

Date: August 19, 2019

To: Anisah Coppin, School Business Administrator

From: Kim C. Belin, Senior Counsel

Subject: BOARD RESOLUTION - REVISED  
District Policies for Compliance with Comprehensive Equity Plan

Authorization of the Camden City School District to approve policies to remain compliant with the Comprehensive Equity Plan.

Resolution # 37 SY 2019-20

WHEREAS, *N.J.A.C. 6A:7*, Managing for Equality and Equity in Education mandates that all school districts and charter schools develop a three-year Comprehensive Equity Plan (CEP); and

WHEREAS, the Camden City School District's current policies related to the CEP need updating to reflect changes in the law;

NOW, THEREFORE BE IT RESOLVED BY THE CAMDEN CITY BOARD OF EDUCATION IN THE COUNTY OF CAMDEN, that the following policies are approved for compliance with the CEP.

<b>Policy Number</b>	<b>Policy Topic</b>
1120	Board Meetings
1620	Administrative Operations (Admin. Employment Contracts)
2224	Nondiscrimination
2240	Research
3320	Purchasing Procedures
3324.1	Contracts
3327	Relations with Vendors
3510	Operation of Plant
4111	Employment, Recruitment, Selection, Hiring
4111.1/4211.1	Sexual Harassment
4112.1	Individual Contracts
4113/4213	Transfer and Assignment
4131	Staff Development
4211	Recruitment Selection Hiring
4211.1	Nondiscrimination/Affirmative Action
4231/4231.1	Staff Development
5111	Admission
5114	Suspension and Expulsion

5118	Nonresidents
5118.2	Foster Care and Educational Stability
5131	Student Conduct
5131.1	HIB
5134	Married/Pregnant Pupils
5141	Access to Health Services
5141.21	Administering Medication
5145	Rights
5145.4	Equal Educational Opportunity
5145.6	Pupil Grievance Procedure
5145.7	Transgender Pupils
6010	Instructional Goals and Objectives
6121	Nondiscrimination/Affirmative Action
6140	Curriculum Adoption
6141	Curriculum Design and Development
6142.2	ESL;Bilingual/Bicultural
6142.4	Physical Education and Health
6142.10	Internet Safety and Technology
6142.12	Career/Tech Education
6143	Curriculum Guides
6145	Extracurricular Activities
6145.1/6145.2	Competition
6146.2	Promotion and Retention
6147	Standards for Proficiency
6147.1	Evaluation of Individual Student Performance
6160	Distributing materials with equity
6164.1	Intervention and Referral Services for Gen Ed Pupils
6164.2	Guidance Services
6164.4	Child Study Team
6171.1	Remedial Instruction
6171.2	Gifted and Talented
6171.3	Title 1 and At Risk
6171.4	Special Education
6173	Home Instruction
6178	Early Childhood Education/Preschool
6300	Evaluation of the Instructional Program
7110	Long Range Facilities Plan

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**Policy**

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**BOARD OF EDUCATION MEETINGS**

Board of education meetings shall be a primary means of sharing information with community members and inviting their comments and suggestions. Regular and special meetings of the board of education are open to the public and representatives of the media, except when, by resolution at the public meeting, the board excludes the public from those parts of a meeting which deal with matters held confidential in accordance with law.

The board welcomes participation of interested organizations and individuals and will schedule time as appropriate for the public to speak. The length of time scheduled for public discussion shall be stated in the agenda, together with any time limit proposed for individual speakers.

The board will not permit unnecessary or undesirable identification of district pupils at public or board of education meetings, particularly when the pupil is subject to disciplinary action, or has been identified as having a disability. A special confidential file shall be kept of the names of pupils with disabilities on whose behalf the board must take public action. An unidentifiable coding shall be used when referring to the pupil.

Comments and questions at the end of regular and special meetings may deal with any topic related to the board's conduct of the schools. Advance announcement of all regular, scheduled special, and specially called meetings of the board is made through newspapers and other appropriate media outlets.

The board shall include a discussion of the School Ethics Act and the Code of Ethics for School Board members annually at a regularly scheduled public meeting.

In a regular meeting by September 30 of each year, the superintendent shall report to the board the number of pupils graduated and the number of pupils denied graduation from the prior 12<sup>th</sup> grade class. This report shall include the number of pupils graduated under the special education and special review assessment procedures outlined in administrative code.

In a regular meeting by September 30 of each year, the superintendent shall report to the board:

- A. The number of student graduated;
- B. The number of students graduated under the alternate high school proficiency assessment (ASHA) process;
- C. The number of students receiving State-endorsed high school diplomas as a result of meeting any alternate requirements for graduation as specified in their individualized education programs (IEP);
- D. The total number of students denied graduation from the 12th grade class; and the number of students denied graduation from the 12th grade class solely because of failure to pass the Department of Education approved statewide proficiency assessments or AHSA .

Non-categorized schools shall discuss the school performance report (SPR) publicly. The school performance report is an annual New Jersey Department of Education report released for every school in New Jersey that sets specific school- and subgroup-performance targets for both language arts and mathematics, and detail the school's annual progress toward meeting the targets. The report includes a range of data, including progress toward closing achievement gaps, comparison to peer schools with similar demographics, growth over time as measured through student growth percentiles (SGP) on State tests, and additional college- and career-readiness data points. The reports support school districts' and schools' engagement in performance management by setting performance goals, identifying strengths and weaknesses, and developing local plans to focus on low-performance areas.

In addition the district shall report on progress made in meeting the adequate yearly targets established for

BOARD OF EDUCATION MEETINGS (continued)

closing the achievement gap as set by the Department of Education.

School Performance Report/School Report Card

The superintendent or his or her designee shall oversee the collection of data for the school performance report card program and annually report the data to the board and the commissioner. The school performance report card shall be prepared annually and disseminated annually to parents and other interested taxpayers within each school district.

- A. The superintendent shall report annually to the board at a public meeting not later than September 30 (N.J.A.C. 6A:8-5.2f):
  1. The number of students graduated;
  2. The number of students graduated under the alternative high school assessment (AHSA) process;
  3. The number of students receiving State-endorsed high school diplomas as a result of meeting any alternate requirements for graduation as specified in their individualized education programs (IEPs);
  4. The total number of students denied graduation from the 12th grade class; and
  5. The number of students denied graduation from the 12th grade class solely because of failure to pass the Department of Education approved high school proficiency assessment or the AHSA.
- B. The following information shall be collected for the district and for each school within the district, as appropriate and including but not limited to:
  1. Results of the elementary assessment programs;
  2. Results of the Early Warning Test;
  3. Results of the High School Proficiency Test;
  4. Daily attendance records for students and professional staff;
  5. Student graduation and dropout rates;
  6. Annual student scores on the Scholastic Aptitude Test;
  7. Total student enrollment, percentage of limited English proficient students, percentage of students in advanced placement courses, and any other school characteristics which the commissioner deems appropriate;
  8. Instructional resources including teacher/student ratio, average class size and amount of instructional time per day, as calculated by formulas specified by the commissioner;
  9. A written narrative by the school principal or a designee which describes any special achievements, events, problems or initiatives of the school or district;
  10. Data identifying the number and nature of all reports of harassment, intimidation, or bullying; and indicators of student career readiness.
- C. The following information shall be collected for the district as appropriate:
  1. Per pupil expenditures and State aid ratio;
  2. Percent of budget allocated for salaries and benefits of administrative personnel;
  3. Percent of budget allocated for salaries and benefits of teachers;
  4. Percentage increase over the previous year for salaries and benefits of administrative and instructional personnel;
  5. The number of administrative personnel and the ratio of administrative personnel to instructional personnel;  
A profile of the most recent graduating class concerning their educational or employment plans following graduation; and
  6. Any other information which the commissioner deems appropriate.

\*In a regular board meeting by October 30 of each year, the superintendent shall provide a report which includes information on the following topics:

**BOARD OF EDUCATION MEETINGS** (continued)

- A. The status of all capital projects in the school district's long range plan;
- B. The maximum permitted amount of the school district's reserve account
- C. Implementation of school-level plans;
- D. Achievement of performance objectives;
- E. Each school report card, including pupil performance results and student behavior data;
- F. Professional development activities;
- G. Condition of school facilities;
- H. Status of mandated program reviews;
- I. Community support data as detailed in the administrative code;
- J. The assignment plan for certified and noncertified nurses developed by the school district.

Other items presented at board meetings must include, but are not limited to:

- A. Presentation of audit report;
- B. Presentation of budget;
- C. Student attendance;
- D. Dropout statistics; other demographic data;
- E. Mandated inservice programs.

**Harassment, Intimidation and Bullying Reporting**

In addition, 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 superintendent 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.

Date: June 24, 1985  
 Revised: August 23, 1995  
 Revised: August 14, 2007  
 NJSBA Review/Update: March 2009, August 2019  
 Readopted:

**Key Words**

Board of Education Meetings, Reporting to the Public, Communicating with the Public, Confidentiality

**Legal References:** N.J.S.A. 10:4-6 et seq.  
N.J.S.A. 18A:7C-7

N.J.S.A. 18A:7E-2  
N.J.S.A. 18A:7E-3

**Open Public Meetings Act**

School administrators report on students awarded or denied diplomas  
 School report card program  
 Report card information

**BOARD OF EDUCATION MEETINGS** (continued)

<u>N.J.S.A.</u> 18A:10-6	Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum
<u>N.J.S.A.</u> 18A:12-21	<u>School Ethics Act</u>
<u>N.J.S.A.</u> 18A:17-46	Act of violence; report by school employee; notice of action taken; annual report
<u>N.J.S.A.</u> 18A:22-10	Fixing day, etc., for public hearing
<u>N.J.S.A.</u> 18A:22-13	Public hearing; objectives; heard, etc.
<u>N.J.S.A.</u> 18A:23-5	Meeting of board; discussion of report
<u>N.J.S.A.</u> 18A:37-13 <u>et seq.</u>	<u>Anti-Bullying Bill of Rights Act</u>
<u>N.J.A.C.</u> 6A:8-5.2(f)	High school diplomas
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
<u>N.J.A.C.</u> 6A:16-5.1 <u>et seq.</u>	School safety plans
See particularly:	
<u>N.J.A.C.</u> 6A:16-5.2, 5.3	
<u>N.J.A.C.</u> 6A:23A-14.1 <u>et seq.</u>	Capital reserve
<u>N.J.A.C.</u> 6A:26	Educational Facilities
See particularly:	
<u>N.J.A.C.</u> 6A:26-2.2(a)	Completion of long range facilities plans
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
See particularly:	
<u>N.J.A.C.</u> 6A:30-3.2	
<u>N.J.A.C.</u> 6A:32-3.2	Requirements for the Code of Ethics for district board of education members and charter school board of trustee members
<u>N.J.A.C.</u> 6A:32-12.1	School attendance

**Possible**

<b><u>Cross References:</u></b>	*1100	Communicating with the public
	*2240	Research, evaluation and planning
	*3100	Budget planning, preparation and adoption
	*3570	District records and reports
	*3571.4	Audit
	*4131/4131.1	Staff Development, Inservice Education, Visitations Conferences
	*4231/4231.1	Staff Development, Inservice Education, Visitations Conferences
	*5131.5	Vandalism/violence
	*5145.5	Photographs of pupils
	*6142.2	English as a second language; bilingual/bicultural
	*6142.6	Basic skills
	*6171.1	Remedial instruction
	*6171.3	At-risk and Title 1
	*6171.4	Special education
	*9322	Public and executive sessions
	*9323/9324	Agenda preparation/advance delivery of meeting material
	*9326	Minutes

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

**Regulation**

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**BOARD OF EDUCATION MEETINGS/COMMUNICATING WITH THE PUBLIC**

Any member of the public desiring to speak and receive a reply on any issue at a public meeting of the Board must make:

- A. Prior arrangements through the office of the Business Administrator/Board Secretary two (2) days in advance in order to ensure placement on the official agenda and an appropriate response. Upon calling, or visiting, such persons shall be required to provide the Business Administrator/Board Secretary's office with their name, address, problem and/or nature of the inquiry, any organization or group represented, and whether they are desirous of an oral or written reply.
- B. Every effort will be made to respond to all inquiries marked oral at the next public meeting of the Board.
- C. Requests for written responses from the Board shall be forwarded to the Business Administrator/Board Secretary's office to be processed for a reply.

