 2 and N.J.A.C. 6A:16-6.5.

Inservice Training

The CSA will ensure that all district employees receive annual inservice training to make them aware of their responsibilities in accordance with board policies and N.J.A.C. 6A:16-3.1.

Annual Review

The board will review annually the effectiveness of these policies and the Memorandum of Agreement entered into with the appropriate law enforcement agency. As part of this review, the board will consult with the county superintendent, local community members, and the county prosecutor's office.

Availability of Policy

The policies and procedures contained herein shall be made available to all staff, pupils, and parents/guardians on an annual basis.

Date:

Key Words

Drugs, Alcohol, Tobacco, Steroids, Substance Abuse, Smoking, Drinking, Drug Testing

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 2A:62A4	Reports by educational personnel on dependency upon or illegal use of controlled dangerous substances or use of intoxicating vapor releasing chemicals; immunity from liability
	<u>N.J.S.A.</u> 2C:293a	Hindering apprehension or prosecution
	<u>N.J.S.A.</u> 2C:3315	Possession or consumption of alcoholic beverage by person under legal age, penalty
	<u>N.J.S.A.</u> 2C:3316	Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
	<u>N.J.S.A.</u> 2C:3317	Offer or service of alcoholic beverage to underage person; disorderly persons; exceptions
	<u>N.J.S.A.</u> 2C:3319	Paging devices, possession by students
	<u>N.J.S.A.</u> 2C:351 <u>et seq.</u>	New Jersey Comprehensive Drug Reform Act of 1987
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 2C:357, -10	
	<u>N.J.S.A.</u> 2C:3510.4	Definitions
	<u>N.J.S.A.</u> 9:6-1 <u>et seq.</u>	Abuse abandonment, cruelty, and neglect of child; what constitutes
	<u>N.J.S.A.</u> 9:17A4	Consent by minor to medical care or treatment; venereal disease, sexual assault or drug use

DRUGS, ALCOHOL, TOBACCO (continued)

	or dependency; notice and report of treatment; confidentiality
<u>N.J.S.A.</u> 18A:252	Authority over pupils
<u>N.J.S.A.</u> 18A:3619.2	Student locker or other storage facility; inspections; notice to students
<u>N.J.S.A.</u> 18A:371	Submission of pupils to authority
<u>N.J.S.A.</u> 18A:372	Causes for suspension or expulsion of pupils
<u>N.J.S.A.</u> 18A:3825	Attendance required of children between six and sixteen, exceptions
<u>N.J.S.A.</u> 18A:3831	Violation of article by parents or guardian, penalties
<u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u>	Substance abuse
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:40A1, 2, -3, 4, 5, 9, 10, -11, 12, 13, 14, 15, 16, 18, 19	
<u>N.J.S.A.</u> 24:212	Definitions (New Jersey controlled dangerous substances)
<u>N.J.S.A.</u> 26:3D-55 <u>et seq.</u>	New Jersey Smoke-Free Air Act
P.L. 2005, c. 209	Random student drug testing
<u>N.J.A.C.</u> 6A:8-3.1	Curriculum and instruction
<u>N.J.A.C.</u> 6A:913.2	Substance awareness coordinator
<u>N.J.A.C.</u> 6A:14-2.8	Discipline/suspension/expulsion
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-1.3, -1.4, -2.2, -2.4, -3.1, -3.2, -4.1 through -4.3, -5.3, -6.1 through -6.5	
<u>N.J.A.C.</u> 6A:32-13.1 <u>et seq.</u>	Pupil Behavior

Drug Free Workplace Act of 1988 Enacted November, 1988 (Pub. L. 100690, Title V, Subtitle D) 102 Stat. 43054308

Regulations Under Drug Free Workplace Act, C.F.R. 4946 (1/31/89)

42 CFR Part 2 Confidentiality of alcohol and drug abuse patient records

F.G. v. Bd. of Ed. of Hamilton, 1982 S.L.D. 382

G.L.H. v. Bd. of Ed. of Hopewell Valley Regional School District, et al., 1987 S.L.D. April 20, aff'd St. Bd. 1987 S.L.D. Sept. 2

State in the Interest of T.L.O. 94 N.J. 331 (1983), Rev'd, 469 U.S. 325 (1985)

State of New Jersey v. Jeffrey Engerud, 93 N.J. 308 (1983)

Honig v. Doe 484 U.S. 305 (1988)

Vernonia School District v. Acton, 515 U.S. 646 (1995)

In the Matter of the Tenure Hearing of Graceffo, 2000 S.L.D. (September 2002)

DRUGS, ALCOHOL, TOBACCO (continued)

Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al., 536 U.S. \_\_\_\_\_ (2002)

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Manual for the Evaluation of Local School Districts  
The New Jersey School Search Policy Manual, New Jersey Attorney General  
 (1998)

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions)

**Possible****Cross References:**

*1330	Use of school facilities
*1410	Local units
*4131.1	Inservice education/visitations/conferences
*4231.1	Inservice education/visitations/conferences
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5125	Pupil records
*5131	Conduct/discipline
*5131.7	Weapons and dangerous instruments
*5141.3	Health examinations and immunizations
*5141.21	Administering medication
*5145.12	Search and seizure
*6145.1/6145.2	Intramural competition; interscholastic competition
6145.7	Social events/meetings
*6154	Homework/makeup work
*6172	Alternative educational programs
*6173	Home instruction

\*Indicates policy is included in the Critical Policy Reference Manual.

## Policy

---

### WEAPONS AND DANGEROUS INSTRUMENTS

The board of trustees prohibits the possession and/or use of firearms, other weapons, or instruments that can be used as weapons on school property, on a school bus, at any school function, or while enroute to or from school or any school function.

For the purpose of this policy "weapon" includes but is not limited to those items enumerated in N.J.S.A. 2C:39-1r. The principal shall make the final determination that a particular object is a dangerous instrument in any case where there is a question of its possession or use posing a threat to students, staff or property.

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-based function shall be immediately removed from the school's regular education program pending a hearing before the board to remove the pupil from the regular education program for a period of not less than one calendar year.

The principal/designee shall be responsible for the removal of such a pupil and shall immediately report the removal to the chief school administrator. The chief school administrator may modify a pupil's removal on a case-by-case basis. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

A student found or observed on school property or at a school event in possession of a weapon or dangerous instrument other than a firearm shall be reported to the principal/designee immediately. The principal shall immediately inform the chief school administrator/designee and appropriate law enforcement officials with all known information concerning the matter, including the identity of the pupil involved.

Assault by a student with a weapon on a teacher, administrator, board member or other employee of the board is strictly prohibited and shall result in the student's immediate removal from the general education program for a period not exceeding one calendar year. Subject to a hearing before the board, the student shall be placed in an alternative education program.

The chief school administrator shall determine at the end of the year whether the student is prepared to return to the regular education program in accordance with procedures established by the Commissioner of Education.

Disciplinary action shall be taken against students who possess, handle, transmit or use firearms, other weapons, or dangerous instruments. Classified students shall be disciplined in accordance with their IEP and in compliance with law and administrative code. As in all disciplinary cases, due process will be provided (see policies 5114 Suspension and expulsion and 5131 Conduct/discipline).

A violence and vandalism report shall be filed whenever a student is found to be in possession of a firearm, other weapon, or dangerous instrument.

WEAPONS AND DANGEROUS INSTRUMENTS (continued)Remotely Activated Paging Devices (Beepers)

No student shall bring or possess a remotely activated paging device on any property used for school purposes without the written permission of the \_\_\_\_\_ (school board, chief school administrator, principal)\*. Permission shall not be granted unless and until the student has established a reasonable basis for possessing the device.

Student members of a volunteer fire company or first aid, ambulance or rescue squad may carry remotely activated paging devices provided that:

- A. The student is required to respond to an emergency, and
- B. A copy of the statement by the chief executive officer of the volunteer fire company or first aid, ambulance or rescue squad authorizing the possession of the paging device is in the possession of the student at all times while the student is in possession of the remotely activated paging device.

Implementation

The board directs the chief school administrator to develop regulations to implement this policy.

Date:

Key Words

Weapons, Dangerous Instruments, Violence, Paging Devices, Beepers, Firearms

\*Choose one of these authorities.

<b><u>Legal References:</u></b>	<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A. 2C:12-1</u>	Definition of assault
	<u>N.J.S.A. 2C:33-19</u>	Paging devices, possession by students
	<u>N.J.S.A. 2C:39-1</u>	Definitions
	<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
	<u>N.J.S.A. 2C:39-6</u>	Exemptions
	<u>N.J.S.A. 18A:6-1</u>	Corporal punishment of pupils
	<u>N.J.S.A. 18A:36-19.2</u>	Student locker or other storage facility; inspections; notice to students
	<u>N.J.S.A. 18A:37-1</u>	Submission of pupils to authority
	<u>N.J.S.A. 18A:37-2</u>	Causes for suspension or expulsion of pupils
	<u>N.J.S.A. 18A:37-2.1</u>	
	through –2.5	Assaults by pupil upon teacher, administrator, board member or employee of board of education; suspension; expulsion proceedings ...
	<u>N.J.S.A. 18A:37-7</u>	Zero Tolerance for Guns Act
	through –12	
	<u>N.J.A.C. 6A:14-</u>	
2.8	Discipline/suspension/expulsion	

WEAPONS AND DANGEROUS INSTRUMENTS (continued)N.J.A.C. 6A:16-1.1 et seq.

Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-1.3, -1.4,  
 -5.2, -5.4, -5.5, -5.6, -6.1,  
 -6.2, -6.3(b), -6.4

P.L. 103-382, Improving America's Schools Act of 1994

Section 1702, Prohibits possession or discharge of a firearm in a school zone,  
 Pub. L. 101-647

Attorney General's Executive Directive No. 1988-1, Memorandum of Agreement  
 (revised, amended)

State in Interest of T.L.O., 94 N.J. 331, 346 (1983), rev'd 515 U.S. 646 (1985)

See also Commissioners' Decisions indexed under "Pupils – Punishment of" in Index  
to N.J. School Law Decisions

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

A Uniform State Memorandum of Agreement Between Education and Law  
Enforcement Officials (1999 Revisions)

**Possible****Cross References:**

*5114	Suspension and expulsion
*5131	Conduct/discipline
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5145.11	Questioning and apprehension
*5145.12	Search and seizure
*6172	Alternative educational programs

\*Indicates policy is included in the Critical Policy Reference Manual.



**Policy**

---

**MARRIED/PREGNANT PUPILS**

No pupil, whether married or unmarried, who is otherwise eligible to attend the district's school(s) shall be denied an educational program solely because of pregnancy, childbirth, pregnancy-related disabilities, or actual or potential parenthood.

No married pupil who is otherwise eligible to attend the district's school(s) shall be denied an educational program solely because of his/her marital status.

A pregnant pupil who does not wish to attend regular classes or who is physically unable to do so during her pregnancy may, on her request, be assigned to either a formal alternative educational program or home instruction.