Every effort will be made to respond to written requests within 14 working days after filing. Any reasonable inquiry that cannot be responded to within the prescribed amount of time shall receive a written response from the Board informing the individual(s) of this fact. Persons who have not received a written response during the indicated time period, may call or visit the Business Administrator/Board Secretary or designee on the next working day after the expiration of time and request to be placed on the official agenda for an oral reply at the next Board meeting.

- D. The Business Administrator/Board Secretary will read a status report of all requests and their responses.
- E. After the official business of the meeting has been disposed of, the President or presiding officer shall open the meeting to the public.
  - 1. During the public portion: Advance inquiries, in the order of their communication with the Board, shall be dealt with. Each individual shall be allowed, unless otherwise suspended by presiding officer of the Board, five (5) minutes during which time he/she will restate their initial inquiry, and await a response from the Board or its designee.

The individual may also comment on the response so as to reaffirm or gather a full understanding of the reply before yielding to the expiration of time, or the satisfaction of the response. In suspending the time limitation, the President or presiding officer will utilize discretion based on the content of the inquiry and whether an appropriate reply can be ascertained at that meeting.

- 2. The Board shall provide constituents who have not sought advance inclusion on the agenda in accordance with the prescribed procedures set forth in this and other Board policy(ies) and who complete the public portion form, the appropriate amount of time five (5) minutes in which to make presentations and/or inquiries. Individuals with no form of written notice shall be give three (3) minutes. Such persons shall, in fairness to those who have advance inquiries, be heard after all advance inquiries have been duly disposed of.

Date: August 23, 1995  
Revised: August 14, 2007  
NJSBA Review/Update: March 2009, August 2019  
Readopted:

**NONDISCRIMINATION/AFFIRMATIVE ACTION**

State and federal statutes and regulations prohibit school districts from discriminatory practices in employment or educational opportunity against any person by reason of race, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, nationality, atypical hereditary cellular or blood trait of any individual, genetic information, or refusal to submit to a genetic test or make the results of a genetic test known, pregnancy in employment or in educational opportunities. Further state and federal protection is extended on account of disabilities, social or economic status, pregnancy, childbirth, pregnancy-related disabilities, actual or potential parenthood, or family status.

The Camden City Board of Education will continue to support its Affirmative Action Resolution, and to implement the district's equal educational opportunity policy, school and classroom practices plan and contract/employment practices plan in accordance with law and regulation.

The superintendent shall oversee the development and implementation of the three year comprehensive equity plan to ensure that the district provides equality in educational programs and to identify and correct, or assess and prevent, all bias, discrimination and impermissible isolation in policies, practices and facilities of the district. Upon approval of this plan by the state department of education, the board shall adopt it by resolution. The superintendent shall report to the board annually on progress toward goals established in the plan. A copy of the district's affirmative action/equity plans and self-evaluation of their achievement shall be available in the district office.

**Affirmative Action Officer and Team**

The board shall annually designate a member of the staff as the affirmative action officer and form an affirmative action team, of whom the affirmative action officer is a member. The affirmative action officer shall serve as affirmative action/504 officer and/or desegregation coordinator. The affirmative action officer must have New Jersey certification with an administrative, instructional, or education services endorsement. The board shall ensure that all members of the school community know who the affirmative action officer is and how to access him/her.

The affirmative action officer shall:

- A. Coordinate the required professional development training for certificated and non-certificated staff;
- B. Notify all students and employees of district grievance procedures for handling discrimination complaints; and
- C. Ensure that the district grievance procedures, including investigative responsibilities and reporting information, are followed.

The affirmative action team shall:

- A. Develop the comprehensive equity plan in compliance with administrative code;
- B. Oversee the implementation of the district's comprehensive equity plan;
- C. Collaborate with the affirmative action office in coordinating the required professional development training;

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

- D. Monitor the implementation of the comprehensive equity plan; and
- E. Conduct the annual district internal monitoring to ensure continuing compliance with state and federal law and code governing educational equity.

Comprehensive Equity Plan

The board directs the affirmative action team to develop a comprehensive equity plan once every three years. The comprehensive equity plan shall identify and correct all discriminatory and inequitable educational and hiring policies, patterns, programs, and practices affecting its facilities, programs, students, and staff.

Prior to developing the comprehensive equity plan, the district's needs for achieving equity and equality in educational programs shall be assessed. The purpose of the needs assessment is to identify and eliminate discriminatory practices and other barriers to achieving equity in educational programs.

- A. The needs assessment shall include an analysis of:
  - 1. Student performance data such as National Assessment of Educational Progress and State assessment results;
  - 2. Preschool through grade 12 promotion/retention data;
  - 3. Preschool through grade 12 completion rates;
  - 4. Re-examination and re-evaluation of classification and placement of students in special education programs if there is over representation within certain groups;
  - 5. Staffing practices;
  - 6. Student demographic and behavioral data;
  - 7. Quality of program data; and
  - 8. Stakeholder satisfaction data.
- B. The comprehensive equity plan shall address:
  - 1. Professional development;
  - 2. Equality in school and classroom practices;
  - 3. Equality in employment and contract practices.
- C. The comprehensive equity plan shall include:
  - 1. An assessment of the school district's needs for achieving equity in educational programs. The assessment shall include staffing practices, quality-of-program data, stakeholder-satisfaction data, and student assessment and behavioral data disaggregated by gender, race, ethnicity, limited English proficiency, special education, migrant, date of enrollment, student suspension, expulsion, child study team referrals, preschool through grade 12 promotion/retention data, preschool through grade 12 completion rates, and re-examination and re-evaluation of classification and placement of students in special education programs if there is overrepresentation within certain group;
  - 2. A description of how other Federal, State, and school district policies, programs, and practices are aligned to the comprehensive equity plan;
  - 3. Progress targets for closing the achievement gap;
  - 4. Professional development targets regarding the knowledge and skills needed to provide a thorough and efficient education as defined by the New Jersey Student Learning Standards, differentiated instruction, and formative assessments aligned to the New Jersey Student Learning Standards and high expectations for teaching and learning; and
  - 5. Annual targets that address school district needs in equity in school and classroom practices and are aligned to professional development targets.

The comprehensive equity plan shall include goals, objectives, timelines, and benchmarks for measuring

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

progress. The board shall submit the comprehensive equity plan to the executive county superintendent for approval and a copy of the comprehensive equity plan to the New Jersey Department of Education. The board shall initiate the comprehensive equity plan within 60 days of its approval, and shall implement the plan in accordance with the timelines approved by the Department.

Harassment

The board of education shall maintain an instructional and working environment that is free from harassment of any kind. Administrators and supervisors will make it clear to all staff, pupils and vendors that harassment is prohibited. Sexual harassment shall be specifically addressed in the affirmative action inservice programs required by law for all staff.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- A. Submission to the conduct or communication is made a term or condition of employment or education;
- B. Submission to, or rejection of, the conduct or communication is the basis for decisions affecting employment and assignment or education;
- C. The conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or education;
- D. The conduct or communication has the effect of creating an intimidating, hostile or offensive working or educational environment.

Sexual harassment of staff or children interferes with the learning process and will not be tolerated in the Camden City Public Schools. Harassment by board members, employees, parents, students, vendors and others doing business with the district is prohibited. Any child or staff member who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the affirmative action officer or building principal. Anyone else who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the superintendent or board president. Employees whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including dismissal. Other individuals whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent/board. Law enforcement shall be summoned when appropriate. This policy statement on sexual harassment shall be distributed to all staff members.

Staff or pupils may file a formal grievance related to harassment on any of the grounds addressed in this policy. The affirmative action officer will receive all complaints and carry out a prompt and thorough investigation, and will protect the rights of both the person making the complaint and the alleged harasser.

Findings of discrimination or harassment will result in appropriate disciplinary action.

School and Classroom Practices

- A. In implementing affirmative action, the district shall:
  - 1. Identify and correct the denial of equality of educational opportunities for pupils solely on the basis of any classification protected by law;
  - 2. Continually reexamine and modify, as may be necessary, its school and classroom programs; location and use of facilities; its curriculum development program and its instructional materials; availability of programs for children; and equal access of all eligible pupils to all extracurricular programs.

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

- B. The board shall provide all students with equal and bias-free access 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, gender identity or expression, religion, disability, or socioeconomic status, by:
1. Ensuring equal and barrier-free access to all school and classroom facilities;
  2. Attaining within each school minority representation that approximates the school district's overall minority representation. Exact apportionment is not required; the ultimate goal is a reasonable plan achieving the greatest degree of racial balance that is feasible and consistent with sound educational values and procedures;
  3. Utilizing on an annual basis a State-approved English language proficiency measure for determining the special needs of English language learners and their progress in learning English;
  4. Utilizing bias-free multiple measures for determining the special needs of students with disabilities;
  5. Ensuring support services, including intervention and referral services and school health services; and
  6. Ensuring a student is not discriminated against because of a medical condition. A student shall not be excluded from any education program or activity because of a long-term medical condition unless a physician certifies such exclusion is necessary. If excluded, the student shall be provided with equivalent and timely instruction that may include home instruction, without prejudice or penalty.

These topics are included in the pupil and instruction policies of the district at 5145.4 Equal Educational Opportunity, 6121 Nondiscrimination/Affirmative Action, and 6145 Extracurricular Activities.

Contract/Employment Practices

The district directs the superintendent to ensure that appropriate administrators implement the district's affirmative action policies by:

- A. Adhering to the administrative code in selection of vendors and suppliers; informing vendors and suppliers that their employees are bound by the district's affirmative action policies in their contacts with district staff and pupils;
- B. Continuing implementation and refinement of existing practices and affirmative action plans, making certain that all recruitment, hiring, evaluation, training, promotion, personnel-management practices and collective bargaining agreements are structured and administered in a manner that furthers equal employment opportunity principles and eliminates discrimination on any basis protected by law, holding inservice programs on affirmative action for all staff in accordance with law.

These topics are included in the business and noninstructional operations, and the personnel policies of the district at 3320 Purchasing Procedures, 3327 Relations with Vendors, 4111.1 and 4211.1 Nondiscrimination/Affirmative Action.

Disabled

In addition to prohibiting educational and employment decisions based on nonapplicable disabling condition, the district shall, as much as feasible, make facilities accessible to disabled pupils, employees and members of the community as intended by Section 504 and as specified in the administrative code.

Report on Implementation

The superintendent shall devise regulations, including grievance forms and procedures to implement the district's affirmative action policies. He/she shall report to the board annually on the effectiveness of this policy and the implementing procedures.

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

Date: June 24, 1985  
 Revised: August 23, 1995  
 Revised: August 14, 2007, March 30, 2015  
 NJSBA Review/Update: March 2009, August 2019  
 Readopted:

(SE file codes: 1140, 1510, 1523, 1530, 1550, 1555)

Key Words

Affirmative Action, Discrimination, Americans With Disabilities Act, Access, Nondiscrimination, Sexual Harassment, Harassment, Equal Educational Opportunity, Domestic Partnership Act

**Legal References:** N.J.S.A. 2C:16-1 Bias intimidation  
N.J.S.A. 2C:33-4 Harassment  
N.J.S.A. 10:5-1 et seq. Law Against Discrimination  
N.J.S.A. 18A:6-5 Inquiry as to religion and religious tests prohibited  
N.J.S.A. 18A:6-6 No sex discrimination  
N.J.S.A. 18A:18A-17 Facilities for handicapped persons  
N.J.S.A. 18A:26-1 Citizenship of teachers, etc.  
N.J.S.A. 18A:26-1.1 Residence requirements prohibited  
N.J.S.A. 18A:29-2 Equality of compensation for male and female teachers  
N.J.S.A. 18A:35-1 et seq. Curriculum and courses  
N.J.S.A. 18A:37-14 Harassment, intimidation, and bullying defined;  
 through -19 definitions  
N.J.S.A. 18A:36-20 Discrimination; prohibition  
N.J.S.A. 18A:38-5.1 Attendance at school  
N.J.S.A. 26:8A-1 et seq. Domestic Partnership Act  
N.J.A.C. 5:23-1 et seq. Uniform construction code  
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education  
See particularly:  
N.J.A.C. 6A:7-1.4,  
 -1.5, -1.6, -1.7, -1.8  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

New Jersey State Constitution, Article I, Paragraph 5 Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000 et seq. Executive Order 11246 as amended

29 U.S.C.A. 201 § 206 - Equal Pay Act of 1963 as amended

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

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986)

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

School Board of Nassau County v. Arline, 480 U.S. 273 (1987)

Vinson v. Superior Court of Alameda County, 740 P. 2d 404 (Cal. Sup. Ct. 1987)

State v. Mortimer, 135 N.J. 517 (1994)

Taxman v. Piscataway Bd. of Ed. 91 F. 3d 1547 (3d Cir. 1996)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)

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.

Comprehensive Equity Plan, New Jersey Department of Education

International Building Code 2015, New Jersey Edition; First Printing: September 2015; ISBN: 978-1-60983-156-1; Copyright 2015, International Code Council, Inc.

**Possible**

<b><u>Cross References:</u></b>	*3320	Purchasing procedures
	*4111	Recruitment, selection and hiring
	*4111.1/4211.1	Nondiscrimination/affirmative action
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4211	Recruitment, selection and hiring
	*4231/4231.1	Staff development; inservice education/visitations/conferences
	*5131	Conduct/discipline
	*5131.1	Harassment, intimidation and bullying
	*5145.4	Equal educational opportunity
	*6121	Nondiscrimination/affirmative action
	*6145	Extracurricular activities

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

**Policy**

**RESEARCH, EVALUATION AND PLANNING**

As required by law, the superintendent shall annually direct development or review of district long- and short-range goals and the plan of action to attain them. Objectives shall be developed with community participation and approved by the board of education; the plan of action shall be prepared in consultation with teaching staff members. The district's plans shall be discussed at a public meeting before the date required by law.

Further, the superintendent shall coordinate continual research and evaluation of programs and facilities. The master plan shall be studied and revised periodically to keep it in accord with the changing circumstances and aspirations of the district.

**State Monitoring**

The superintendent shall ensure and coordinate the District Performance Review every three years, in compliance with New Jersey Quality Single Accountability Continuum (NJQSAC). Upon completion of the district's conduct of the District Performance Review, the board shall fix a date, place and time for the holding of a public meeting for approval by board resolution. The board shall comply with meeting procedures specified in N.J.A.C. 6A:30-3.2.

**Planning at the School Level**

The principal of each school in the district shall coordinate development and implementation of a school-level plan based on school report card data. This plan shall include pupil performance objectives, a review of progress by teaching and administrative staff, and the involvement of parents. The performance objectives shall be based on pupil achievement and behavior standards as defined in the administrative code.

At least once per semester, the principal of each school shall conduct meetings by grade level, department, team or similarly appropriate group to review each school plan. The review shall include:

- A. School report card data;
- B. Progress toward achieving pupil performance objectives;
- C. Progress toward student achievement of the New Jersey Student Learning Standards.

The superintendent will supervise the preparation and timely submission of accurate reports in order to ensure compliance with all federal, state, county and local laws and regulations, board policies, contract terms and conditions. The superintendent will promptly prepare and file updates and revisions to reports whenever new information becomes available that would require that an amended report be submitted. The superintendent may delegate the preparation and revision of reports to other employees of the board. However, the superintendent retains final responsibility for the action taken when tasks are delegated. If the revisions and corrections are so significant as to compromise the basic integrity of the report, the superintendent will inform the board president in order that appropriate corrective action may be taken by the board.

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Revised: August 23, 1995  
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RESEARCH, EVALUATION AND PLANNING (continued)

NJSBA Review/Update: March 2009, august 2019  
 Readopted:

Key Words

Research, Evaluation, Planning, Long-range Plan, Multi-year Maintenance, School Level Plan

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 10:4-6 <u>et seq.</u>	<u>Open Public Meetings Act</u>
	<u>N.J.S.A.</u> 18A:7A-10	Evaluation of performance of each school
	<u>N.J.S.A.</u> 18A:7A-11	Annual report of local school district; contents; annual report of commissioner;
		report on improvement of basic skills
	<u>N.J.S.A.</u> 18A:7A-14	Review of evaluations of district performance ...
	<u>N.J.S.A.</u> 18A:7F-6	Approval of budget by Commissioner
	<u>N.J.S.A.</u> 18A:7F-46	Review, update of New Jersey Student Learning Standards; Educational Adequacy Report
	<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessments
	<u>N.J.A.C.</u> 6A:26-2.1 <u>et seq.</u>	Long-Range Facilities Plans
	<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:32-12.1 <u>et seq.</u>	Student Behavior

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

**Possible**

<b><u>Cross References:</u></b>	*1120	Board of education meetings
	*1220	<u>Ad hoc</u> advisory committees
	*2255	Action planning for NJQSAC
	*3510	Operation and maintenance of plant
	*5020	Role of parents/guardians
	*6142.2	English as a second language; bilingual/bicultural
	*6171.4	Special education
	*7110	Long-range facilities planning
	*9130	Committees

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

**STATE FUNDS; FEDERAL FUNDS**

Each year, when it is believed that the school district is eligible for federal and/or state assistance under the provisions of public laws, application for said assistance may be submitted so long as acceptance of the funds does not include conditions contrary to the policies of the board of education. The superintendent shall inform the board about specific assurances which may be required in addition to those addressed in this policy, and will provide the required language for board adoption.

When the law requires the development and implementation of administrative procedures for submitting state and federal financial reports, with specified time schedules, the superintendent and board secretary shall ensure that the staff has properly completed the reports and that in each instance the reports have been submitted within the specified time. In particular, the superintendent is responsible for assuring that the district is in compliance with Education Department General Administrative Regulations (EDGAR) and all persons responsible for following those administrative regulations shall be held accountable.

The regular operating budget must include amounts anticipated to be received from state and/or federal sources, and a listing of projects describing how this money will be spent. These recommendations for expenditures will be approved by the board before projects are submitted.

If additional amounts become available during the year, additional projects will be recommended to the board and, with its approval, added to the budget.

**Maintenance of Effort**

The board of education will maintain a combined fiscal effort per pupil or aggregate expenditures of state and local funds with respect to the provision of the public education for the preceding fiscal year that is not less than the required amount of the combined fiscal effort per pupil or the aggregate expenditures for the second preceding fiscal year.

**Equivalence**

To be in compliance with the requirements of federal law, the board of education directs the superintendent to assign staff and distribute curriculum materials and instructional supplies to the schools in such a way that equivalence of personnel and materials is ensured among the schools.

**Supplement not Supplant**

Federal funds shall be used for supplementary services only and shall not be used to replace services that the district would supply eligible pupils, if state and federal funds were not available.

**Parent/Guardian Participation**

The district shall implement parent/guardian consultation and participation, advisory councils, etc., as mandated for the specific program.

**Control of Equipment**

Title to and control over equipment and/or property purchased with federal funds shall be maintained in accordance with the pertinent federal regulations. The superintendent shall develop written procedures outlining federal ownership and district use, loan, loss and disposal of such equipment/property.

STATE FUNDS; FEDERAL FUNDS (continued)Special Education Medicaid Initiative (SEMI) Program

The superintendent or designee shall ensure that the district follows all required procedures to maximize its revenue from reimbursements under the Special Education Medicaid Initiative (SEMI) Program. This program allows the district to recover a portion of the cost of certain health-related services considered medically necessary in a student's Individualized Education Program (IEP), including evaluation services, physical, occupational and speech therapy, and specialized transportation services.

Procedures to be followed are included in the SEMI Provider Handbook, found at <http://www.state.nj.us/treasury/administration/semi-mac/semi-mac.htm>. These procedures include maximizing the return rate of parental consent forms for all SEMI eligible students.

In accord with the Family Education Rights and Privacy Act (FERPA), the district shall obtain the parent/guardian's informed written consent prior to any disclosures of personally identifiable information from education records, including health information, to the Medicaid program for Medicaid claim submission.

All supporting documentation for Medicaid claims shall be maintained on file and available for state or federal audit for at least seven years from the date of service. Records shall fully document the basis upon which claims for reimbursement are made.

Reimbursement Requests

When the district is a subgrantee of grants awarded by the Federal government to the State of New Jersey, the district shall submit reimbursement requests using the Electronic Web-Enabled Grant (EWEG) System. Expenditures must be supported by documentation at the subgrantee level. Documentation for salary expenditures will be according to the applicable federal circular. Expenditures must be for allowable costs. Expenditures must be related to the subgrantee's cost objectives. Expenditures will be reviewed to determine that:

- A. Adequate description of expenditures is provided;
- B. No new budget category is created; and
- C. Reimbursement does not exceed the allowable threshold for an amendment as a result of cumulative transfers among expenditure categories.

Reimbursement requests will be certified by the board as being in accordance with approved grant applications. EWEG reimbursement requests will meet NJDOE timelines and deadlines. The district shall assume all responsibility for assuring that all funds requested through the EWEG system either have already been expended, or will be expended according to the requirements of the Cash Management Improvement Act of 1990 (CMIA) and other applicable federal regulations.

Financial Fraud and Theft Prevention

All employees, board members, consultants, vendors, contractors and other parties maintaining a business relationship with the district shall act with integrity and due diligence in matters involving state grants, federal grants, and other fiscal resources.

The superintendent shall be responsible for developing internal controls designed to prevent and detect fraud, financial impropriety or fiscal irregularities within the district. Every member of the district's administrative team shall be alert for any indication of fraud, financial impropriety or irregularity within his/her areas of responsibility.

STATE FUNDS; FEDERAL FUNDS (continued)

As used in this policy, "fraud" refers to intentionally misrepresenting, concealing or misusing information in an attempt to commit fiscal wrongdoing. Fraudulent actions include, but are not limited to:

- A. Behaving in a dishonest or false manner in relation to district assets, including theft of funds, securities, supplies or other properties;
- B. Forging or altering financial documents or accounts illegally or without proper authorization;
- C. Improper handling or reporting of financial transactions;
- D. Personally profiting as a result of insider knowledge;
- E. Disregarding confidentiality safeguards concerning financial information;
- F. Violating board conflict of interest policies;
- G. Mishandling financial records of district assets (destroying, removing or misusing).

The superintendent shall investigate reports of fraudulent activity in a manner that protects the confidentiality of the parties and the facts. All employees involved in the investigation shall be advised to keep information about the investigation confidential.

In the event the concern or complaint involves the superintendent, the concern shall be brought to the attention of the board president who is hereby empowered to contact the board's legal counsel, auditing firm and any other agency to investigate the concern or complaint.

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Revised:	

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Key Words

State Funds, Federal Funds, Disposal of Equipment, State/Federal Funds

<b><u>Legal References:</u></b>	<u>N.J.S.A. 18A:7F-43 et seq.</u>	<u>School Funding Reform Act of 2008</u>
	<u>N.J.S.A. 18A:7G-1</u>	
	through -44 et al.	Educational Facilities Construction and Financing Act
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:34-1</u>	Textbooks; selection; furnished free with supplies; appropriations
	<u>N.J.S.A. 18A:38-7.7</u>	Legislative findings and declarations (regarding impact aid)
	through -7.14	
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)

STATE FUNDS; FEDERAL FUNDS (continued)

<u>N.J.S.A.</u> 18A:58-7.1	School lunch program
<u>N.J.S.A.</u> 18A:58-7.2	School lunch program; additional state aid
<u>N.J.S.A.</u> 18A:58-11	Emergency aid
<u>N.J.S.A.</u> 18A:58-11.1	Loss of tuition to district due to establishment of regional district; state aid for one year
<u>N.J.S.A.</u> 18A:58-33.6 through -33.21	Additional State School Building Aid Act of 1970
<u>N.J.S.A.</u> 18A:58-37.1 through -37.7	
<u>N.J.S.A.</u> 18A:59-1 through -3	Textbook Aid to Public and Nonpublic Schools Federal aid
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
<u>N.J.A.C.</u> 6A:23A-5.3	Failure to maximize SEMI
<u>N.J.A.C.</u> 6A:23A-8.1	Budget submission, support documentation, website publication
<u>N.J.A.C.</u> 6A:23A-19.1	Emergency aid
<u>N.J.A.C.</u> 6A:26-1.1 <u>et seq.</u>	Educational Facilities
<u>N.J.A.C.</u> 6A:27-8.1 <u>et seq.</u>	State Transportation Aid
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Abbott v. Burke, 149 N.J. 145 (1997)

Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (Pub. L. 100-97)

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

Drug-Free Workplace Act of 1988

34 CFR Part 85, Governmentwide Debarment and Suspension (nonprocurement) and Government wide Requirements for Drug-Free Workplace (Grants)

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

2 CFR 200 uniform requirements for federal awards

Education Department General Administrative Regulations (EDGAR)

Possible

<u>Cross References:</u>	*3100	Budget planning, preparation and adoption
	*3160	Transfer of funds between line items/amendments/purchases not budgeted
	3500.1	Energy
	*3541.1	Transportation routes and services
	*3542.31	Free or reduced-price lunches/milk
	*3570	District records and reports
	*4119.23/4219.23	Employee substance abuse
	*6142.2	English as a second language; bilingual/bicultural
	*6142.6	Basic skills
	*6142.12	Career and technical education
	*6171.3	At-risk and Title 1
	*6171.4	Special education

STATE FUNDS; FEDERAL FUNDS (continued)

\*9326

Minutes

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

**PURCHASING PROCEDURES**

The Camden City board of education wishes to establish and carry out a careful system of purchasing and accounting to help provide an effective program of education while guarding against loss due to carelessness, inefficiency, theft, or improper maintenance of records.