A pupil who has received an alternate educational program or home instruction for reasons associated with her pregnancy shall be readmitted to the regular school program upon her request and the written statement of a physician that she is physically fit to do so.

A pregnant pupil under the age of 18 who wishes to withdraw from the district must have the written permission of her parents/guardians.

If a student should become pregnant or become a parent while enrolled, the school will support the student in continuing his or her education at the school, and strongly recommends that the student and his or her parent(s)/guardian(s) accept the following conditions:

- To avoid giving the appearance of countenancing student parenthood, the school will make no official public announcement regarding the birth or impending birth of a child to a student parent and discourages such announcements from being made at the school by others. In addition, events like Baby Showers will not be permitted to be arranged or to take place on school premises.
- The school recommends that the student's parent(s)/guardian(s) agree to counseling for the student parent if it is deemed necessary after consultation with the school psychologist, social worker, and/or medical personnel.
- The school recommends that the student's parent(s)/guardian(s) agree to abide by the decision of the school regarding (a) the date at which a pregnant student should cease attending classes prior to the birth; and (b) the date of that student's return to class. It is understood that recommendations may be made for home instruction and/or for teachers to provide work for the student to complete at home during the time she is not attending classes, and that the successful completion of the classes

MARRIED/PREGNANT PUPILS (continued)

for credit depends upon the judgment by the teachers that the assigned work was completed satisfactorily.

Date:

Key Words

Married Pupils, Pregnant Pupils, Married Students, Pregnant Students

**Legal References:**     N.J.S.A. 10:51 et seq.     Law Against Discrimination  
                                  N.J.S.A. 18A:3620     Discrimination prohibited  
                                  N.J.A.C. 6A:7-1.1 et seq.     Managing for Equality and Equity in Education  
                                  See particularly:  
                                  N.J.A.C. 6A:71.4,1.7

20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972

Manual for the Evaluation of Local School Districts

The Comprehensive Equity Plan, New Jersey State Department of Education

**Possible**

**Cross References:**     \*5141.3     Health examinations and immunizations  
                                  \*5145.4     Equal educational opportunity  
                                  \*6145     Extracurricular activities  
                                  \*6154     Homework/makeup work  
  
                                  \*6172     Alternative educational programs  
                                  \*6173     Home instruction

\*Indicates policy is included in the Critical Policy Reference Manual.

MARRIED/PREGNANT PUPILS (continued)

5/06  
5134

## Policy

---

### FUND-RAISING ACTIVITIES

The board of trustees recognizes the value of having pupils participate in fund-raising activities, both as individuals and as groups, in order to help defray the cost of certain noncurricular field trips, or other worthwhile programs, or in support of a board approved charitable cause.

For purposes of this policy, "pupil fund raising" shall include the solicitation and collection of money from pupils for any purpose and shall include the collection of money in exchange for tickets, papers or any other goods or services except those goods and services which are part of a board-approved program of the schools.

The board prohibits the collection of money in school or on school property or at any school-sponsored event by a pupil for personal benefit. Collection of money by school organizations approved by the board shall be approved by the principal. Collections by organizations outside the schools or by pupils on behalf of such organizations shall be approved by the chief school administrator.

The board shall not be responsible for the protection of or the accounting of funds collected from pupils by organizations outside the schools, by teaching staff members when not required to collect money for a board-approved purpose, and by school-connected organizations. Funds raised by school-sponsored activities shall be deposited in the proper district accounts.

NOTE: IF THE BOARD WISHES TO MAINTAIN AN OPTION TO TERMINATE DOOR-TO-DOOR FUNDRAISING ON A CASE-BY-CASE BASIS, IT COULD ADOPT THE FOLLOWING LANGUAGE.

The board reserves the authority to limit or terminate fundraising activities by school-sponsored groups or outside organizations that encourage or require door-to-door solicitation.

NOTE: IF THE BOARD WISHES TO PROHIBIT DOOR-TO-DOOR SOLICITATION ALTOGETHER, THE FOLLOWING LANGUAGE WOULD BE APPROPRIATE.

The board prohibits fundraising activities by school-sponsored groups or outside organizations that encourage or require door-to-door solicitation.

Date:

### Key Words

Fund Raising, School-connected Organizations

FUND-RAISING ACTIVITIES (continued)

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:19-14	Funds derived from pupil activities
	<u>N.J.S.A.</u> 18A:20-34	Use of schoolhouse and grounds for various purposes
	<u>N.J.S.A.</u> 18A:23-1	Audit when and how made
	<u>N.J.S.A.</u> 18A:23-2	Scope of audit
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 52:14-15.9c1. <u>et al.</u>	Public Employee Charitable Fund-Raising Act
	<u>N.J.A.C.</u> 6A:23-2.1 <u>et seq.</u>	Double Entry Bookkeeping and GAAP Accounting in Local School Districts
	<u>N.J.A.C.</u> 6A:23-2.14	Student activity funds
	<u>N.J.A.C.</u> 6A:23-2.15	School store business practices

Selfridge v. Kinnelon Board of Education, 1977 S.L.D. 522

**Possible**

<b><u>Cross References:</u></b>	*1140	Distribution of materials by pupils and staff
	1210	Community organizations
	*1230	School-connected organizations
	1314	Fundraising by outside organizations
	*1330	Use of school facilities
	*3400	Accounts
	*3450	Money in school buildings
	*3453	School activity funds
	3571	Financial reports
	*3571.4	Audit
	*6145	Extracurricular activities
	*6153	Field trips

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

---

HEALTH

The board of trustees believes that good health is vital to successful learning. In order to help district pupils achieve and maintain good health, the board directs the chief school administrator to develop pupil health services that employs professional personnel and interacts with both parents/guardians and community health agencies. The program shall include but not be limited to:

- A. Employment of a medical inspector to perform those duties required by law, and to advise the chief school administrator on all matters affecting the health of pupils;
- B. Employment of at least one certified school nurse to assist with physical examinations; conduct biennial scoliosis screening; conduct an audiometric screening; maintain pupil health records; observe and recommend to the principal the exclusion of pupils who show evidence of communicable disease or who have not submitted acceptable evidence of immunizations; instruct teachers on communicable diseases and other health concerns; train and supervise the emergency administration of epinephrine for school staff who have been designated as delegates; supervise other nursing tasks; provide appropriate response to Do Not Resuscitate (DNR) orders; maintain valid, current Cardiopulmonary Resuscitation (CPR) certification; review and summarize health and medical information for the Child Study Team; write and update annually the accommodation plan under Section 504 for any student who requires one;
- C. Provision of proper and adequate facilities, equipment and supplies for professional health personnel and other staff;
- D. Establishment of a system of pupil health records in compliance with state law;
- E. Implement the Core Curriculum Content Standards in physical education, health, family life, safety, and use of drugs, alcohol, tobacco and anabolic steroids; recommendations for appropriate equipment and supplies to teach such courses;
- F. Development of rules and procedures to foster good pupil health, and periodic dissemination of these rules and procedures to the staff;
- G. Development of a program to provide safe drinking water and otherwise to maintain the buildings, grounds, facilities and equipment of the district in sanitary condition in accordance with law;
- H. Development and enforcement of an eye protection program as required by statute and administrative code;
- I. A regular report to the board on progress and accomplishments in the field of pupil health;
- J. Health services to staff that support pupil health;
- K. Provision of emergency services for injury and sudden illness;
- L. Provision for required physical examinations including an examination to certify that a pupil returning to school after suffering a contagious/infectious condition or illness is no longer a threat to the health of others;

HEALTH (continued)

- M. Development of all regulations and procedures necessary for evaluation of pupils suspected of being under the influence of drugs/alcohol, tobacco or anabolic steroids;
- N. Encouragement of correction of defects through fully informing pupils and parents/guardians concerning the findings of health examinations for scoliosis.
- O. Preparation for the potential disruption of a pandemic flu outbreak, such as avian flu, by filling out a school preparedness checklist available from [www.pandemicflu.gov](http://www.pandemicflu.gov) or NJSBA, with periodic reports to the school board on steps the district has already taken, as well as additional steps that need to be taken, to prepare for a flu pandemic.

Annual Nursing Plan

The Chief School Administrator (or his/her designee) in conjunction with the school physician and the certified school nurse shall develop an annual Nursing Services Plan that details the provision of nursing services based upon the needs of the students in this school district. The Nursing Services Plan shall be adopted annually at a regular meeting and submitted to the county superintendent of education for review and approval. The Nursing Services Plan shall include:

- A. A description of the basic nursing services provided all students;
- B. A summary of specific medical needs of individual students and the services required to address the needs;
- C. A description of how nursing services will be provided in an emergency;
- D. Detailed nursing assignments for all school buildings;
- E. The nursing services and additional medical services provided to nonpublic schools.

Nonpublic School Pupils

The board shall provide mandated nursing services to nonpublic school pupils as required by law. See policy 5200.

The operation of the pupil health program shall be in compliance with the rules and regulations of the state department of education, local board of health and the state department of health and senior services, and state department of human services. The board shall review and adopt the regulations developed to implement the district's health services.

Date:

Key Words

Health, Pupil Health, Student Health

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:166, 6.1	Indemnity of officers and employees against civil actions
		...
	<u>N.J.S.A.</u> 18A:354.6 <u>et seq.</u>	Parents Right to Conscience Act of 1979

HEALTH (continued)

<u>N.J.S.A.</u> 18A:401	Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
<u>N.J.S.A.</u> 18A:403	Lectures to teachers
<u>N.J.S.A.</u> 18A:404.3	Scoliosis; periodic examination; notice to parents or guardian
<u>N.J.S.A.</u> 18A:405	Method of examination; notice to parent or guardian
<u>N.J.S.A.</u> 18A:406	In general
<u>N.J.S.A.</u> 18A:407, 8, 10, 11	Exclusion of pupils who are ill ...
<u>N.J.S.A.</u> 18A:4023 <u>et seq.</u>	Nursing Services for Nonpublic School Pupils
<u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u>	Substance Abuse
<u>N.J.S.A.</u> 44:62	Maintenance by boards of education of clinics for indigent children
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-1.1, -1.3, -1.4, -2.1, -2.3, -2.4	
<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	Operation and Maintenance of School Facilities
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:26-12.3	
<u>N.J.A.C.</u> 8:57-1.1 <u>et seq.</u>	Reportable Communicable Diseases
<u>See particularly:</u>	
<u>N.J.A.C.</u> 8:572	Reporting of AIDS and HIV
<u>N.J.A.C.</u> 8:611.1	Attendance at school by pupils or adults Infected by Human Immunodeficiency Virus (HIV)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

Manual for the Evaluation of Local School Districts

**Possible****Cross References:**

*1410	Local units
1420	County and intermediate units
*3510	Operation and maintenance of plant
*3516	Safety
*3542	Food service
*4112.4	Employee health
*4131/4131.1	Staff development; inservice education/visitations/conferences
4151.2	Family illness/quarantine
*4212.4	Employee health
4251.2	Family illness/quarantine
*5111	Admission
*5125	Pupil records
*5131	Conduct/discipline
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141.1	Accidents
*5141.2	Illness
*5141.3	Health examinations and immunizations



HEALTH (continued)

*5141.4	Child abuse and neglect
*5141.21	Administering medication
*5142	Pupil safety
*5200	Nonpublic school pupils
*6142.4	Physical education and health
*6142.12	Career education

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

---

ACCIDENTS

Each principal shall develop a program of accident prevention suited to his/her school. The chief school administrator shall review and approve such programs. When unforeseen situations arise, and an accident occurs, a school nurse or other assigned staff member shall be responsible for providing emergency services to a child or staff member. The medical inspector shall prepare a list of first aid treatment for the most common minor injuries. This list shall be made known to the staff.