The duties of purchasing are to be centralized under the school business administrator, who shall be familiar with and perform all his/her activities within the limitations prescribed by law, board policy and legal opinions.

The board of education encourages the administration to seek advantages in savings through joint agreements for the purchase of work, materials or supplies with the governing body(ies) of other contracting units within this county or adjoining counties or by other cooperative pricing arrangements. The administration shall also evaluate any savings which may result from the purchase of any materials, supplies or equipment under contracts entered into by the state treasury department, division of purchase and property.

The board may use competitive contracting instead of public bidding for purchasing specialized goods and services, the price of which exceeds the bid threshold, for the purposes and with the conditions specified in law.

All purchases shall be approved by resolution of the board.

Nothing is to be ordered independently by school personnel.

The board of education shall not knowingly enter into contract with any company that does not subscribe to and implement a policy of non-discrimination. The board secretary shall be responsible for so informing all prospective suppliers of work or materials.

**Emergency Contracts**

The board may negotiate a contract without public advertising for bids and bidding when an emergency affecting the health or safety of occupants of school property requires the immediate delivery of goods or the performance of services (N.J.S.A. 18A:18A-7).

Emergency purchasing shall be subject to the following requirements (N.J.A.C. 5:34-6.1):

- A. An actual or imminent emergency must exist requiring the immediate delivery of the goods or the performance of the service;
- B. As soon as reasonably possible, but within three days of declaring the emergency, the superintendent shall notify the executive county superintendent of the nature of the emergency and the estimated needs for goods and services necessary to respond to it;
- C. The emergency purchasing procedure may not be used unless the need for the goods or services could not have been reasonably foreseen or the need for such goods or services has arisen notwithstanding a good faith effort on the part of the contracting unit to plan for the purchase of any goods or services required by the contracting unit; and
- D. The contract shall be of such limited duration as to meet only the immediate needs of the emergency.

PURCHASING PROCEDURES (continued)

Under no circumstances shall the emergency purchasing procedure be used to enter into a multi-year contract.

Cooperative and Joint Purchasing

"Cooperative pricing system" means a purchasing system in which a local contracting unit advertises for bids and awards a master contract to a successful vendor for its own quantities and the estimated quantities submitted by the individual registered members.

"Cooperative purchasing system" means a cooperative pricing system, joint purchasing system, commodity resale system, county cooperative contract purchasing system or regional cooperative pricing system which has been approved and registered according to law (N.J.A.C. 5:34-7.1 et seq.)

"Joint purchasing system" means a cooperative purchasing system in which the lead agency serves as the purchasing agent for the membership of the system with all of the duties and responsibilities attendant thereto. The lead agency advertises for bids and awards a single contract to a vendor providing for the payment to the contractor for its own needs and for the needs of the participating registered members of the system. The only contractual relationship is between the lead agency and the vendor.

The board directs the business administrator to evaluate purchasing opportunities through cooperation purchasing and joint purchasing contracts that maximize savings for the district.

The board may approve cooperative and joint purchasing contracts for services and items including but not limited to:

- A. Office supplies;
- B. School supplies;
- C. Copy duplicator paper;
- D. Art supplies;
- E. Science supplies;
- F. Industrial arts supplies;
- G. Energy;
- H. Technology.

The purchasing agent shall provide to all administrators, supervisors and principals specialized training on using cooperative purchasing services.

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PURCHASING PROCEDURES (continued)Key Words

Purchasing Procedures, "Set Aside" Contracts, Nondiscrimination, Affirmative Action, Vendors

<b><u>Legal References:</u></b>	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	<u>See particularly:</u>	
	<u>N.J.S.A. 10:5-31</u>	
	through -35	
	<u>N.J.S.A. 18A:18A-1 et seq.</u>	Public School Contracts Law
	<u>N.J.S.A. 18A:19-1 et seq.</u>	Expenditure of Funds; Audit and Payment of Claims
	<u>N.J.S.A. 52:32-44</u>	Business registration for providers of goods and services (definitions)
	<u>N.J.A.C. 6A:7-1.8</u>	Equity in employment and contract practices
	<u>N.J.A.C. 6A:23A-1.2</u>	Definitions
	<u>N.J.A.C. 6A:23A-16.5</u>	Supplies and equipment
	<u>N.J.A.C. 6A:23A-20.4</u>	Ownership and storage of textbooks
	<u>N.J.A.C. 6A:23A-21.1 et seq.</u>	Management of Public School Contracts
	<u>N.J.A.C. 6A:27-9.1 et seq.</u>	Contracting for Transportation Services
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts

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

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

**Possible**

<b><u>Cross References:</u></b>	*2224	Nondiscrimination/affirmative action
	3300	Expenditures/expending authority
	*3326	Payment for goods and services
	*3327	Relations with vendors
	*3570	District records and reports
	3571	Financial reports

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

**Policy**

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**CONTRACTS, MULTIYEAR AND COMPETITIVE CONTRACTING**

**Contracts**

This school district shall not enter into any contract with a person, agency, or organization if it has knowledge that such person, agency or organization discriminates on the basis race, creed, color, national origin, nationality, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability or because of genetic information or refusal to submit to or make available the results of a genetic test, pregnancy, either in employment practices or in the provisions of benefits or services to students or employees. It shall actively seek bidders who comply with its affirmative action program.

Contracts shall be awarded to the lowest responsible bidder upon resolution of the board unless the board chooses to reject all bids, to re-advertise, to purchase under a state contract or to exercise the rights reserved by law.

Whenever two or more proposals or bids of equal amounts are the lowest proposals or bids submitted by those the Board considers responsible bidders, the board of education may award the contract to whichever of the lowest bidders it may determine.

**Multiple Year Contracts**

All contracts for the provision or performance of goods or services shall be awarded for a period not to exceed 24 consecutive months, except that contracts for professional services shall be awarded for a period not to exceed 12 consecutive months.

The board directs the business administrator to investigate the advantage to the district of multiple year contracts allowed by law as follows:

- A. Supplying of:
  - 1. Fuel for heating purposes, for any term not exceeding in the aggregate, three years;
  - 2. Fuel or oil for use of automobiles, autobuses, motor vehicles or equipment, for any term not exceeding in the aggregate, three years;
  - 3. Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 40 years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam; or
- B. Plowing and removal of snow and ice, for any term not exceeding in the aggregate, three years; or
- C. Collection and disposal of garbage and refuse, for any term not exceeding in the aggregate, three years; or
- D. Data processing service, for any term of not more than seven years; or
- E. Insurance, including the purchase of insurance coverages, insurance consultant or administrative services, and including participation in a joint self-insurance fund, risk management program or related services provided by a school board insurance group, or participation in an insurance fund established by a county, or a joint insurance fund for any term of not more than three years; or

CONTRACTS, MULTI-YEAR AND COMPETITIVE CONTRACTING (continued)

- F. Leasing or servicing of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind and textbooks and non-consumable instructional materials, for any term not exceeding in the aggregate, five years; except that contracts for the leasing of school buses may be awarded for any term not exceeding in the aggregate ten years. Contracts shall be awarded only subject to and in accordance with rules and regulations promulgated by the State Board of Education; or
- G. Supplying of any product or the rendering of any service by a company providing voice, data, transmission or switching services, for a term not exceeding five years; or
- H. Driver education instruction conducted by private, licensed driver education schools, for any term not exceeding in the aggregate, three years; or
- I. Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works project, including the retention of the services of any architect or engineer in connection therewith, for the length of time authorized and necessary for the completion of the actual construction; or
- J. Laundry service and the rental, supply and cleaning of uniforms for any term of not more than three years; or
- K. Food supplies and food services for any term of not more than three years; or
- L. Purchases made under a contract awarded by the Director of the Division of Purchase and Property in the Department of the Treasury for use by counties, municipalities or other contracting units pursuant law (P.L.1969, c.104 and N.J.A.C. 52:25-16.1), for a term not to exceed the term of that contract; or
- M. The provision or performance of goods or services for the purpose of producing class I renewable energy, at, or adjacent to, buildings owned by the board, the entire price of which is to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 15 years. These contracts shall be entered into only subject to and in accordance with guidelines promulgated by the New Jersey Board of Public Utilities establishing a methodology for computing energy cost savings and energy generation costs.

Limitations to Multi-Year Contracts

Any contract for services other than professional services, the statutory length of which contract is for three years or less, may include provisions for no more than one two-year, or two one-year, extensions, subject to the following limitations:

- A. The contract shall be awarded by resolution of the board of education upon a finding by the board of education that the services are being performed in an effective and efficient manner;
- B. No such contract shall be extended so that it runs for more than a total of five consecutive years;
- C. Any price change included as part of an extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the 12 months preceding the most recent quarterly calculation available at the time the contract is renewed; and
- D. The terms and conditions of the contract remain substantially the same.

All multiyear leases and contracts entered into by the board, including any two-year or one-year extensions, except contracts for insurance coverages, insurance consultant or administrative services, participation or membership in a joint self-insurance fund, risk management programs or related services of a school board insurance group, participation in an insurance fund established by the county or contracts for thermal energy, and contracts for the provision or performance of goods or services to promote energy conservation through the production of class I renewable energy, shall contain a clause making them subject to the availability and

CONTRACTS, MULTI-YEAR AND COMPETITIVE CONTRACTING (continued)

appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause. All contracts shall cease to have effect at the end of the contracted period and shall not be extended by any mechanism or provision, unless in conformance with the "Public School Contracts Law (N.J.S.A. 18A:18A-1 et seq.). The contract may however, be extended by mutual agreement of the parties to the contract when the board has commenced rebidding prior to the time the contract expires or when the awarding of a contract is pending at the time the contract expires.

Competitive Purchasing

Competitive contracting means the method of contracting for specialized goods and services in which formal proposals are solicited from vendors; formal proposals are evaluated by the purchasing agent or counsel or school business administrator; and the board of education awards a contract to a vendor or vendors from among the formal proposals received.

Competitive contracting may be used in lieu of public bidding for specialized goods or services that exceed the bid threshold, for the following purposes:

- A. The purchase or licensing of proprietary computer software designed for board of education purposes, which may include hardware intended for use with the proprietary software (competitive contracting may not be used for acquiring general purpose computer hardware or software);
- B. Hiring for-profit or not-for-profit entity for the operation, management or administration of recreation or social service facilities or programs, or the operation, management or administration of data processing services;
- C. Services providing energy conservation education and training services to train employees to reduce consumption of energy;
- D. Telecommunications transmission or switching services that are not part of a tariff or schedule of charges filed with the Board of Public Utilities;
- E. The purchase of specialized machinery or equipment of a technical nature, or servicing thereof, which will not reasonably permit the drawing of specifications;
- F. Food services provided by food service management companies when not part of programs administered by the New Jersey Department of Agriculture, Bureau of Child Nutrition Programs;
- G. Driver education courses provided by licensed driver education schools;
- H. Laboratory testing services;
- I. Concessions;
- J. The operation, management or administration of other services, with the approval of the Division of Local Government Services in the Department of Community Affairs.

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Contracts, Multi-Year Contracts, Competitive Contracting

CONTRACTS, MULTI-YEAR AND COMPETITIVE CONTRACTING (continued)

<b><u>Legal References:</u></b>	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	<u>N.J.S.A. 18A:18A-1 et seq.</u>	Public School Contracts Law
	<u>N.J.S.A. 18A:18A-4.1</u>	Use of competitive contracting by boards of education; purposes
	<u>N.J.S.A. 18A:18A-42</u>	Multi-year contracts
	<u>N.J.S.A. 18A:19-1 et seq.</u>	Expenditure of Funds; Audit and Payment of Claims
	<u>N.J.S.A. 52:32-44</u>	Business registration for providers of goods and services (definitions)
	<u>N.J.A.C. 6A:7-1.8</u>	Equity in employment and contract practices
	<u>N.J.A.C. 6A:23A-1.2</u>	Definitions
	<u>N.J.A.C. 6A:23A-16.5</u>	Supplies and equipment
	<u>N.J.A.C. 6A:23A-21.1 et seq.</u>	Management of public school contracts
	<u>N.J.A.C. 6A:27-9.1 et seq.</u>	Contracting for transportation services
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the performance of school districts

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

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

**Possible**

<b><u>Cross References:</u></b>	*2224	Nondiscrimination/affirmative action
	*3320	Purchasing procedures
	*3326	Payment for goods and services
	*3327	Relations with vendors
	*3570	District records and reports
	3571	Financial reports

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

### RELATIONS WITH VENDORS

The Camden City Board of Education wishes to maintain good working relations with vendors who supply materials and services to the school system. Constructive efforts by the administration to seek the advice and counsel of vendors about how to improve such relationships are encouraged.

In the schools, vendors shall be seen by appointment only. Vendors who call upon a school shall be governed by policy 1250 Visitors. Teachers or supervisors of instruction who have invited vendors to call should notify the principal's office in advance so that proper courtesies may be extended.

No agents, canvassers, or vendors shall have access to teachers during their classes. No business concern which solicits or gains business through the school system shall use school facilities for this purpose.

#### Nondiscrimination

All vendors shall supply assurances that they do not practice discrimination as described in the administrative code. All vendors shall be informed that harassment of any kind of district pupils or employees by their representatives is prohibited.

#### Honest and Ethical Relations with Vendors; Pay to Play Restrictions

The district shall maintain honest and ethical relations with vendors and shall guard against favoritism, improvidence, extravagance and corruption in its contracting processes and practices. The school board will not vote upon or award a contract in the amount of \$17,500 or greater to any business entity which has made a reportable contribution to a member of the district board of education during the previous one-year period. Such contributions, to any member of the school board, from any entity doing business with the district are prohibited during the term of the contract, including contributions by a vendor's spouse or child, or contributions by any person having an interest in the business entity. Disclosure of contributions shall be made when contracts are required by law to be publicly bid. However, these limitations do not apply when a district emergency requires the immediate delivery of goods or services.

#### Disbarred Vendors Will Not Be Used

When acquiring goods and services under federally sponsored programs, the school district will not contract with a vendor who is currently either debarred or suspended from doing business with the Federal government. Prior to contract award, and in accordance with Federal requirements, the contracting specialist will check the Federal Excluded Parties List System (EPLS) to ensure that the prospective contractor is not found in the EPLS. Results from the EPLS search shall be made part of the purchase order/contract documentation. Should a prospective vendor be found to be debarred or suspended by the Federal government, the business administrator's office will notify the superintendent of this finding and will place a hold on the supplier's registration within the school district financial system.

#### Strategies to Avoid Excessive Professional Services Expenditures

The board will seek to avoid excessive professional services expenditures, such as by:

- A. Establishing a maximum dollar limit, for budgetary purposes;
- B. Following state legal requirements and procedures to obtain the highest quality services at a fair and competitive price or through a shared service arrangement. This may include issuance of such contracts

RELATIONS WITH VENDORS (continued)

through a request for proposals (RFP) based on cost and other specified factors or other comparable process such as the use of the "fair and open process" as defined in N.J.S.A. 19:44A-20.7; and

- C. Limiting professional services contracts to non-recurring or specialized work for which the district does not possess adequate in-house resources or expertise.

Prudent Use of Legal Services

All contracts for legal services must comply with the payment requirements and restrictions set forth in N.J.S.A. 18A:19-1 as follows:

- A. Advance payments for legal services are prohibited;
- B. Services to be provided shall be described in detail in the contract;
- C. Invoices for payment shall itemize the services provided for billing period; and
- D. Payment shall only be for services actually provided.

If at any time the district's legal costs exceed 130 percent of the Statewide average per pupil amount, the procedures set forth in N.J.A.C. 6A:23A-5.2(a)3 will be implemented, unless evidence can be provided that such procedures would not result in a reduction of cost.

These procedures require the district to:

- A. Limit and designate the persons with the authority to request services or advice from contracted legal counsel;
- B. Legal counsel will not be used unnecessarily to make management decisions or to obtain readily available information such as district policies;
- C. Requests for legal advice shall be made in writing; and
- D. Contact logs and records shall be kept and reviewed to determine that the requests for legal advice are necessary.

Adopted: August 23, 1995  
 Revised: May 31, 1996  
 Readopted: August 14, 2007, March 30, 2015  
 NJSBA Review/Update: March 2009, August 2019  
 Revised:

(SE file codes: 0174, 0177, 6311, 6360, 6362, 6450)

Key Words

Vendors, Sexual Harassment, Harassment, Nondiscrimination, Affirmative Action

**Legal References:** N.J.S.A. 10:5-1 et seq. Law Against Discrimination  
See particularly:  
N.J.S.A. 10:5-31  
 through -35  
N.J.S.A. 18A:6-8 Interest of school officers, etc., in sale of textbooks or

RELATIONS WITH VENDORS (continued)

<u>N.J.S.A.</u> 18A:11-1	supplies, royalties
<u>N.J.S.A.</u> 18A:12-2	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:12-21 <u>et seq.</u>	Inconsistent interests or office prohibited
<u>N.J.S.A.</u> 18A:18A-1 <u>et seq.</u>	<u>School Ethics Act</u>
<u>N.J.S.A.</u> 18A:54-20	Public School Contracts Law
<u>N.J.S.A.</u> 52:32-44	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:7-1.8	Business registration for providers of goods and services
<u>N.J.A.C.</u> 6A:23A-5.2	Equality in employment and contract practices
	Public relations and professional services; board policies; efficiency
<u>N.J.A.C.</u> 6A:23A-6.3	Contributions to board members and contract awards
<u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u>	School Ethics Commission
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Comprehensive Equity Plan, New Jersey State Department of Education

Possible

<b><u>Cross References:</u></b> *1250	Visitors
1313	Gifts to district employees
*1330	Use of school facilities
*2224	Nondiscrimination/affirmative action
*3320	Purchasing procedures
*4119.21/4219.21	Conflict of interest
*9270	Conflict of interest

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

**OPERATION AND MAINTENANCE OF PLANT**

The Camden City Board of Education is responsible for providing school facilities that are safe from hazards; sanitary; properly equipped, lighted and ventilated; and aesthetically suited to promoting the goals of the district. School buildings and site accommodations shall include provisions for individuals with disabilities pursuant to law and regulations.

The superintendent shall ensure the development and enforcement of detailed regulations for the safe and sanitary operation of the buildings and grounds. The regulations shall be reviewed and adopted by the board, and provided to all staff annually at the beginning of each school year and when any revisions are formulated.

The superintendent and board secretary shall develop a multiyear comprehensive maintenance plan for board approval, to be updated annually.

The district shall ensure barrier free access for all students, staff and visitors to school facilities.

**Work Order System**

The school district shall have an automated work order system for prioritizing, performing and recording all maintenance and repair request for all district buildings and grounds.

- A. The superintendent or designee shall establish in the standard operating procedures for business functions the approval and prioritization of work order requests which take into account the health and safety of building occupants, priorities and objectives established annually to carry out the district Strategic Plan, the need for the work requested, and other factors the district deems appropriate;
- B. The work order system shall include the following information for a request for work before work begins, except in an emergency where the work is necessary to correct a situation that poses an imminent threat to the health or safety of building occupants:
  - 1. The name of the person making the request;
  - 2. The date of the request;
  - 3. The appropriate approval(s) as established by Standard Operating Procedures (SOP);
  - 4. The date of approval(s);
  - 5. The location of work requested;
  - 6. The priority level (for example, urgent, high, average, low);
  - 7. The scheduled date(s) of service;
  - 8. The trade(s) needed such as general maintenance worker; custodian; carpenter; plumber; electrician; heating, ventilation and air conditioning (HVAC); grounds; roofer; masonry; glazer; other;
  - 9. A description of the work requested;
  - 10. A projection of the materials and supplies needed for the work;
  - 11. The estimated hours needed to complete task;
  - 12. The name of the work order assigner; and
  - 13. The name of the employee(s) working on the order.
- C. The work order system shall include the following close-out information for each request for work:
  - 1. The actual hours worked by date for each assigned staff member;
  - 2. The actual hourly rate paid, both regular and over-time, for each assigned staff member;
  - 3. The aggregate cost of labor by regular, over-time and total;

OPERATION AND MAINTENANCE OF PLANT (continued)

4. The actual materials and supplies needed to complete the work order;
  5. Actual cost of materials and supplies; and
  6. The name of the employee responsible for attesting that the job was completed satisfactorily.
- D. Except where prohibited by collective bargaining agreement, the SOP shall require for any work, which cannot be completed during regular working hours by the needed completion date, an assessment of the cost-benefit of outsourcing any such work in excess of the quote threshold as determined under N.J.S.A. 18A:18A-37;
- E. Where, according to the assessment, the cost of outsourcing work is less than the in-house estimated cost of labor, at over-time rates, and materials for the same work, the work shall be outsourced provided the work can be contracted in accordance with N.J.S.A. 18A:18A-1 et seq., completed by the projected completion date contained in the prioritized work order system and does not violate the terms of the collective bargaining agreement for maintenance workers and/or custodians;
- F. The business administrator/board secretary in consultation with the supervisor responsible for this work shall conduct an analysis of the information in the work order system no later than February 1 of the prebudget year for consideration during budget preparation. The analysis should include productivity of staff as a whole and individually, significant variations between estimated labor time and materials and actual labor time and materials, unusual trends for like projects and other factors that will improve productivity and efficiency.

Safe Drinking Water

The board of education shall assure the availability of potable drinking water through sanitary means in school facilities or upon school grounds in accordance with the Safe Drinking Water Act (N.J.S.A. 58:12A-1 et seq., N.J.A.C. 6A:26-6, and N.J.A.C. 7:10 et seq.). In accordance with law and board policy 3516 Safety, the board shall test all drinking water outlets, make the results publically available and notify parents/guardians and the New Jersey Department of Education.

The board of education directs the superintendent to ensure the development of lead sampling plan with sample collection is consistent with the district's Quality Assurance Project Plan (QAPP) and to ensure that QAPP is signed by the laboratory certified to sample the district's water, the individual responsible for conducting the sampling and is presented to the board for signature.

Within 24-hours after the board has reviewed and verified the final laboratory results of the sampling, the board shall ensure that test results are publicly available at the school facility and on the board's website. If any laboratory results exceed the permissible lead action level, the board shall provide written notification to the parents/guardians of all students attending that facility as well as to the Department of Education. The notice must include measures taken to curtail immediately the use of any drinking water outlet where lead levels exceed the permissible action level, measures taken to ensure that alternate drinking water is available to all students and staff, and information regarding the health effects of lead.

Within six years of the adoption of this policy, and within each six-year period thereafter, the board must test all drinking water outlets; sampling shall be prioritized in facilities previously identified with excessive lead results or identified as high risk in the sampling plan.

Annually, the board must submit to the Department of Education, a statement of assurance that lead testing was completed in accordance with existing Department of Education regulations and that where required, alternate drinking water is available to students and staff.

Air Quality

OPERATION AND MAINTENANCE OF PLANT (continued)

The district schools will operate in compliance with New Jersey Department of Labor standards for indoor air quality. Heating, ventilating and air conditioning (HVAC) systems provided shall have sufficient local exhaust ventilation that could reasonably be expected to minimize hazardous chemicals or particulate exposure. The HVAC systems shall be checked to ensure that they are working properly when the building temperatures are outside of the range of 68 to 79 degrees Fahrenheit and make sure buildings without mechanical ventilation have operable windows, doors, vents, stacks and other portals designated or used for natural ventilation are operational. Employee complaints of signs or symptoms that may be associated with building-related illnesses shall be promptly investigated.