Guidelines for Dealing with Accident/Injury

- A. The school nurse or another trained person shall be responsible for administering first aid. Universal precautions shall be taken in the handling of blood and body fluids to ensure the containment of bloodborne pathogens. (See policies and regulations 4112.4/4212.4 Employee health and 5141.2 Illness).
- B. In all cases where the nature of an injury appears in any way serious, every effort shall be made to contact the parent/guardian and/or family physician immediately.
- C. Parents/guardians shall be requested to pick up their child. If a parent/guardian is unable to provide such transportation, no pupil who is injured shall be sent home alone. A pupil who is injured shall not be taken home unless it is known that someone is there to receive him/her.
- D. In extreme emergencies, the school nurse, school doctor or principal may make arrangements for immediate hospitalization of injured pupils, contacting parents/guardians in advance if at all possible.
- E. The teacher or other staff member who is responsible for a child at the time an accident occurs shall make out a report within 24 hours on an official form providing details about the accident. This shall be required for every accident whether first aid is necessary or not.
- F. Any injuries or accidents to pupils shall be reported as soon as possible to the chief school administrator and the board.

Staff shall be informed at the beginning of each school year of the accident prevention program and procedures to be followed in case of an accident/injury.

Emergency Medical Procedures for Sports/Athletics

The board of trustees recognizes its responsibility for pupil safety encompassing all aspects of sports and athletic events in both intramural and interscholastic programs. The board directs the chief school administrator to develop and implement emergency medical procedures to ensure delivery of appropriate emergency medical services for all practice sessions, competitive contests, games, events, or exhibitions with individual pupils or teams of the schools of this district whether among themselves or with pupils of other districts.

The board further directs that these emergency medical procedures be disseminated to appropriate personnel within this district and address practice sessions and both home and away events.

ACCIDENTS (continued)

The board directs the chief school administrator to report on the effectiveness of the emergency medical procedures to the board annually for its review.

Date:

Key Words

Accidents; Injuries

**Legal References:**     N.J.S.A. 18A:113                      Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals  
                                  N.J.S.A. 18A:166                      Indemnity of officers and employees against civil actions  
                                  N.J.S.A. 18A:166.1                      Indemnity of officers and employees in certain criminal actions  
                                  N.J.S.A. 18A:40-25                      Boards of education to provide nursing care to students in nonpublic schools  
                                  N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development  
                                  See particularly:  
                                  N.J.A.C. 6A:16-1.4, -2.1, -2.3, -2.4  
                                  N.J.A.C. 6A:26-12.2(a)2iii              Policies and procedures for school facility operation  
                                  N.J.A.C. 6A:27-12.2                      Accident reporting  
                                  N.J.A.C. 6:32-9.1 et seq. Athletics Procedures  
                                  N.J.A.C. 8:61-1.1 et seq. Participation and Attendance at School by Individuals with HIV Infection

HIV Policy and Practice: Regulatory Requirements for New Jersey Public Schools,

SDOE Division of Student Services, Sept. 1996, Doc. #P101400-31

Possible

**Cross References:**     \*3516                      Safety  
                                  \*3541.33                      Transportation safety  
                                  \*4112.4/4212.4                      Employee health  
                                  \*4123                      Classroom aides  
                                  \*5113                      Absences and excuses  
                                  \*5125                      Pupil records  
                                  \*5131.6                      Drugs, alcohol, tobacco (substance abuse)  
                                  \*5141                      Health  
                                  \*5141.2                      Illness  
                                  \*5141.4                      Child abuse and neglect  
                                  5141.6                      Crisis intervention  
                                  \*5141.21                      Administering medication  
                                  \*5142                      Pupil safety

ACCIDENTS (continued)

*5200	Nonpublic school pupils
*6114	Emergencies and disaster preparedness
*6142.12	Career education
*6145.1/6145.2	Intramural competition; interscholastic competition
*6153	Field trips

\*Indicates policy is included in the Critical Policy Reference Manual.

5/06  
5141-1

<u>      </u>	Monitored
<u>  X  </u>	Mandated
<u>  X  </u>	Other Reasons

## Policy

---

### ILLNESS

When pupils are taken suddenly ill in school, they shall be sent or escorted to the nurse's office. If the nurse is not in the medical office, the pupil shall be sent or taken to the building principal's office. In general, the same procedures that apply to accidents shall apply to sudden pupil illness. The chief school administrator, in cooperation with the medical inspector, shall implement this policy.

#### Control of Contagious Diseases or Conditions

In order to protect the health of the pupils in our schools, all regulations of the state department of education, the state department of health and the local board of health shall be scrupulously observed, particularly those dealing with contagious or infectious diseases or conditions. Pupils who have been absent because of contagious or infectious diseases or conditions must present a certificate of recovery from a licensed physician or be examined by the medical inspector.

The school nurse shall observe pupils who show evidence of communicable disease and recommend their exclusion to the school principal. Recommendations shall be consistent with reporting requirements on communicable diseases as set forth in the New Jersey Health Code. Such pupils shall be isolated in the nurse's office until a parent/guardian picks them up, and any necessary measures have been taken to prevent spread of the infection. The school nurse, under the direction of the medical inspector, shall instruct all teachers in the symptoms of the most common diseases or conditions at least once a year.

Any student with HIV infection or AIDS or who lives with or is related to someone with HIV or AIDS shall not be excluded from general education, transportation services, extracurricular activities, athletic activities, assigned to home instruction or classified as eligible for special education because of the HIV infection. The school nurse shall recommend the exclusion of any individual with weeping skin lesions that cannot be covered.

In addition to the review of health and safety measures required by law, the school nurse shall individually instruct teachers from whose classrooms a pupil has been excluded in the symptoms of the disease for which the pupil was excluded. Student rights and confidentiality shall be protected in accordance with law. No teacher shall attempt to diagnose any illness of a pupil, but shall refer suspected cases to the nurse immediately.

#### Handling Blood and Body Fluids

The chief school administrator and medical inspector shall develop detailed routine procedures based on New Jersey administrative code and guidelines from the Centers for Disease Control for proper handling of blood and body fluids resulting from illness/accidents in the schools. These procedures shall be disseminated to all district staff and volunteers.

The medical inspector shall report all cases of communicable disease to the local board of health as required by law.

Date:

ILLNESS (continued)Key Words

Illness, Sickness, Body Fluids

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:166	Indemnity of officers and employees against civil actions
	<u>N.J.S.A.</u> 18A:166.1	Indemnity of officers and employees in certain criminal actions
	<u>N.J.S.A.</u> 18A:403	Lectures to teachers
	<u>N.J.S.A.</u> 18A:407	Exclusion of pupils who are ill
	<u>N.J.S.A.</u> 18A:408	Exclusion of pupils whose presence is detrimental to health and cleanliness
	<u>N.J.S.A.</u> 18A:4010	Exclusion of teachers and pupils exposed to disease
	<u>N.J.S.A.</u> 18A:4011	Exclusion of pupils having communicable tuberculosis
	<u>N.J.S.A.</u> 18A:4012	Closing schools during epidemic
	<u>N.J.S.A.</u> 18A:40-25	Boards of education to provide nursing care to students in nonpublic schools
	<u>N.J.S.A.</u> 26:46	Prohibiting attendance of teachers or pupils
	<u>N.J.S.A.</u> 26:415	Reporting of communicable diseases by physicians
	<u>N.J.S.A.</u> 26:5C-1 <u>et seq.</u>	AIDS Assistance Act
	<u>N.J.S.A.</u> 26:2T-1	Newly diagnosed Hepatitis C case; information, reports
	<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:16-1.3, -1.4, -2.1 <u>et seq.</u>	
	<u>N.J.A.C.</u> 8:57-1.1 <u>et seq.</u>	Reportable Communicable Diseases
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 8:571.3, -1.7, -2	
	<u>N.J.A.C.</u> 8:611.1	Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)**Possible****Cross References:**

*1410	Local units
*4112.4	Employee health
*4131/4131.1	Staff development; inservice education/visitations/conferences
*4212.4	Employee health
*5113	Absences and excuses
*5125	Pupil records
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141	Health
*5141.1	Accidents
*5141.4	Child abuse and neglect
*5200	Nonpublic school pupils
*6142.13	HIV prevention education

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

---

HEALTH EXAMINATIONS AND IMMUNIZATIONS

Pupils who enter the district schools for the first time shall have a medical examination conducted at the medical home of the student, and a full report sent to the school. If a student does not have a medical home, the district shall provide this examination at the school physician's office or other appropriately equipped facility. "Medical home" means a health care provider and that provider's practice site chosen by the student's parent/guardian for the provision of health care. As the school physician is also a health care provider, the parent/guardian may request that the school physician provide the medical examination.

A pupil shall be exempted from mandatory immunization if the parent/guardian objects to immunization in a written statement submitted to the principal, signed by the parent/guardian, explaining how the administration of immunizing agents conflicts with the pupil's exercise of bona fide religious tenets or practices. General philosophical or moral objection to immunization shall not be sufficient for an exemption on religious grounds.

Every pupil who enters the district schools for the first time shall present an immunization record as required by law. At the parent/guardian's request, these immunizations may be administered by the school physician. NOTE: THIS IS PERMISSIVE, NOT REQUIRED.

In order to protect the health of the children and staff in district schools, all regulations of the state department of education, the state department of health and the local board of health shall be scrupulously observed, particularly those dealing with contagious/infectious diseases or conditions. Pupils seeking to enter school who have been identified as having a communicable/infectious disease or condition shall not be enrolled unless they qualify under the above agencies' rules pertaining to periods of incubation, communicability, quarantine and reporting.

The chief school administrator or his/her designee shall formulate regulations that ensure immunization records are reviewed and updated annually pursuant to N.J.A.C. 8:57-4.1 through 4.16. The chief school administrator shall also formulate regulations for this policy and for regular pupil health examinations at appropriate grade levels; before participation in sports programs; and for tuberculosis, scoliosis, hearing loss, visual acuity and any other physical examinations required by law. Any health defects revealed by any examination given by the school health services must be reported to the parent/guardian. The board shall review the regulations and adopt those required by law.