Air quality shall be maintained at acceptable standards during renovation and remodeling that result in the diffusion of dust, stone and other small particles, toxic gases or other harmful substances in quantities hazardous to health. Employees shall be notified at least twenty-four hours in advance or promptly in emergency situations of work to be performed on the building that may induce air contaminants into their work area.

Integrated Pest Management

The New Jersey School Integrated Pest Management Act of 2002 requires schools to implement a school integrated pest management policy. As per this policy, the board and the superintendent shall implement Integrated Pest Management (IPM) procedures to control pests and minimize exposure of children, faculty, and staff to pesticides. The Camden City Public Schools shall develop and maintain an IPM plan as part of the school's policy.

Integrated Pest Management Procedures in Schools

Implementation of IPM procedures will determine when to control pests and whether to use mechanical, physical, cultural, biological or chemical methods. Applying IPM principles prevents unacceptable levels of pest damage by the most economical means and with the least possible hazard to people, property, and the environment.

Each school shall consider the full range of management options, including no action at all. Non-pesticide pest management methods are to be used whenever possible. The choice of using a pesticide shall be based on a review of all other available options and a determination that these options are not effective or not reasonable. When it is determined that a pesticide must be used, low impact pesticides and methods are preferred and shall be considered for use first.

Development of IPM plans

The school IPM plan is a blueprint of how the Camden City Public Schools will manage pests through IPM methods. The school's IPM plan states the school's goals regarding the management of pests and the use of pesticides. It reflects the school's site-specific needs. The IPM plan shall provide a description of how each component of the school IPM policy will be implemented at the school. The superintendent, in collaboration with the school building administrator, shall be responsible for the development of the IPM plan for this school.

IPM Coordinator

The superintendent shall designate an integrated pest management coordinator, who is responsible for the implementation of the school integrated pest management policy.

Education/Training

The school community will be educated about potential pest problems and IPM methods used to achieve the pest management objectives.

OPERATION AND MAINTENANCE OF PLANT (continued)

The IPM coordinator, other school staff and pesticide applicators involved with implementation of the school IPM policy will be trained in appropriate components of IPM as it pertains to the school environment.

Students, parents/guardians will be provided information on this policy and instructed on how they can contribute to the success of the IPM program.

Record Keeping

Records of pesticide use shall be maintained on site to meet the requirements of the state regulatory agency and the school board.

Records shall also include, but are not limited to, pest surveillance data sheets and other non-pesticide pest management methods and practices utilized.

Notification/Posting

The superintendent is responsible for timely notification to students' parents or guardians and the school staff of pesticide treatments pursuant to the School IPM Act.

Re-entry

Re-entry to a pesticide treated area shall conform to the requirements of the School IPM Act.

Pesticide applicators

The IPM coordinator shall ensure that applicators follow state regulations, including licensing requirements and label precautions, and must comply with all components of the School IPM Policy.

Evaluation

Annually, for public schools, the superintendent will report to the board on the effectiveness of the IPM plan and make recommendations for improvement as needed. The board directs the superintendent to develop regulations/procedures for the implementation of this policy.

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Revised:	April 12, 1988
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NJSBA Review/Update:	March 2009, August 2019
Revised:	March 30, 2015
Readopted:	

(SE file codes: 7410, 7421, 7421)

Key Words

Operation and Maintenance of Plant, Buildings and Grounds, Maintenance

**Legal References:** N.J.S.A. 13:1F-19  
through -33  
N.J.S.A. 18A:17-49  
through -52

School Integrated Pest Management Act

Buildings and grounds supervisors to be certified

OPERATION AND MAINTENANCE OF PLANT (continued)

<u>N.J.S.A.</u> 18A:18A-1 et seq.	Public schools contracts law
<u>N.J.S.A.</u> 18A:18A-37	Award of purchases, contracts, agreements
<u>N.J.S.A.</u> 18A:22-8	Contents of budget; format
<u>N.J.S.A.</u> 34:5A-1 et seq.	<u>Worker and Community Right to Know Act</u>
<u>N.J.S.A.</u> 34:6A-25 et seq.	<u>New Jersey Public Employees Occupational Safety and Health Act</u>
<u>N.J.S.A.</u> 58:12A-1 et seq.	<u>Safe Drinking Water Act</u>
<u>N.J.A.C.</u> 5:23-1 et seq.	The uniform construction code
<u>N.J.A.C.</u> 6A:23A-1 et seq.	Fiscal accountability, efficiency and budgeting procedures
See Particularly:	Facilities maintenance and repair schedule and accounting
<u>N.J.A.C.</u> 6A:23A-6.9	Operation and Maintenance of Facilities
<u>N.J.A.C.</u> 6A:26-12.1 et seq.	
See particularly:	
<u>N.J.A.C.</u> 6A:26-12.2(a)1, 2	
<u>N.J.A.C.</u> 6A:26-12.4	Safe drinking water
<u>N.J.A.C.</u> 6A:30-1.1 et seq.	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 7:10-1 et seq.	Safe Drinking Water Act
<u>N.J.A.C.</u> 7:30-13.1 et seq.	Integrated Pest Management
20 <u>U.S.C.A.</u> 4071 et. seq.	<u>Equal Access Act</u>

International Building Code 2015, New Jersey Edition; First Printing: September 2015;  
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**Possible**

<b><u>Cross References:</u></b>	
*1410	Local units
*2240	Research, evaluation and planning
*3000/3010	Concepts and roles in business and noninstructional operations; goals and objectives
*3516	Safety
*5141	Health
6161	Equipment, books and materials
*7110	Long-Range facilities planning
*9130	Committees

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

**RECRUITMENT, SELECTION AND HIRING**

The Camden City Board of Education guarantees equal employment, advancement opportunity and equal pay for equal work for all people regardless of race, creed, color, national origin, nationality, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability or because of genetic information or refusal to submit to or make available the results of a genetic test, pregnancy or other conditions not related to the duties and responsibilities of the job.

The board believes that the quality of the professional staff in large part determines the quality of the education offered district pupils. Therefore, the superintendent shall have the responsibility of locating and recruiting the best qualified candidates to provide for the identified needs of district pupils. Recruiting practices shall include measures for targeting underrepresented populations in every category of employment.

Provisional teaching candidates shall be given equal consideration with all other candidates for teaching positions. The superintendent shall follow all requirements of the administrative code in providing the necessary training program for all teachers hired with provisional certificates.

In accordance with the Every Student Succeeds Act, all teachers hired by the board for programs in the district supported with Title I, part A funds shall meet the State certification and licensure requirements. All teachers of core academic subjects (English, reading/language arts, mathematics, science, foreign languages, civics/government, economics, arts, history and government) hired by the board shall possess the appropriate certification including having a bachelor's degree from an accredited institution of higher learning and:

- A. Complete an undergraduate major in the appropriate subject area;
- B. Hold a graduate degree in the subject area; or
- C. Complete at least 30 credits in a coherent sequence of courses appropriate to the subject area.

The superintendent or his or her designee shall ensure that the district's employment application process and pre-employment inquiry and interview process conform to the guidelines of the New Jersey Division on Civil Rights and the Law Against Discrimination.

It shall be the duty of the superintendent to see that persons nominated for employment shall meet all qualifications established by state or federal law, including the successful completion of a criminal history check, proof of citizenship or eligible alien status, and certification for the type of position for which nomination is made.

The superintendent shall take steps to verify the academic credentials of any potential candidate for employment, and ensure any degrees cited, academic coursework or credits completed, or titles claimed by an individual have been granted by an accredited institution of higher education. For superintendent candidates, the board shall take similar steps. Documents shall not be accepted from non-accredited institutions or any fraudulent source. If a current employee is found to have obtained employment, tuition reimbursement or increased salary based on documents or credentials obtained from a non-accredited institution, the board will take appropriate action, up to and including the possible discharge of the individual and/or obtaining a refund of the tuition reimbursement or increased salary.

RECRUITMENT, SELECTION AND HIRING (continued)

The superintendent shall recommend for employment those individuals who, in his/her opinion, are best qualified to fill the vacancy without regard to race, creed, color, national origin, nationality, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability or because of genetic information or refusal to submit to or make available the results of a genetic test, pregnancy or other conditions not related to the duties and responsibilities of the job.

The superintendent shall prepare and maintain job descriptions that define the duties, responsibilities and qualifications required for each position. The board shall adopt those job descriptions required by law or code and others as appropriate.

The superintendent in determining the candidates to be nominated shall seek information whenever possible from the candidate's prior employers.

The board shall affirm employment and initial placement on the salary guide by a recorded roll call majority vote of the full membership of the board.

The board shall appoint all staff members only from nominations made by the superintendent. Should a nominee be rejected, it shall be the duty of the superintendent to make other nominations.

Residency Requirements

Every employee hired by the board shall have their principal residence with the State of New Jersey. For the purposes of this policy an employee may have only one principal residence which shall be defined as:

- A. Where the employee spends the majority of their nonworking time;
- B. Is most clearly the center of the employee's domestic life; and
- C. The employee's designated legal address and legal residence for voting.

The fact that an employee is either domiciled or owns a home or property in the State of New Jersey shall not by itself satisfy the requirement of principal residence.

Exemptions

- A. An employee hired on or after September 1, 2011 who is not a resident when hired shall receive one year to establish residency in New Jersey. If the employee fails to establish residency within that year, he/she shall be deemed unqualified for employment and shall be removed pursuant to N.J.S.A. 52:14-7(d);
- B. An existing employee who was not a resident of New Jersey on or prior to September 1, 2011 is exempted from this policy. However, if he/she has had a break in public service for a period of time greater than seven days this exemption shall not apply;
- C. An employee hired by the district who was a non-resident public employee prior to September 1, 2011 is exempted from this policy. However, if he/she has had a break in public service for a period of time greater than seven days this exemption shall not apply;
- D. A break in public service shall be defined as an actual separation from employment for more than seven calendar days due to such causes as resignation, retirement, layoff, or disciplinary removal. But a leave of absence shall not be considered a break in public service;
- E. An employee may request an exemption made to the State committee formed under N.J.S.A. 52:14-7 on a basis of critical need or hardship. The decision on whether to approve an application of the employee

RECRUITMENT, SELECTION AND HIRING (continued)

shall be made by a majority vote of this committee. If this committee fails to act within 30 days after receipt of the employee's application, no exemption shall be granted and the residency requirements set forth in this policy shall be in effect.

Employment History - Definitions

For the purpose of this policy:

- A. "Child abuse" means any conduct that falls under the purview and reporting requirements of law (P.L. 1971, c.437; N.J.S.A. 9:6-8.8 et seq.) and is directed toward or against a child or student, regardless of the age of the child or student (see also board policy 5141.4 Missing, Abused and Neglected Children);
- B. "Sexual misconduct" means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialogue, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent or erotic contact with a student.

Required Disclosure of Employment History

The board shall require all applicants for employment and applicants to provide contracted services for positions and services that involve regular contact with students to provide the following information:

- A. A list, including name, address, telephone number and other relevant contact information of the applicant's:
  - 1. Current employer;
  - 2. All former employers within the last 20 years that were schools; and
  - 3. All former employers within the last 20 years where the applicant was in a position that involved direct contact with children;
- B. A written authorization that consents to and authorizes disclosure of the information requested for the district to review the employment history and the release of related records by the applicant's list of employers as detailed in "A" of this section, and that releases those employers from liability that may arise from the disclosure or release of records;
- C. A written statement as to whether the applicant:
  - 1. Has been the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or the New Jersey Department of Children and Families. This is not required if the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
  - 2. Has ever been disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct;
  - 3. Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

Review of the Employment History

A review of the employment history of the applicant shall be conducted and the employers listed by the applicant contacted. The dates of employment shall be requested and a statement as to whether the applicant:

RECRUITMENT, SELECTION AND HIRING (continued)

- A. Was the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or the New Jersey Department of Children and Families. This is not required if the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
- B. Was disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or
- C. Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

The review of the employment history may be conducted through telephone or cellphone, electronic communication or written communications. If the review is conducted by telephone or cellphone the results of the review shall be documented in writing by the district employee assigned to conduct the review.

Any applicant who willfully provides false information or willfully fails to disclose information required shall be subject to discipline and including termination or denial of employment; may be deemed in violation of law (N.J.S.A. 2C:28-3); and may be subject to a civil penalty of not more than \$500. Notification of these penalties shall be on all applications for employment for positions which involve regular contact with students.

Review of Out-of-State Employment History

A review of out-of-State employers that are part of the employment history of the applicant shall be conducted and the employers listed by the applicant contacted. The superintendent or his or her designee shall ensure that the employment history review conducted with an out-of-State employer is documented with specificity as to the diligent efforts made to:

- A. Verify the information provided by the applicant; and
- B. Obtain the information requested from any out-of-State employers listed by the applicant.

Nondisclosure Agreements

The district shall not enter into a collectively bargained or negotiated agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

- A. Has the effect of suppressing or destroying information relating to an investigation related to a report of suspected child abuse or sexual misconduct by a current or former employee;
- B. Affects the ability of the district to report suspected child abuse or sexual misconduct to the appropriate authorities;
- C. Requires the district to expunge information about allegations or finding of suspected child abuse or sexual misconduct from any documents maintained by the district. This excludes allegations that are found to be false or alleged incidents of child abuse or sexual misconduct that have not been substantiated.

Implementation

The district may employ or contract with an applicant on a provisional basis for a period not to exceed 90 days pending the employment history review by the district provided that all of the following conditions are satisfied:

RECRUITMENT, SELECTION AND HIRING (continued)

- A. The applicant has complied and provided the information requested;
- B. The district has no knowledge or information pertaining to the applicant that the applicant is required to disclose as part of the employment history review; and
- C. That special or emergent circumstances exist that justify the temporary employment of the applicant.

When the review of an applicant's employment history reveals that the applicant has a history of sexual misconduct or child abuse, the applicant shall be disqualified from employment with the district without grievance or appeals procedures or tenure proceedings pursuant to any collectively bargained or negotiated agreement or any law, rule or regulation.

The district shall respond to requests for employment history information pertaining to former or current district employees in compliance with law, within 20 days of the receipt of the request and former employee's consent to release the information.

Information received about an applicant's employment history shall not be a public record.

Adopted: June 24, 1985  
 Revised: September 24, 1990  
 Revised: August 23, 1995  
 Revised: May 31, 1996  
 Readopted: August 14, 2007  
 NJSBA Review/Update: March 2009, August 2019  
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 Readopted:

(SE file codes: 3125, 1631)

Key Words

Recruitment, Selection and Hiring; Hiring; Nondiscrimination; Affirmative Action, Background Check, Personnel Background Check, Domestic Partnership Act, Residency Requirements

<b><u>Legal References:</u></b>	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	<u>See particularly:</u>	
	<u>N.J.S.A. 10:5-3</u>	
	<u>N.J.S.A. 18A:3-15. 1 et seq.</u>	Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation
	<u>N.J.S.A. 18A:6-5</u>	Inquiry as to religion and religious tests prohibited
	<u>N.J.S.A. 18A:6-6</u>	No sex discrimination
	<u>N.J.S.A. 18A:6-7.1, -7.5</u>	Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
	<u>N.J.S.A. 18A:6-7.6 through N.J.S.A. 18A:6-7.13</u>	Employees; qualifications; discrimination, prohibitions
	<u>N.J.S.A. 18A:6-76.1</u>	Deadline for notification to students of requirements of provisional certificate and induction program
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:13-40</u>	General powers and duties of board of newly created regional districts
	<u>N.J.S.A. 18A:16-1</u>	Officers and employees in general
	<u>N.J.S.A. 18A:26-1, -1.1, -2</u>	Citizenship of teachers, exceptions
	<u>N.J.S.A. 18A:27-1 et seq.</u>	Employment and Contracts

RECRUITMENT, SELECTION AND HIRING (continued)See particularly:

<u>N.J.S.A. 18A:27-4.1</u>	
<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
<u>N.J.S.A. 26:8A-1 et seq.</u>	<u>Domestic Partnership Act</u>
<u>N.J.S.A. 52:14-7</u>	Residency Requirements
<u>N.J.A.C. 6A:7-1.1 et seq.</u>	Managing for Equality and Equity in Education

See particularly:

<u>N.J.A.C. 6A:7-1.4, -1.5, -1.6, -1.8</u>	
<u>N.J.A.C. 6A:9B-5.7</u>	Citizenship requirement
<u>N.J.A.C. 6A:9B-5.8</u>	Endorsement requirements
<u>N.J.A.C. 6A:9B-6.1 et seq.</u>	College courses and certification
<u>N.J.A.C. 6A:9B-8.1 et seq.</u>	Requirements for Instructional Certification
<u>N.J.A.C. 6A:9B-10.1 et seq.</u>	Exceptions for the Requirements for the Instructional Certificate
<u>N.J.A.C. 6A:9B-11.1 et seq.</u>	Additional requirements or exceptions to requirements for instructional certification with special endorsements
<u>N.J.A.C. 6A:9B-12.1 et seq.</u>	Requirements for administrative certification
<u>N.J.A.C. 6A:10-1.1 et seq.</u>	Educator effectiveness
<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:32-4.1</u>	Employment of teaching staff
<u>N.J.A.C. 6A:32-5.1</u>	Standards for determining seniority

P.L. 2018, c.5 – regarding requirements for employment history review for child abuse and sexual misconduct.

P.L. 2018, c.9 – regarding unlawful employment practices with respect to discrimination in compensation or in the financial terms and conditions of employment

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Old Bridge Education Association v. Old Bridge Township Bd. of Ed., 1986 S.L.D. 1917

Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1547 (3d Cir. 1996)

The Comprehensive Equity Plan, New Jersey Department of Education

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

2130	Administrative staff
*2131	Superintendent
4000	Concepts and roles in personnel
*4111.1/4211.1	Nondiscrimination/affirmative action
*4112.2	Certification
*4112.4/4212.4	Employee health
4112.5/4212.5	Criminal history check
*4112.6/4212.6	Personnel records
*4112.8/4212.8	Nepotism

RECRUITMENT, SELECTION AND HIRING (continued)

*4121	Substitute teachers
*4222	Noninstructional aides
*5120	Assessment of individual needs
*6010	Goals and objectives

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

**NONDISCRIMINATION/AFFIRMATIVE ACTION**

The Camden City Board of Education guarantees to all persons equal access to all categories of employment, assignment to a position, transfer, and promotion in this district. The board shall not assign, transfer, promote, or retain staff, or fail to assign, transfer, promote, or retain staff, on the sole basis of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, pregnancy, liability for service in the Armed Forces of the United States, disability, nationality, atypical hereditary cellular or blood trait of any individual, nonapplicable disability or because of genetic information or refusal to submit to or make available the results of a genetic test.

An affirmative action/equity program shall be a part of every aspect of employment not limited to but including upgrading; demotion or transfer; recruitment or recruitment advertising; renewal or non-renewal; layoff or termination; rates of pay or other forms of compensation including fringe benefits; employment selection or selection for training and apprenticeships; promotion; or tenure.

The board-designated affirmative action officer shall identify and recommend correction of any existing inequities, and any that occur in the future.

**Affirmative Action Officer and Team**

The board designated affirmative action officer shall:

- A. In collaboration with the affirmative action team coordinate the required professional development training for certificated and non-certificated staff;
- B. Notify all employees of district grievance procedures for handling discrimination complaints; and
- C. Ensure that the district grievance procedures, including investigative responsibilities and reporting information, are followed (see board policy 2224 Nondiscrimination/Affirmative Action).

**Harassment and Favoritism**

The board of education is an affirmative action employer and holds all its employees responsible for maintaining a working environment that is free from all discriminatory practices. Harassment or favoritism on any basis included in the board's statement of equal access to employment, retention and advancement is prohibited.

Administrators and supervisors shall be familiarized with the actions that constitute harassment and favoritism. This material shall be included in the legally mandated affirmative action inservice training for all employees, and shall be clear and specific (see policy 2224). When harassment has been determined to have taken place, appropriate disciplinary action will follow. All such determinations shall be reported to the board.

**Sexual Harassment**

The board of education shall maintain a working environment that is free from sexual harassment. Administrators and supervisors will make it clear to all staff that sexual harassment is prohibited. No supervisory employee shall threaten or insinuate, either directly or indirectly, that an employee's refusal to submit to sexual advances will adversely affect the employee's continued employment, evaluation, compensation, assignment or advancement. No supervisory employee shall promise or suggest, either directly or indirectly, that an employee's submission to sexual advances will result in any improvement in any

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

term or condition of employment of an employee. Sexually harassing conduct committed by nonsupervisory personnel is also prohibited.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- A. Submission to the conduct or communication is made a term or condition of employment or education;
- B. Submission to, or rejection of, the conduct or communication is the basis for decisions affecting employment and assignment or education;
- C. The conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or education;
- D. The conduct or communication has the effect of creating an intimidating, hostile or offensive working or educational environment.

Sexual harassment of staff or children interferes with the learning process and will not be tolerated in the schools. Harassment by board members, employees, parents, students, vendors and others doing business with the district is prohibited. Any child or staff member who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the affirmative action officer or building principal. Anyone else who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the superintendent or board president. Employees whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including dismissal. Other individuals whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent/board. Law enforcement shall be summoned when appropriate. This policy statement on sexual harassment shall be distributed to all staff members.

Staff or pupils may file a formal grievance related to harassment on any of the grounds addressed in this policy. The affirmative action officer will receive all complaints and carry out a prompt and thorough investigation, and will protect the rights of both the person making the complaint and the alleged harasser.

Findings of discrimination in the form of sexual harassment will result in appropriate disciplinary action.

Pregnancy

The board prohibits discrimination against pregnant women and those who suffer medical conditions related to pregnancy and childbirth. The superintendent or his or her designee shall ensure that reasonable accommodations are made that will allow them to maintain a healthy pregnancy or recovery from childbirth, without being removed from their positions, placed on unpaid leave, or fired.

The district shall provide reasonable accommodations to pregnant women and those who suffer medical conditions related to pregnancy and childbirth, such as bathroom breaks, breaks for increased water intake, periodic rest, assistance with manual labor, job restructuring or modified work schedules, and temporary transfers to less strenuous or hazardous work.

Requested accommodations that cause the district an undue hardship are not required by law and shall not be provided.

Employment and Contract Practices

The board shall ensure all persons, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status, have equal and bias-free access to all categories of employment and equal pay for equal work among members of the school district's staff.

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

The board shall not enter into any contract with a person, agency, or organization that discriminates on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status, either in employment practices or in the provision of benefits or services to students or employees.

The board directs the superintendent to ensure that appropriate administrators implement the district's affirmative action policies by:

- A. Adhering to the administrative code in selection of vendors and suppliers; informing vendors and suppliers that their employees are bound by the district's affirmative action policies in their contacts with district staff and pupils (see board policy 3327 Relations with Vendors);
- B. Continuing implementation and refinement of existing practices and affirmative action plans, making certain that all recruitment, hiring, evaluation, training, promotion, personnel-management practices and collective bargaining agreements are structured and administered in a manner that furthers equal employment opportunity principles and eliminates discrimination on any basis protected by law, holding inservice programs on affirmative action for all staff in accordance with law.

Whistleblower Protection

The board prohibits discrimination or retaliation against any school employee who does any of the following:

- A. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the board that the employee reasonably believes is in violation of a law, or a rule or regulation established pursuant to law or is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity;
- B. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation established pursuant to law by the board including any violation involving deception of, or misrepresentation; or
- C. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of law, rule or regulation; is fraudulent or criminal; or is incompatible with public health, safety or welfare or protection of the environment.

The board shall ensure that notices are posted conspicuously in each school, informing employees that they are protected under the "Conscientious Employee Protection Act."

Appeals

Grievances related to equity in employment practices shall be submitted to the affirmative action officer. Any individual may petition the Commissioner in writing to resolve a dispute arising related to equity in employment practices.

Report on Implementation

The superintendent shall devise regulations, including grievance forms and procedures to implement this policy. He/she shall be responsible for informing staff annually of the identity and location of the affirmative action officer and the implementing procedures.