Date:

Key Words

Immunizations, Inoculations, Examinations, Pupil Physical Examinations, Student Physical Examinations, Health

Legal References:

N.J.S.A. 18A:354.6

through 4.8

N.J.S.A. 18A:404

Parents Right to Conscience Act of 1979

Examination for physical defects and screening of hearing of pupils; health records

HEALTH EXAMINATIONS AND IMMUNIZATIONS (continued)

<u>N.J.S.A.</u> 18A:404.3	Scoliosis; periodic examination; notice to parents or guardian
<u>N.J.S.A.</u> 18A:404.4	Exemption
<u>N.J.S.A.</u> 18A:404.5	Immunity from action of any kind due to provisions of act
<u>N.J.S.A.</u> 18A:405	Method of examination; notice to parent or guardian
<u>N.J.S.A.</u> 18A:406	In general
<u>N.J.S.A.</u> 18A:4011	Exclusion of pupils having communicable tuberculosis
<u>N.J.S.A.</u> 18A:4016	
through 19	Tuberculosis infection; determination of presence ...
<u>N.J.S.A.</u> 18A:4020	Immunization at public expense
<u>N.J.S.A.</u> 18A:61D-8	
through 10	Findings, declarations relative to Hepatitis B vaccinations....
<u>N.J.S.A.</u> 26:1A9.1	Exemption of pupils from mandatory immunizations
<u>N.J.S.A.</u> 26:46	Prohibiting attendance of teachers or pupils
<u>N.J.S.A.</u> 26:2T-5	
through 9	Findings, declarations relative to Hepatitis C
<u>N.J.A.C.</u> 6A:14-3.4	Evaluation
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-1.3, -1.4,	
-2.1, -2.2, -2.3, -2.4,	
-4.1, -4.3	
<u>N.J.A.C.</u> 6A:32-9.1	Athletics Procedures
<u>N.J.A.C.</u> 8:572	Reporting of acquired immunodeficiency syndrome and infection with Human Immunodeficiency Virus
<u>N.J.A.C.</u> 8:574.1	Applicability
<u>N.J.A.C.</u> 8:574.2	Proof of immunization
<u>N.J.A.C.</u> 8:574.3	Medical exemptions
<u>N.J.A.C.</u> 8:574.4	Religious exemptions
<u>N.J.A.C.</u> 8:57-4.5	Provisional admission
<u>N.J.A.C.</u> 8:574.6	Documents accepted as evidence of immunization
<u>N.J.A.C.</u> 8:574.7	Records required
<u>N.J.A.C.</u> 8:574.8	Reports to be sent to the State Department of Health
<u>N.J.A.C.</u> 8:574.9	Records available for inspection
<u>N.J.A.C.</u> 8:574.10	Diphtheria and tetanus toxoids and pertussis vaccine
<u>N.J.A.C.</u> 8:574.11	Poliovirus vaccine
<u>N.J.A.C.</u> 8:574.12	Measles virus vaccine
<u>N.J.A.C.</u> 8:574.13	Rubella vaccine
<u>N.J.A.C.</u> 8:574.14	Mumps vaccine
<u>N.J.A.C.</u> 8:574.15	Haemophilus influenza type b (Hib) conjugate vaccine
<u>N.J.A.C.</u> 8:574.16	Providing immunization
<u>N.J.A.C.</u> 8:574.17	Emergency powers of the State Commissioner of Health
<u>N.J.A.C.</u> 8:612.1	Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)



HEALTH EXAMINATIONS AND IMMUNIZATIONS (continued)No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.**Possible****Cross References:**

*1410	Local units
*4123	Classroom aides
*5111	Admission
*5113	Absences and excuses
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141	Health
*5141.21	Administering medication
*5200	Nonpublic school pupils
*6142.4	Physical education and health
*6145.1/6145.2	Intramural competition; interscholastic competition
*6162.5	Research
*6164.4	Child study team
*6171.4	Special education

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

---

CHILD ABUSE AND NEGLECT

The board of trustees believes that a child's physical and mental wellbeing must be maintained as a prerequisite to achievement through the formal educational process. The board therefore believes that it is important to identify and investigate suspected child abuse or neglect immediately. The school district will cooperate with the New Jersey Division of Youth and Family Services (DYFS) in identifying and reporting all such cases, whether institutional or noninstitutional. The chief school administrator/designee shall act as liaison between DYFS and the district. The liaison shall facilitate communication and cooperation between the district and DYFS and act as primary contact between the schools and DYFS.

The board directs the chief school administrator/designee to gather, maintain, secure and make available to DYFS the relevant confidential district records of any pupil alleged either by school personnel or DYFS to be the victim of abuse or neglect as defined by law. The board also directs the chief school administrator/designee to cooperate with DYFS in scheduling interviews with any employee, volunteer or pupil who may have information relevant to an investigation of child abuse.

In order to increase school employees' and volunteers' awareness of the symptoms of child abuse and neglect and cause them to be better informed on all aspects of abuse and neglect, the board directs the chief school administrator to provide information and inservice training on the subject to all school employees and volunteers.

The chief school administrator is therefore directed to develop procedures for compliance with statutory requirements that child abuse and neglect be reported. All procedures as well as this policy shall be reviewed by the county superintendent. Procedures shall:

- A. Impress on all staff members and volunteers having contact with pupils of their responsibility to report directly and immediately to DYFS all cases of suspected abuse, abandonment, cruelty or neglect resulting in physical or mental injury, and the penalties for failing to do so. Point out that institutional abuse alleged to have taken place in the school or other institutional setting by paid school staff or a volunteer must be reported on the same basis as noninstitutional abuse. Information reported shall include the name, age, and grade of the child, as well as the name and address of the child's parents/guardians. The report shall also include a description of the child's condition, nature and extent of his/her possible injuries, and any other information pertinent to the child abuse or neglect or identification of the suspected perpetrator;
- B. Require all school personnel and volunteers to report suspected instances of child abuse or neglect to the building principal after reporting to DYFS, unless the reporting personnel believes that he/she may be endangering the welfare of the child or himself/herself or causing retaliation or discrimination against the child or himself/herself by such notice to the building principal;
- C. Provide for the annual delivery of information and inservice training to all school staff members and volunteers concerning child abuse and neglect. This shall include instruction on child abuse and neglect identification and reporting procedures;

CHILD ABUSE AND NEGLECT (continued)

- D. Provide for the delivery of information and inservice training to all new school district employees, both paid and voluntary, as part of their orientation;
- E. Require prompt action to facilitate treatment options for the children injured by abuse or neglect in order to protect their health and wellbeing;
- G. Provide for cooperation with DYFS in scheduling interviews with any school personnel or volunteers who may have information relevant to the investigation;
- F. Provide for DYFS investigators to interview alleged victims in the presence of the school principal, his/her designee, or any staff member with whom the child is comfortable;
- H. Permit DYFS to remove pupils from school during the course of the school day when it is necessary to protect the child or take the child to a service provider. Removal shall take place when the principal is provided, either in advance or at the time removal is sought, with appropriate authorization as specified in N.J.S.A. 9:6-8.27 through -8.30;
- I. Require that a report of each case of unexplained absence which might be a cause of child abuse or neglect be reported to DYFS as the law provides, and to other appropriate school staff;
- J. Require that appropriate school staff be assigned as a liaison to facilitate communication and cooperation, and act as the primary contact between the district and DYFS in order to ensure continuance of shared information and training development;
- K. Release all pupil records of the child(ren) under investigation that are deemed relevant and maintain, secure and release all confidential information about child abuse cases, according to law;
- L. Fulfill other procedural requirements of the law pertaining to district response to child abuse, neglect and missing children.

The board assures all school personnel and volunteers that no one will be discharged from employment or discriminated against in any way as a result of making in good faith any reports of child abuse and neglect.

Due process rights will be provided to school personnel or volunteers who have been reassigned or suspended as a result of an accusation of child abuse or neglect. Temporary reassignment or suspension of school personnel or volunteers alleged to have committed an act of child abuse or neglect shall occur if there is reasonable cause to believe that the life or health of the alleged victim or other children is in imminent danger due to continued contact between the school personnel and a child.

All references to a report of child abuse or neglect against school personnel shall be removed from employee personnel records immediately following the receipt of an official notice from DYFS that such allegations were unfounded.

Date:

Key Words

Pupil Safety, Child Abuse, Child Neglect, Student Safety

CHILD ABUSE AND NEGLECT (continued)

<b><u>Legal References:</u></b>	<p>N.J.S.A. 9:61 <u>et seq.</u>  <u>See particularly:</u>  <u>N.J.S.A.</u> 9:63.1; 8.9  through 8.14; 8.21;  -8.27through -8.30;  8.34 through -8.36; 8.40;  8.46; 8.56  <u>N.J.S.A.</u> 18A:67a, -10, 11,  -13, 14, 18.1, 30, -30.1</p> <p><u>N.J.S.A.</u> 18A:251  <u>N.J.S.A.</u> 18A:256, 7</p> <p><u>N.J.S.A.</u> 18A:3619</p> <p><u>N.J.S.A.</u> 18A:3619a  <u>N.J.S.A.</u> 18A:3624 <u>et seq.</u>  <u>N.J.S.A.</u> 52:17B-9.8a <u>et seq.</u>  <u>N.J.A.C.</u> 6A:16-1.4 <u>et seq.</u>  <u>N.J.A.C.</u> 6A:16-11.1 <u>et seq.</u>  <u>N.J.A.C.</u> 6A:327.1 <u>et seq.</u></p>	<p>Abuse, abandonment, cruelty and neglect of child;  what constitutes</p> <p>Removal from personnel files of reference to  complaint of child abuse or neglect determined to be  unfounded</p> <p>Transfer of teaching staff members</p> <p>Suspension of assistant superintendents, principals and  teachers ...</p> <p>Pupil records; creation; maintenance and retention,  security and access; regulations; nonliability</p> <p>Newly enrolled students; records and identification</p> <p>Missing children; legislative findings and declarations</p> <p>Marking of missing child's school record</p> <p>District policies and procedures</p> <p>Reporting Allegations of Child Abuse and Neglect</p> <p>Student records</p>
---------------------------------	---	--

**Possible**

<b><u>Cross References:</u></b>	<p>*5113 Absences and excuses</p> <p>*5125 Pupil records</p> <p>*5141.1 Accidents</p> <p>*5142 Pupil safety</p>
---------------------------------	---

\*Indicates policy is included in the Critical Policy Reference Manual.

<u>      </u>	Monitored
<u>  X  </u>	Mandated
<u>  X  </u>	Other Reasons

## Policy

### ADMINISTERING MEDICATION

The board shall not be responsible for the diagnosis and treatment of pupil illness. The administration of medication to a pupil during school hours will be permitted only when failure to take such medicine would jeopardize the health of the pupil, or the pupil would not be able to attend school if the medicine were not made available to him/her during school hours.

For purposes of this policy, "medication" shall include all medicines prescribed by a physician for the particular pupil, including emergency medication in the event of bee stings, etc., and all non-prescription "over the counter" medication.

Before any medication may be administered to or by any pupil during school hours, the board shall require the written request of the parent/guardian which shall give permission for such administration and relieve the board and its employees of liability for administration of medication. In addition, the board requires the written order of the prescribing physician which shall include:

- A. The purpose of the medication;
- B. The dosage;
- C. The time at which or the special circumstances under which medication shall be administered;
- D. The length of time for which medication is prescribed;
- E. The possible side effects of the medication.

Both documents shall be kept on file in the office of the school nurse.

The district medical inspector shall develop procedures for the administration of medication which provide that:

- A. All medications, whether prescribed or "over the counter", shall be administered by the medical inspector, school nurse or substitute school nurse, the parent/guardian or the pupil himself/herself where the parent/guardian so permits and with the school nurse present;
- B. Medications shall be securely stored and kept in the original labeled container;
- C. The school nurse shall maintain a record of the name of the pupil to whom medication may be administered, the prescribing physician, the dosage and timing of medication and a notation of each instance of administration;
- D. All medications shall be brought to school by the parent/guardian or adult pupil and shall be picked up at the end of the school year or the end of the period of medication, whichever is earlier;

ADMINISTERING MEDICATION (continued)

- E. A student may self-administer medication without supervision of the school nurse for asthma or other life-threatening illnesses. "Life-threatening illness" has been defined as an illness or condition that requires an immediate response to specific symptoms or sequelae that if left untreated may lead to potential loss of life such as, but not limited to, the use of an inhaler to treat an asthma attack or the use of an adrenalin injection to treat a potential anaphylactic reaction.

Each school in the district shall have and maintain at least one nebulizer in the office of the school nurse or at a similar accessible location. The chief school administrator shall prepare and the board shall adopt regulations on the administration of asthma medication through the use of a nebulizer by the school nurse or his/her designee(s). Regulations shall be in accord with New Jersey statute and administrative code and shall include, but not be limited to, to the following:

- A. Requirement that each school nurse shall be authorized to administer asthma medication through use of a nebulizer;
- B. Requirement that each school nurse receive training in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards;
- C. Requirement that each student authorized to use asthma medication or a nebulizer have an asthma treatment plan prepared by the student's physician, that identifies, at a minimum, asthma triggers and an individualized health care plan for meeting the medical needs of the student while attending school or a school-sponsored event.

Pupil Self-Administration of Medication

The board shall permit self-administration of medication for asthma or other potentially life-threatening illnesses by pupils who have the capability for self-administration of medication, both on school premises during regular school hours and off-site or after regular school hours when a pupil is participating in field trips or extracurricular activities. Parents/guardians of the pupil must meet the following conditions:

- A. Provide the board with written authorization for the pupil's self-administration of medication;
- B. Provide written certification from the pupil's physician that the pupil has asthma or another potentially life-threatening illness and is capable of and has been instructed in the proper method of self-administration of medication;
- C. Sign a statement acknowledging that the district shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil and that the parents/guardians shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the self-administration of medication by the pupil.

The board shall:

- A. Inform the pupil and his/her parents/guardians that permission is effective for the school year for which it is granted and must be renewed for each subsequent school year upon fulfillment of requirements listed above;
- B. Inform parents/guardians in writing that the district and its employees or agents shall incur no liability as a result of any injury arising from the self-administration of medication.
- C. Maintain the right to revoke a pupil's permission to self-medicate if he/she has failed to comply with all conditions of this policy and/or has violated in any way the tenets of the agreement to self-medicate. The chief school administrator shall confer with the school physician and school nurse prior to recommending termination of a

ADMINISTERING MEDICATION (continued)

pupil's permission to self-medicate and shall also consult with the pupil, the pupil's parents/guardians and the pupil's physician.

Emergency Administration of Epinephrine

The board shall permit the school nurse or medical inspector to administer epinephrine via epi-pen or other pre-filled auto-injector mechanism in emergency situations. In their absence, a designee or designees who are employees of the board may do so.

The designees must be properly trained by the school nurse in the administration of the epi-pen or other pre-filled auto-injector mechanism using the standardized training protocol designated by the State Department of Education. Each designee shall receive individual training for each pupil for whom he/she is designated.

The board shall inform the pupil's parents/guardians in writing that if the specified procedures are followed, the district, its employees and agents shall have no liability as a result of any injury arising from the administration of the epi-pen or other pre-filled auto-injector mechanism to the pupil.

Parents/guardians shall provide the board with the following:

- A. Written orders from the physician that the pupil requires the administration of epinephrine for anaphylaxis and does not have the capability for self-administration of the medication;
- B. Written permission for the administration of epinephrine via epi-pen or other pre-filled auto-injector mechanism by the school nurse or designee(s);
- C. A signed statement acknowledging their understanding that if the specified procedures are followed, the district shall have no liability as a result of any injury arising from the administration of the epi-pen or other pre-filled auto-injector mechanism by the school nurse or designee(s) to the pupil and that the district, its employees, and agents shall be indemnified and held harmless against any claims arising out of the administration of the epi-pen or other pre-filled auto-injector mechanism to the pupil.

Permission for the administration of epinephrine via epi-pen or other pre-filled auto-injector mechanism shall be granted annually and must be renewed each school year upon the fulfillment of the above requirements.

Placement and Availability of Epinephrine, and Transportation to Hospital Emergency Room

Pursuant to P.L. 2007, C. 57, school policy requires:

A. The placement of a pupil's prescribed epinephrine in a secure but unlocked location easily accessible by the school nurse and designees to ensure prompt availability in the event of an allergic emergency at school or at a school-sponsored function. The location of the epinephrine shall be indicated on the pupil's emergency care plan. Back-up epinephrine shall also be available at the school if needed;

B. The school nurse or designee to be promptly available on site at the school and school-sponsored functions in the event of an allergic reaction; and

C. The transportation of the pupil to a hospital emergency room by emergency services personnel after the administration of epinephrine, even if the pupil's symptoms appear to have resolved.

ADMINISTERING MEDICATION (continued)Implementation

The board may adopt additional regulations on all aspects of the administration of medication.

Date:

Key Words

Administering Medication, Medication in School, Nebulizer

Legal References:

- N.J.S.A. 18A:111 General mandatory powers and duties  
N.J.S.A. 18A:401 Employment of medical inspectors, optometrists and nurses; salaries; terms; rules  
N.J.S.A. 18A:40-3.2 et seq. Medical and Nursing Personnel  
N.J.S.A. 18A:404 Examination for physical defects and screening of hearing of pupils  
N.J.S.A. 18A:407 Exclusion of pupils who are ill  
N.J.S.A. 18A:40-12.3 Self-administration of medication by pupil; conditions through -12.4  
N.J.S.A. 18A:40-12.5 Policy for emergency administration of epinephrine to public school pupils  
N.J.S.A. 18A:40-12.6 Administration of epinephrine; primary responsibility; parental consent  
N.J.S.A. 18A:40-12.7 Nebulizer  
N.J.S.A. 18A:40-12.8 Administration of asthma medication by school nurse through nebulizer; training; pupil asthma treatment plan  
N.J.S.A. 18A:5420 Powers of board (county vocational schools)  
N.J.S.A. 45:1123 Definitions  
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development  
See particularly:  
N.J.A.C. 6A:16-1.3, -1.4(a), -2.1, -2.2, -2.3, -2.4

Bernards Township Education Association v. Bernards Township Board of Education, 1981 S.L.D. (9/29/81), aff'd State Board, 1982 S.L.D. 4/7/82, aff'd App. Div., unpublished opinion (A421181T3, 5/18/83)

Communications Workers of America, Local 1033, On behalf of Karen Norton, Barbara Woolston, Mary Ellen Schoen et al. v. New Jersey State Department of Education, Marie H. Katzenbach School for the Deaf, State Board Docket #5291

Policy Advisory #1 on N.J.S.A. 18A:40-12.3 et seq. Self-Administration of Medication By a Pupil, New Jersey State Department of Education, June 5, 1995

Protocol and Implementation Plan for the Emergency Administration of Epinephrine by a Delegate Trained by the School Nurse, New Jersey State Department of Education, October, 1998



ADMINISTERING MEDICATION (continued)

Possible

Cross References:      \*5131.6      Drugs, alcohol, tobacco (substance abuse)

\*5141  
Health

\*5141.1  
Accidents

\*5141.2  
Illness

\*5141.3  
Health examinations and immunizations

\*6153  
Field trips

\*Indicates policy is included in the Critical Policy Reference Manual.

## Policy

---

### PUPIL SAFETY

The board of trustees recognizes the safety of its pupils as a consideration of utmost importance. The chief school administrator shall consult law enforcement agencies, health and social service providers, emergency management planners and other school and community resources in the development of the plans, procedures and mechanisms for school safety. The chief school administrator shall oversee development of a districtwide safety program with emphasis on accident prevention.

#### Facilities

The chief school administrator shall maintain all facilities and equipment in proper condition to provide a safe learning environment, ensuring compliance with state law on the handling, labeling and storing of hazardous substances. Safety regarding all aspects of playground equipment and activity will be maintained and supervised in compliance to law and code.

#### Staff Education and Training

All teachers shall be familiar with the provisions of this program that particularly concern them.

The chief school administrator shall inform all newly employed staff of school safety rules and regulations within 60 days of the effective date of their employment. All district employees will receive the appropriate inservice training to recognize and respond appropriately to safety concerns including emergencies and crises, in accordance with the district safety plans, procedures and mechanisms. The district safety plan will be updated annually and all employees will be notified of updates and changes to the safety plan in writing. Regulations concerning use and maintenance of eye protective devices shall be scrupulously enforced by all staff.

#### Student Supervision

The staff must maintain complete classroom and playground supervision during regular school hours. The chief school administrator shall seek the cooperation of parents/guardians to prevent any children being unsupervised on school property during lunch hour and during morning arrival and afternoon dismissal times. Further, the chief school administrator shall seek the cooperation of the police and other appropriate agencies in providing for the safety of pupils on or around school property. The board shall adopt the necessary regulations governing supervision of pupil safety.

No pupil shall leave the school before the end of the school day without permission of the principal.

No pupil shall run errands on school business off the school property.

The curriculum shall include courses in safety as required by state law. The chief school administrator shall oversee development and implementation of a vocational education safety program correlated with coursework. In development of courses, the safety of participating pupils shall be a primary consideration.

Employers of work/study pupils are required to report to \_\_\_\_\_ if a pupil has not reported for work within one hour of the expected arrival time. Other pupils leaving before regular dismissal must be met in the school office and signed out by a parent/guardian or a person authorized to act in his/her behalf.

PUPIL SAFETY (continued)

A record shall be kept indicating the legal custodian of each pupil. Such custodian shall be responsible for informing the chief school administrator of any change in the pupil's custody. If one parent/guardian has been awarded custody of the pupil in a divorce, the other parent/guardian shall present to the principal a letter authorizing him/her to accompany the child from school before the child may be released. The principal may take reasonable steps to verify the letter. It is the responsibility of the person or agency having custody to inform the school that such authorization will be required.

Supervision of Students During Dismissal

Dismissal will be supervised. District staff will be assigned to specific locations and given defined responsibilities to supervise student dismissal in each district school facility. Regular and early dismissal will be supervised according to the same protocol unless otherwise specified. The chief school administrator is responsible for overseeing the development of protocols that are tailored to the age and needs of the students at each school facility. At a minimum these protocols shall include:

- A. Staff assigned to supervise dismissal, and their locations and responsibilities
- B. Where children will be retained awaiting appropriate escort and/or designated transportation
- C. Provisions for supervision when a parent/escort is unable to pick up their child at the appropriate dismissal time.
- D. Location and presence of municipal crossing guards

The board will review the dismissal procedures annually.

Supervision of Non-bused Students at Dismissal

The board shall require that the parent/guardian notify the school in advance of any arrangements for students requiring appropriate escort or designated transportation. The board requires signed permission for a student to be dismissed to walk home unescorted.

All documented arrangements will be considered permanent for the entire school year. Parents/Guardians may alter arrangements upon prior written notification (may insert a time frame) to the chief school administrator or designee.

Parents/guardians leaving students at school that are to be escorted home will be reported to the proper authorities.

The chief school administrator or designee is responsible for the collection of all dismissal arrangements requested by the parents/guardians. The chief school administrator or designee is responsible for keeping a record of the dismissal arrangements and implementing the appropriate dismissal supervision in accommodation of these arrangements.

Notification of Dismissal Protocols

The chief school administrator or his designee shall ensure that parents are notified of the following:

- A. School calendar including school closure and early dismissal dates and times; and any adjustments to the calendar
- B. The school dismissal policy
- C. Dismissal protocol for all bused students, non-bused students and students in after-school programs or activities
- D. Supervision arrangements for students at dismissal
- E. Emergency plan for supervision of students left at school

PUPIL SAFETY (continued)

- F. After school program opportunities
- G. Procedures for enrolling students in after school programs

The parent/guardian is responsible for reviewing the school calendar and complying with all school dismissal times and procedures. It is the parents/guardians responsibility to resume the custody of their child at the end of each school day.

The chief school administrator will develop procedures:

- A. For parents/guardians to provide signed acknowledgement of receipt of the school calendar, including all school closure and early dismissal dates, and the school dismissal policy and procedures,
- B. For parents/guardians to indicate and define the circumstances that the student is to be released from the school's care at dismissal,
- C. For the collection and retention of all documents pertaining to receipt of calendar and escort/transportation arrangements.

Voluntary Fingerprinting Program

The board of trustees shall provide a voluntary fingerprinting program for the protection of its pupils. This program shall be carried out in cooperation with the county sheriff's office and local law enforcement officials in accordance with the requirements of law.

All pupils in grades kindergarten through nine shall be eligible to participate with written authorization of their parent/guardian. Completed fingerprint cards shall be given to the parent/guardian and shall not be retained by the school district or the law enforcement agency.

The chief school administrator is directed to provide an orientation program for those pupils for whom fingerprinting has been authorized, and to develop appropriate administrative regulations for the implementation of the voluntary fingerprinting program in the district.

Potentially Missing Children

Attendance practices, the dismissal precautions addressed in this policy and voluntary fingerprinting are part of the district's effort toward early identification of potentially missing children.

The chief school administrator will develop procedures that ensure cooperation with law enforcement for substances, weapons and safety. This may include cooperation with law enforcement in the activation of an "Amber Alert" which provides for the rapid dissemination of information, including a description of the missing child through broadcast media.

Release to an Individual Impaired by Drugs/Alcohol Prohibited

The board believes that allowing a child to be released into the custody of a parent/guardian or other authorized individual who appears to be impaired by drugs or alcohol can have tragic consequences. Therefore, the board prohibits release of a pupil into the custody of any person who appears to be physically and/or emotionally impaired to the extent that harm could come to the pupil if released to such a person. The chief school administrator/designee shall make the final determination as to whether an individual is impaired.

PUPIL SAFETY (continued)Possessions

Parents/guardians are requested not to permit their children to bring expensive or fragile objects to school and to label or otherwise identify clothing, books and personal items. The board is not responsible for items destroyed or stolen from lockers.

Megan's Law

Only law enforcement agencies in the community receive notification of the presence of Tier One offenders. The chief school administrator and principals in affected schools shall receive notification from the county prosecutor's office or local law enforcement officials when Tier Two or Tier Three sex offenders move into the district. Principals shall inform those employees/ volunteers whose duties regularly put them in a position to observe unauthorized persons on or near the property of the school. Principals shall determine who to notify on the basis of this definition, as well as on specific job duties carried out in their schools. If private vendors perform any of these functions, the \_\_\_\_\_ (chief school administrator, principal) shall inform the vendor. Notification may include, but is not limited to:

- A. Aides
- B. Bus drivers
- C. Coaches
- D. Maintenance staff
- E. Professional support staff
- F. School level administrative staff
- G. Security personnel
- H. Teachers' aides
- I. Teachers

School personnel are notified only in their capacity as such and shall not disseminate information about an offender to anyone not specifically identified by the county prosecutor or Attorney General. Any school employee who does so may be disciplined. If a school employee has reason to believe that an offender who has been the subject of a notification is a danger to someone outside the school environs, he/she shall immediately contact the local law enforcement agency or the county prosecutor.

District personnel shall not notify the following of the presence of Tier Two or Tier Three offenders:

- A. Members of PTO, PTA, HSA, etc.
- B. Organizations using school facilities
- C. Other schools

PUPIL SAFETY (continued)

## D. Press

The principal shall provide registration forms to any organization that uses the school facilities, including parent-teacher organizations, that wishes to be notified by the county prosecutor's office of the presence of a Tier Two or Tier Three offender in the community.

In addition to the school personnel identified by the principal, students and parents/guardians shall be notified of the presence of Tier Three offenders. The prosecutor's office and local law enforcement shall supply the school with notices for them when a school is located in the area where a vulnerable population is likely to encounter a Tier Three offender. Dissemination of these notices shall be in accord with law and accomplished in cooperation with the county prosecutor's office. Confidentiality shall be a prime consideration in all communications with students and parents/guardians, and all directives of the county prosecutor and Attorney General's offices shall be observed.

When a student has been identified as a sex offender, all procedures of notification shall apply. When a parent/guardian has been identified as an offender, he/she may continue to participate in all appropriate parent/guardian activities, unless prohibited by legal constraint.

Newly hired staff and newly enrolled students and their parents/guardians shall be trained and informed of the presence of Tier Two and Tier Three offenders, unless the county prosecutor has notified the principal that notice cannot be given.

Students and district employees shall not be liable in any civil or criminal action for providing or failing to provide information relevant to notification. The chief school administrator shall prepare regulations to implement this policy and all directives of the county prosecutor's office to ensure careful adherence to Megan's Law.

School Violence Awareness Week and Annual Public Hearing

The school shall observe "School Violence Awareness Week". This week will include discussions, presentations, and training for both students and staff, focused on the topic of preventing violence in school. Law enforcement personnel will be invited to join school teaching staff presenting age appropriate opportunities for students to discuss issues including but not limited to conflict resolution, student diversity and tolerance.

The board of trustees shall hold a public hearing on violence and vandalism pursuant to N.J.S.A. 18A: 17-46 and N.J.A.C. 6A: 16-5.3. The requirements of the public hearing are covered in greater detail in file code 5131.5 of this manual.

Date:

Key Words

Pupil Safety, Safety, Student Safety

<b><u>Legal References:</u></b>	<u>N.J.S.A. 2C:7-2 et seq.</u>	Registration and Notification of Release of Certain Offenders
	<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
	<u>N.J.S.A. 18A:62</u>	Instruction in accident and fire prevention
	<u>N.J.S.A. 18A:162</u>	Physical examinations; requirement

PUPIL SAFETY (continued)

<u>N.J.S.A.</u> 18A:1742, 43 and -45 through -48	Public School Safety Law
<u>N.J.S.A.</u> 18A:2021	Supervisors and other employees
<u>N.J.S.A.</u> 18A:355	Maintenance of physical training courses; features
<u>N.J.S.A.</u> 18A:35-5.1 through -5.3	Lyme disease prevention; public school health curriculum
<u>N.J.S.A.</u> 18A:3624 through 25	Missing children; legislative findings and declarations...
<u>N.J.S.A.</u> 18A:3629 <u>et seq.</u>	Voluntary fingerprinting ...
<u>N.J.S.A.</u> 18A:4012.1, 12.2	Protective eye devices required for teachers, pupils and visitors in certain cases ...
<u>N.J.S.A.</u> 18A:41-1 <u>et seq.</u>	Fire drills and fire protection
<u>N.J.S.A.</u> 30:5B-26 through -29	Child care before and after school hours ...
<u>N.J.S.A.</u> 34:5A1 <u>et seq.</u>	Worker and Community Right to Know Act
<u>N.J.S.A.</u> 39:4183.1a	Traffic control devices
<u>N.J.S.A.</u> 52:27D-123.9 <u>et seq.</u>	Definitions relative to playground safety
<u>N.J.A.C.</u> 5:23-11 to 11.4	Playground Safety Subcode
<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-2.1, -5.1, -5.2, -5.5, -5.6, -5.7, -6.1, -6.2, -6.4, -6.5	
<u>N.J.A.C.</u> 6A:19-10.1 <u>et seq.</u>	Safety and Health Standards
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:19-10.2	
<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	Operation and Maintenance of Facilities
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:26-12.2, -12.5	
<u>N.J.A.C.</u> 6A:27-11.1 <u>et seq.</u>	Safety

Manual for the Evaluation of Local School DistrictsPossibleCross References:

*1250	Visitors
*1410	Local units
*3000/3010	Concepts and roles in business and noninstructional operations;
goals and objectives	
*3516	Safety
3530	Insurance management
*3541.33	Transportation safety
*4112.4	Employee health
*4131/4131.1	Staff development; inservice education/visitations/conferences
*4212.4	Employee health
*4231/4231.1	Staff development; inservice education/visitations/conferences
*5020	Role of parents/guardians
*5113	Absences and excuses
*5124	Reporting to parents/guardians

PUPIL SAFETY (continued)

*5125	Pupil records
*5131	Conduct/discipline
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
*5141.1	Accidents
*5141.2	Illness
*5141.4	Child abuse and neglect
*5141.21	Administering medication
*5145.12	Search and seizure
*6114	Emergencies and disaster preparedness
*6142.12	Career education

\*Indicates policy is included in the Critical Policy Reference Manual.



## Policy

---

### SAFETY PATROLS

The board believes that student safety patrols can contribute greatly to the development of good traffic habits and can provide opportunities for growth in leadership skills.

Therefore, the chief school administrator shall develop regulations for the formation of safety patrols.

These regulations shall include, but not be limited to, provision for:

- A. Appointment of a faculty advisor to select, instruct and discipline members of the safety patrol;
- B. Informing candidates and their parents/guardians of the purpose and activities of the patrol and the possible hazards;
- C. Obtaining signed, written consent from the parent/guardian for the student's involvement in the safety patrol;
- D. An outline of duties suitable to each school building;
- E. Cooperation with the police.

Date:

### Key Words

Pupil Safety, Student Safety, Safety, Safety Patrols

**Legal References:**     N.J.S.A. 18A:421                      Safety patrol by pupils  
                                 N.J.A.C. 6A:26-12.2(a)(3) Policies and procedures

\*\*If the district wishes to do it.

## Policy

---

### EQUAL EDUCATIONAL OPPORTUNITY

The district shall provide equal and bias-free access for all pupils to all school facilities, courses, programs, activities and services and give them maximum opportunity to achieve their potential regardless of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, marital status, liability for service in the Armed Forces of the United States, nationality, place of residence within the district, socioeconomic status, or disability. Enforcement of other district affirmative action/equity policies (2224, 4111.1, 4211.1 and 6121) contribute to this legally required equality of educational opportunity.

Staff members shall maintain professional relationships with pupils at all times and develop wholesome and constructive relationships with them. Staff members shall be expected to regard each pupil as an individual and to accord each pupil the rights and respect that are his/her due.

Staff members shall promote a learning environment that encourages fulfillment of each pupil's potential in regard to his/her program, consistent with district goals and with optimal opportunities for pupils. This goal may be reached by adapting instruction to individual needs, by:

- A. Insisting on reasonable standards of scholastic accomplishment for all pupils;
- B. Creating a positive atmosphere in and out of the classroom;
- C. Extending the same courtesy and respect that is expected of pupils;
- D. Treating all pupils with consistent fairness.

The board of trustees guarantees all pupils equal access to all academic programs within the learning environment.

Pupils shall respect the rights of other pupils to receive an education in an environment that is conducive to learning and personal growth. No pupil shall have the right to abridge another pupil's right to privacy or right to hold personal beliefs which are different from those of the mainstream.

### Harassment

The district's affirmative action program is part of each academic program regarding all pupils. No one--including pupils, staff members, vendors, volunteers, or visitors--shall commit an act of harassment/discrimination of any kind against any member of the school community on any of the grounds prohibited by law.

Harassment is defined as any gesture that is reasonably perceived as being motivated by an actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic; that will have the effect (actual or perceived) of harming a student or damaging the student's property. Harassment also includes any gesture that demeans or insults a student or group of students in such a way to cause substantial disruption in or interference with the orderly operation of the school.

Harassment may be claimed by a third party. That is, individuals who are not directly involved in the behavior may

EQUAL EDUCATIONAL OPPORTUNITY (continued)

experience a hostile environment. They shall have the same legal rights to act under this policy as those directly victimized.

Any member of the student body may file a formal grievance related to harassment. The \_\_\_\_\_ will receive all complaints and initiate a thorough investigation and will protect the rights of both the pupil making the complaint and the alleged harasser. Filing of a grievance or otherwise reporting harassment of any kind will not reflect upon the pupil's status nor affect future grades or class assignments.

The administration will inform all pupils that sexual harassment is prohibited in the educational setting. Specifically, no person employed by the district or by a vendor, or acting in a voluntary capacity, shall threaten or insinuate, either directly or indirectly, that a pupil's refusal to submit to sexual advances will adversely affect the pupils standing in the school setting. Pupils are forbidden to harass other pupils or staff members or vendors or volunteers through conduct or communications of a sexual nature within the school setting.

Findings of discrimination in the form of harassment will result in appropriate disciplinary action.

Equity in School

The board of trustees shall maintain an academic environment that is free from harassment and provide equal and bias free access for all students to all school facilities, courses, programs activities and services, regardless of race, creed, color, national origin, ancestry, age marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status. The board shall ensure that:

- A. School classrooms and facilities will be barrier free;
- B. Attention will be directed at attaining minority representation within each school that approximates the district's overall minority representation;
- C. The district curriculum will be aligned with the State's Core Curriculum Content Standards and address the elimination of discrimination by narrowing the achievement gap;
- D. All students have access to counseling services;
- E. Physical education program is equitable and co-educational.

Procedures shall be made available for pupils and/or parents/guardians who wish to file a grievance protesting alleged discriminatory or sexually (or other) harassing action. An immediate report of the allegation should be made to the affirmative action officer or chief school administrator.

Violations of this policy or its related procedures shall be cause for appropriate disciplinary action.

Hate Crimes/Bias Incidents

An employee of the board who becomes aware in the course of his/her employment that a student or other staff person has committed a hate crime or is about to commit one shall immediately inform the building principal and chief school administrator. All incidents of hate/bias shall be reported whether they occur during school hours on school grounds or otherwise.

Implementation

The chief school administrator shall direct development of procedures regarding the implementation of this policy

EQUAL EDUCATIONAL OPPORTUNITY (continued)

to include sanctions, protection of individual rights to confidentiality and due process, and notification procedures. The chief school administrator shall ensure that, annually, all staff and all pupils (in means and terms that are age-appropriate) be thoroughly informed of this policy, their right to file grievances under this policy and the law and the procedures relative to filing. Further, all staff and pupils shall be informed annually of the identity of the district's affirmative action officer and how he/she may be contacted.

The chief school administrator shall also ensure that staff and pupils participate in educational programs relating to this policy and the maintenance of a safe and nurturing educational environment.

The chief school administrator shall use all customary methods of information dissemination to ensure that the community is informed of its policies on educational equity.

Date:

Key Words

Nondiscrimination, Affirmative Action, Equal Educational Opportunity, Harassment, Sexual Harassment

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 2C:16-1	Bias Intimidation
	<u>N.J.S.A.</u> 10:5-1 <u>et seq.</u>	Law Against Discrimination
	<u>N.J.S.A.</u> 18A:3620	Discrimination; prohibition
	<u>N.J.S.A.</u> 18A:385.1	No child to be excluded from school because of race, etc.
	<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>	Managing for Equality and Equity in Education
	See particularly:	
	<u>N.J.A.C.</u> 6A:7-1.4, -1.7	
	<u>N.J.A.C.</u> 6A:16-6.3(e)	Reporting students or staff members to law enforcement Authorities
	<u>N.J.A.C.</u> 6A:17-1.1 <u>et seq.</u>	Students At-Risk of Not Receiving a Public Education
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C.</u> 6A:32-12.1	Reporting requirements
	<u>N.J.A.C.</u> 6A:32-14.1	Review of mandated programs and services
	<u>Davis v. Monroe County Board of Education</u> , 526 U.S. 629 (1999)	
	<u>State v. Mortimer</u> , 135 N.J. 517 (1994)	
	20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972	
	20 U.S.C.A. 794 <u>et seq.</u> - Section 504 of the Rehabilitation Act of 1973	
	20 U.S.C.A. 1400 <u>et seq.</u> - Individuals with Disabilities Education Act (formerly Education for All Handicapped Children Act) Part B	
	42 U.S.C.A. 12101 <u>et seq.</u> - Americans with Disabilities Act (ADA)	
	HawkinsStafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100297)	

EQUAL EDUCATIONAL OPPORTUNITY (continued)

Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.A.S. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division of Civil Rights.

Manual for the Evaluation of Local School Districts

Comprehensive Equity Plan, New Jersey State Department of Education

**Possible**

**Cross References:**

- \*2224 Nondiscrimination/affirmative action
- \*4111.1 Nondiscrimination/affirmative action
- \*4211.1 Nondiscrimination/affirmative action
- \*5134 Married/pregnant pupils
- \*6121 Nondiscrimination/affirmative action
- \*6141 Curriculum design/development
- \*6145 Extracurricular activities
- \*6161.1 Guidelines for evaluation and selection of instructional materials
- \*6171.4 Special education

\*Indicates policy is included in the Critical Policy Reference Manual.

## Policy

---

### PHOTOGRAPHS OF PUPILS

Taking pictures of district pupils and buildings for commercial purposes is prohibited without written approval of the chief school administrator.

"Commercial purposes" in this context is defined to mean for sale or for use in connection with the advertisement or promotion of goods or services.

"School pupils" in this context means boys and girls enrolled in the school during that part of the day they are at school, on the school grounds, or engaged in any activity under the direction and supervision of the school.

Pictures of children with educational disabilities shall not be disseminated in any way unless permission is granted by parents/guardians. Photographs of children placed in the district by the Division of Youth and Family Services (DYFS) shall not be published without permission of the division case worker.

#### Photographs on the District Web Site

Pictures of district pupils shall not be posted on the web site, except under the following conditions:

- A. Prior written permission has been obtained from the pupil's parent/guardian or from the adult pupil;
- B. Group photographs may identify the group, but not the individuals in the group;
- C. Prior written permission has been obtained from the pupil's parent/guardian or from the adult pupil, if the pupil is receiving an award or special recognition.

Date:

#### Key Words

Exploitation, Safety, Photographs of Pupils, Pupil Photographs, Student Photographs, Web Site

#### Legal References:

N.J.S.A. 18A:111

General mandatory powers and duties

N.J.S.A. 18A:36-35

Disclosure of certain student information on internet prohibited without parental consent

N.J.S.A. 18A:5420

Powers of board (county vocational schools)

#### Possible

#### Cross References:

\*1100

Communicating with the public

\*1110

Media

\*1120

Board of education meetings

\*1140

Distribution of materials by pupils and staff

PHOTOGRAPHS OF PUPILS (continued)

*1250	Visitors
1320	Participation in outofschool community activities
*5125	Pupil records
*5141.4	Child abuse and neglect
*5145.12	Search and seizure
6142.10	Technology
6145.3	Publications
6145.4	Public performances and exhibitions
*6171.4	Special education

\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

---

PUPIL GRIEVANCE PROCEDURE

Each school shall establish procedures for the consideration of pupil problems and for the processing of their complaints and appeals. These procedures should be developed through the cooperative efforts of pupils, faculty and administrators. The chief school administrator or designee shall establish and maintain procedures for appeals beyond the decision of the principal. Details of those procedures should be made known to pupils and staff, and pupils who wish to use them should be assured of access to the appropriate personnel within a reasonable period of time.

Date:

Key Words

Grievances, Pupil Grievances, Student Grievances

**Legal References:**

<u>N.J.S.A.</u> 18A:111	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:5420	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:16-7.1	Code of student conduct

**Possible**

**Cross References:**

1251	Loitering or causing disturbance
*1312	Community complaints and inquiries
*5113	Absences and excuses
*5114	Suspension and expulsion
*5131	Conduct/discipline
5131.4	Campus disturbances
*5145.4	Equal educational opportunity

\*Indicates policy is included in the Critical Policy Reference Manual.



## Policy

---

### QUESTIONING AND APPREHENSION

In order to protect pupils' rights during the time they are under school control, the principal shall interview every person who wishes to question a pupil on school property during the school day. The chief school administrator shall be informed of such incidents.

#### Law Enforcement Officers

- A. If a law enforcement officer has an arrest warrant, the principal shall ensure that all procedural safeguards as prescribed by law are observed. No pupil shall be taken from the school without the knowledge of the principal or other person in charge of the school. The principal shall make every reasonable effort to notify parents/guardians. The chief school administrator shall be informed whenever such apprehensions take place.
- B. If a law enforcement officer has a juvenile complaint or wants to question a student on school property, the principal shall request that the questioning be delayed if possible until the parents/guardians can be present. If the officer refuses and the principal is convinced that the situation justifies questioning, he/she must attempt to have the parents/guardians informed immediately and shall remain with the student during the questioning.
- C. If the law enforcement officer is an agent of the Division of Youth and Family Services (DYFS), the agent shall determine whether the presence of a parent/guardian or school employee is appropriate.

#### Private Persons

If a private person wishes to question a pupil on school property during the school day, generally parents/guardians shall be notified of the request and give their permission before the principal will permit the private person to question the pupil. In cases involving possible harm to another pupil which might be prevented by early information, the principal may permit such questioning if the parent/guardian cannot be reached. The principal shall be present during the questioning.

#### Weapons and Substance Abuse Questioning by Staff

When questioning any pupil about possible possession, use, or distribution of proscribed substances, drug paraphernalia, alcohol, firearms or other deadly weapons, staff shall follow the procedures adopted by the board in compliance with administrative code.

#### Generally

The chief school administrator shall notify the board president when the police have sought to question a pupil in school, and the outcome of the incident. The district shall make every effort to establish close and cordial relationships with local law enforcement and other agencies, while ensuring that the parents/guardians are informed and pupil rights protected.

QUESTIONING AND APPREHENSION (continued)

Date:

Key Words

Questioning, Apprehension, Pupil Arrest, Student Arrest, Arrest

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 2A:4A-60 <u>et al.</u>	Disclosure of juvenile information; penalties for Disclosure
	<u>N.J.S.A.</u> 2C:35-5	Comprehensive Drug Reform Act of 1986
	<u>N.J.S.A.</u> 18A:111	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:5420	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:16-4.1	Adoption of policies and procedures for the intervention of student alcohol and other drug abuse
	<u>N.J.A.C.</u> 6A:16-5.1 <u>et seq.</u>	School Safety
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:16-5.7 through -5.8	
	<u>N.J.A.C.</u> 6A:16-6.1 <u>et seq.</u>	Law Enforcement Operations for Substances, Weapons, and Safety
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:16-6.1, -6.2, -6.3	
	<u>N.J.A.C.</u> 6A:32-7 <u>et seq.</u>	Student records

New Jersey Constitution, Article I, para. 7

U.S. Constitution, Amendment IV, V, XIV

The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)In re Gault, 387 U.S. 1 (1967)A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions)**Possible**

<b><u>Cross References:</u></b>	*1410	Local units
	*5114	Suspension and expulsion
	*5131	Conduct/discipline
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	*5145.12	Search and seizure

\*Indicates policy is included in the Critical Policy Reference Manual.

## Policy

---

### SEARCH AND SEIZURE

School lockers remain the property of the district even when used by pupils. Lockers are subject to administrative search in the interests of school safety, sanitation, discipline, enforcement of school regulations and to search by law enforcement officials on presentation of a proper warrant. Pupils and their parents/guardians shall be informed of this policy when lockers are assigned.

A pupil's person and possessions may be searched by a school official provided that the official has reasonable grounds to suspect that the search will turn up evidence that the pupil has violated or is violating either the law or the rules of the school. Under no circumstances shall a search be conducted based solely upon an anonymous tip and/or a rumor that contraband is present. The extent or scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the pupil and the nature of the infraction. A physical search may only be conducted by a staff member of the same sex as the pupil. Before instituting such a search, except in cases of emergency, the principal shall try to inform the parents/guardians and request their presence.

School personnel shall not conduct strip searches or body cavity searches of any pupils under any circumstances.

#### Searches for Controlled Dangerous Substances/Drug Paraphernalia/Alcohol/Firearms/Other Deadly Weapons

Searches conducted by staff when there is suspicion that laws and policies on safe and drug free schools are being violated shall be based on the reasonable grounds required by this policy. The privacy interests of students are outweighed by the substantial interest of teachers and administrators in maintaining a drug-free environment in the classroom and on school grounds, and consequently, locker searches and vehicle searches on school grounds need satisfy only the "reasonable suspicion" standard adopted by the courts in T.L.O and State v. Best. When law enforcement officials conduct the search, the more stringent grounds required by law must be applied. See policies 5131.6 and 5131.7.

Adopted: August 2008

NJSBA Review/Update: July 2009

Readopted:

#### Key Words

Search and Seizure, Locker Searches, Substance Abuse, Seizure

<b><u>Legal References:</u></b>	<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A. 18A:111</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:3619.2</u>	Student lockers or other storage facility; inspection; notice to students
	<u>N.J.S.A. 18A:37-6.1</u>	Strip and body cavity searches prohibited
	<u>N.J.S.A. 18A:5420</u>	Powers of board (county vocational schools)
	<u>N.J.A.C. 6A:16-6.1 et seq.</u>	Law Enforcement Operations for Substances, Weapons and Safety

State in interest of T.L.O., 94 NJ 33 (1983); New Jersey v. T.L.O., 469 U.S. 325, 53

SEARCH AND SEIZURE (continued)

(1985)

Vernonia School District 47J v. Acton et ux., Guardians ad litem for Acton,  
\_\_\_ U.S. \_\_\_, 115 S.Ct. 2386 (1995)

Joye v. Hunterdon Central Regional High School Board of Education, Superior Court  
 of New Jersey, Law Division Dkt. No. HNT-C-14031-00 (Jan. 4, 2001)

Board of Education of Independent School District No. 92 of  
Pottawatomie County  
et al. v. Earls et al., 536 U.S. \_\_\_\_\_ (2002)

The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

State v. Best 403 N.J Super 428 (App. Div. 2008) cert. granted 996 A. 2d 1078 (2009) The privacy interests of students are outweighed by the substantial interest of teachers and administrators in maintaining a drug-free environment in the classroom and on school grounds. Vehicle searches on school grounds need satisfy only the "reasonable suspicion" standard adopted in T.L.O.

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

PossibleCross References:

*1410	Local units
*5114	Suspension and expulsion
*5131	Conduct/discipline
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
*5145.11	Questioning and apprehension

\*Indicates policy is included in the Critical Policy Reference Manual.

## Policy

---

### NONPUBLIC SCHOOL PUPILS

New Jersey statute and regulations of the state board of education require the board of trustees to provide certain services and supplies to those New Jersey children whose parents/guardians enroll them in nonpublic schools within the confines of the district. Outofstate pupils enrolled in nonpublic schools within the district are not included.

#### Nursing Services

The board of trustees shall, within the funding limitations as determined by the state's appropriations and nonpublic school enrollment, provide the mandated nursing services for pupils enrolled fulltime in nonpublic schools located within the district. Specified nursing services include:

- A. Assistance with medical examinations including dental screening;
- B. Hearing screenings;
- C. Maintenance of student health records and notification of local or county health officials of improperly immunized pupils;
- D. Conducting of scoliosis examinations for pupils between the ages of 10 and 18.

The district shall extend to pupils enrolled fulltime in nonpublic schools in the district who are injured or become ill at school or during participation on a school team or squad the emergency care provided to public school pupils up to the limit of state aid provided.

No district shall be required to make expenditures for purposes of this act in excess of the amount of state aid received for these purposes.

#### Federal Requirements

All requirements of federal law shall be obeyed, particularly those addressed in provision of Title 1 program services, and IDEA. (See policies 6171.3 At-risk and Title 1 and 6171.4 Special education.)

#### Implementation

The chief school administrator shall develop rules, regulations and procedures for the efficient and economical delivery of such services and supplies as are mandated by law. Wherever possible, already existing means and procedures for delivering those same supplies and services to the pupils attending the district's public schools shall be utilized.

Date:

NONPUBLIC SCHOOL PUPILS (continued)Key Words

Nonpublic School Pupils, Health

- Legal References:**
- |   |   |
|---|---|
| <u>N.J.S.A.</u> 18A:39-1 <u>et seq.</u>   | Transportation [To and From Schools] <u>of pupils</u>               |
| <u>N.J.S.A.</u> 18A:40-3.2 <u>et seq.</u> | Medical and Nursing Personnel                                       |
| <u>N.J.S.A.</u> 18A:4023 <u>et seq.</u>   | Nursing Services for Nonpublic School Pupils                        |
| <u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u>  | Substance Abuse   |
| <u>See particularly:</u>                  |   |
| <u>N.J.S.A.</u> 18A:40A5, 17(c)           |   |
| <u>N.J.S.A.</u> 18A:4619.1 <u>et seq.</u> | Remedial services for handicapped children in nonpublic schools ... |
| <u>N.J.S.A.</u> 18A:46A-1 <u>et seq.</u>  | Auxiliary services (nonpublic school pupils)                        |
| <u>N.J.S.A.</u> 18A:5837.3                | Purchase and loan of textbooks                                      |
| <u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>  | Special Education   |
| <u>See particularly:</u>                  |   |
| <u>N.J.A.C.</u> 6A:146.1 <u>et seq.</u>   |   |
| <u>N.J.A.C.</u> 6A:16-1.4(a)9             | District policies and procedures                                    |
| <u>N.J.A.C.</u> 6A:16-2.5                 | Nursing services to nonpublic school students                       |
| <u>N.J.A.C.</u> 6A:23-6.1(b)              | Eligibility   |
| <u>N.J.A.C.</u> 6A:23-6.2                 | Responsibility of the district board of education                   |
| <u>N.J.A.C.</u> 6A:27-2.1 <u>et seq.</u>  | Nonpublic School Transportation                                     |
| <u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>  | Evaluation of the Performance of School Districts                   |
| <u>N.J.A.C.</u> 6A:32-14.1                | Review of mandated programs and services                            |
- 20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act (formerly Education for All Handicapped Children Act)Part B
- No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
- HawkinsStafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100297)
- Agostini v. Felton, 521 U.S. 203 (1997), overruling Aguilar v. Felton, 473 U.S. 402 (1985)
- Mitchell v. Helms, No. 98-1648, 2000 U.S. Lexis 4485 (June 28, 2000) \_\_\_\_ U.S. \_\_\_\_ (June 28, 2000)
- Parents for Student Safety, Inc. v. Board of Education of the Morris School District, 1986 S.L.D. (February 5), St. Bd. rev'g 1984 S.L.D. (August 24)
- Manual for the Evaluation of Local School Districts

**Possible****Cross References:**

- |         |   |
|---------|---|
| *1330   | Use of school facilities                          |
| *1600   | Relations between other entities and the district |
| *3541.1 | Transportation routes and services                |

NONPUBLIC SCHOOL PUPILS (continued)

*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141.1	Accidents
*5141.2	Illness
*5141.3	Health examinations and immunizations
*6145.1/6145.2	Intramural competition; interscholastic competition
*6171.3	At-risk and Title 1
*6171.4	Special education
6174	Summer school

\*Indicates policy is included in the Critical Policy Reference Manual.