Adopted: June 24, 1985  
 Revised: September 25, 1989  
 Revised: February 28, 1994

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

Revised: August 23, 1995  
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 Readopted: August 14, 2007  
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 Revised: March 30, 2015  
 Readopted:

(SE file codes: 3362, 3381)

Key Words

Affirmative Action, Nondiscrimination, Employee Nondiscrimination/Affirmative Action, Domestic Partnership Act

**Legal References:** N.J.S.A. 10:5-1 et seq. Law Against Discrimination  
See particularly:  
N.J.S.A. 10:5-3, -3.1, -4.1, -12, -27  
N.J.S.A. 18A:6-5 Inquiry as to religion and religious tests prohibited  
N.J.S.A. 18A:6-6 No sex discrimination  
N.J.S.A. 18A:18A-17 Facilities for handicapped persons  
N.J.S.A. 18A:26-1 Citizenship of teachers, etc.  
N.J.S.A. 18A:26-1.1 Residence requirements prohibited  
N.J.S.A. 18A:29-2 Equality of compensation for male and female teachers  
N.J.S.A. 18A:36-20 Discrimination Prohibition  
N.J.S.A. 26:8A-1 et seq. Domestic Partnership Act  
N.J.S.A. 34:19-1 et seq. Conscientious Employee Protection Act  
See particularly:  
N.J.S.A. 34:19-3  
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education  
See particularly:  
N.J.A.C. 6A:7-1.4, -1.5, -1.6, -1.8  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Executive Order 11246 as amended

29 U.S.C.A. 201 - Equal Pay Act of 1963 as amended

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

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986)

School Board of Nassau County v. Arline, 480 U.S. 273 (1987)

Vinson v. Superior Court of Alameda County, 740 P.2d 404 (Cal. Sup. Ct. 1987)

Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1547 (3d Cir. 1996)

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)

The Comprehensive Equity Plan, New Jersey State Department of Education

**Possible**

<b><u>Cross References:</u></b>	*2224	Nondiscrimination/affirmative action
	*3320	Purchasing procedures
	*4111	Recruitment, selection and hiring
	*4112.8/4212.8	Nepotism
	*4147/4247	Employee safety
	*4211	Recruitment, selection and hiring
	*5145.4	Equal educational opportunity
	*6121	Nondiscrimination/affirmative action

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

**Regulation**

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**AFFIRMATIVE ACTION/NONDISCRIMINATION**

**Grievance Procedure**

- A. Any person with information regarding actual and/or potential sexual harassment or a discriminatory practice or an act prohibited by law shall report the matter with his or her immediate supervisor, the building principal or the affirmative action officer;
- B. If the matter is reported the principal or the supervisor, the principal or supervisor shall forward a report to the affirmative action officer within one (1) work day even if the principal or supervisor believes no sexual harassment or discrimination occurred;
- C. In the event that the report is against the principal or the affirmative action officer, the superintendent shall designate a school official to assume the responsibilities of the conflicted principal or supervisor;
- D. The affirmative action officer will begin an immediate investigation after receiving the report. The affirmative action officer shall investigate and take steps to resolve the matter whether or not a formal grievance is filed. The investigation shall be completed within ten (10) working days after the receipt of the report;
- E. The affirmative action officer shall initially discuss what actions the staff member is seeking in response to the complaint with the staff member;
- F. The investigation may include but is not limited to:
  - 1. Interviews with all persons with potential knowledge of the alleged conduct;
  - 2. Interviews with any staff member(s) who may have been sexually harassed or discriminated against in the past by the school staff member;
  - 3. Involve the complainant in the investigation; and
  - 4. Any other reasonable methods to determine if sexual harassment conduct or discrimination existed;
- G. The affirmative action officer will provide a copy of board policies and regulations 2224 and 4111.1/4211.1 Affirmative Action and Nondiscrimination upon request to all persons who are interviewed with potential knowledge and to any other person the affirmative action officer deems appropriate;
- H. Any person interviewed by the affirmative action officer may be provided an opportunity to present witnesses and other evidence;
- I. The affirmative action officer and/or superintendent will contact law enforcement agencies if there is potential criminal conduct by any party;
- J. The school district administration may consult the affirmative action officer regarding interim measures that may be implemented to prevent a reoccurrence of the alleged conduct during an affirmative action officer's investigation of a complaint;
- K. Within ten (10) working days after reported to the affirmative action officer, the affirmative action officer will complete the investigation and prepare a summary of findings to the parties. At a minimum, this summary shall include:
  - 1. The name of the person reporting the incident;
  - 2. The name of the staff member who was allegedly sexually harassed or discriminated against;

AFFIRMATIVE ACTION COMPLAINT PROCEDURE (regulation continued)

- L. The affirmative action officer shall make a determination whether alleged conduct was present;
- M. If the affirmative action officer determines that sexual harassment or discrimination has occurred, the superintendent shall take reasonable and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment or the discrimination such as counseling, warning, and/or disciplinary action. The steps will be based on the severity of the incident or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment;
- N. All directly involved parties including the complainant shall be notified of the determination of the affirmative action officer in writing;
- O. In the event the affirmative action officer determines a hostile environment exists, the superintendent shall take steps to eliminate the hostile environment. Special training or other interventions may be arranged to repair the educational environment. Other measures may include a written letter of apology, dissemination of information, distribution of new policy statements or other steps to communicate the message that the board does not tolerate harassment or discrimination and will be responsive to any school staff member that reports such conduct;
- P. In some situations other services shall be provided to the offended staff member, if necessary, to address the effects of the harassment or discrimination upon that staff member. Additional services may include an independent re-assessment of the staff member's work performance, counseling and/or other measures that are appropriate to the situation;
- Q. The superintendent will take steps to avoid any further incidents and to prevent any retaliation against the staff member who made the complaint, was the subject of the harassment or discrimination, or against those who provided the information or were witnesses. The affirmative action officer will encourage the complainant to report any subsequent problems and will make follow-up inquiries to see if there has been any new incidents or retaliation;
- R. All written documentation regarding sexual harassment and discrimination grievances and accompanied investigation documentation shall be maintained in a confidential file by the affirmative action officer.

Appeal

- S. The determination and resolution of the affirmative action officer's investigation may be appealed to the superintendent in writing within ten (10) days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily;
- T. The complainant will be given an informal hearing before the superintendent, at a time and place convenient to the parties, but no later than ten days after the request for a hearing has been submitted. The superintendent may also require the presence at the hearing of the staff member charged with a discriminatory act and any other person with knowledge of the act complained of;
- U. The superintendent shall render a decision within ten (10) working days of the hearing;
- V. The complainant may appeal the superintendent's decision to the board by filing a written appeal with the board secretary no later than ten days after receipt of the chief school administrator's decision. The appeal shall include:
  - 1. The original complaint;
  - 2. The response to the complaint;
  - 3. The superintendent's report and decision;
  - 4. The complainant's reason for believing the superintendent's decision should be changed.

AFFIRMATIVE ACTION COMPLAINT PROCEDURE (regulation continued)

- W. A copy of the appeal to the board must be given to the staff member, if any, charged with a discriminatory act:
- X. The board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath:
- Y. The board will render a written decision no later than 30 days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties:
- Z. The complainant will be informed of his or her right to appeal the board's decision to the
  - 1. The Commissioner of Education  
Bureau of Controversies and Disputes  
New Jersey Department of Education  
PO Box 500  
Trenton, New Jersey 08625  
Phone: (609) 292-5705
  - 2. Equal Employment Opportunity Commission Newark District Office  
1 Newark Center, 21st Floor  
Newark, New Jersey 07102  
Phone: 800-669-4000 or 973-645-6383
  - 3. U.S. Office for Civil Rights  
U.S. Department of Education  
32 Old Slip, 26th Floor  
New York, NY 10005-2500  
Phone 646-428-3900 or TDD: 877-521-2172  
Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)
  - 4. New Jersey Division on Civil Rights  
140 East Front Street, 6th Floor  
P.O. Box 090  
Trenton, NJ 08625-0090  
Phone: 609-292-4605 or TDD 609-292-1785

Record

The records of any complaint processed in accordance with this procedure shall be maintained in a file kept by the affirmative action officer.

A copy of the decision rendered at the highest level of appeal will be kept in the employee's personnel file.

NJSBA Review/Update: August 2019  
Adopted:

**Policy**

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**EMPLOYMENT CONTRACTS**

In accordance with law and for the mutual protection of the district and the employee, every certificated staff member who has not achieved tenure shall be required annually to sign an employment contract if offered employment. Additionally, every nontenured employee and/or noncertified staff member shall annually sign an employment contract for a term of not more than one year.

Each employment contract shall include:

- A. The term for which employment is contracted, including beginning and ending dates;
- B. The kind and grade of certificate held by the employee and the date upon which the certificate will expire, if any;
- C. The salary at which the person is employed;
- D. The intervals at which salary shall be paid;
- E. A provision for termination of contract on notice duly given by its parties of 60 days (or less if employment is temporary);
- F. Such other matters as may be necessary to a full and complete understanding of the contract.

All employee contracts, and letters of invitation to those under tenure, shall be submitted for approval at the regular board of education meeting in accordance with law and are to be issued immediately after that meeting. The superintendent shall determine a return date for all contracts and letters.

The contract will include provision for a probationary period in accordance with board policy 4211 Recruitment, Hiring and Selection (for noncertified staff only) and the termination of the contract by either party following the completion of the probationary period on thirty (30) day notice.

Should an employee be offered, in error a contract for a salary which differs from that approved by the board, the salary approved by the board shall be the salary paid. If the salary approved by the board is in error, then the board at the next meeting shall approve the corrected salary after the error is discovered. The board will pay any amount owed and/or will seek to recover overpayments, if any.

All terms and conditions of the contract shall conform to requirements of state law and the State Board of Education and be submitted to the Executive County Superintendent upon board approval.

**Part-Time Teachers**

Part-time teaching staff members will be compensated on the salary schedule negotiated for fulltime teaching staff members, prorated to their part-time service.

An employee working less than twenty hours per week (subject to negotiations) in his or her job category shall not be entitled to any benefits afforded such full time employees, except:

- A. If regularly employed, is entitled to appropriate sick leave as determined by the superintendent.
- B. If employed in each calendar quarter and earning in total at least \$1,500 per year, is entitled to pension fund participation.

**EMPLOYMENT CONTRACTS** (continued)

Nothing in this policy shall prevent a part-time employee from voluntarily participating in a benefit program of this district at no cost to the district, except as enumerated above or prohibited by law.

The board recognizes that part-time teaching staff members who serve the statutory probationary period will earn the protections of tenure and seniority.

**Noncertified Staff**

Adopted: March 30, 2015  
NJSBA Review/Update: August 2019  
Readopted:

(SE file code: 3124)

**Key Words**

Employment Contract, Certificate, Contract

**Possible**

<b><u>Cross References:</u></b>	*3100	Budget planning, preparation and adoption
	*3326	Payment for goods and services
	*3570	District records and reports
	*3571.4	Audit
	*4111/4211	Recruitment, hiring and selection
	*4111.1/4211.1	Nondiscrimination, affirmative action

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

**CAMDEN CITY PUBLIC SCHOOLS**  
Camden, New Jersey

**FILE CODE: 4113/4114**

**Policy**

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

**ASSIGNMENT; TRANSFER**

The superintendent shall make certified staff assignments in the manner best calculated, in his/her judgment, to enhance the educational program.

Teaching, supervisory, administrative and support personnel are subject to assignment and transfer after recommendation of the superintendent and approval by the board of education. Procedures for such transfers shall comply with provisions of current negotiated agreements and state and federal law. Disciplinary transfers are prohibited. Particular attention shall be paid to ensuring to the extent possible that there shall be equivalence of teachers and administrative staff among the schools. Discrimination in assignment, transfer and promotion shall not be tolerated (see 2224, 4111 and 4111.1).

The superintendent or his or her designee shall monitor district promotion, assignment and transfer practices to ensure nondiscrimination. All actions of the board involving the promotion of certificated personnel shall be taken upon recommendation of the superintendent and in accordance with the current negotiated agreement.

Adopted:	June 24, 1985
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Revised:	March 11, 1992
Revised:	August 23, 1995
Revised:	May 31, 1996
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(SE file code: 3130)

**Key Words**

Personnel Assignment, Personnel Transfer, Assignment and Transfer, Assignment, Transfer

**Legal References:** N.J.S.A. 18A:25-1 Transfer of teaching staff members  
N.J.S.A. 18A:27-4 Power of boards of education to make rules governing employment of teacher  
N.J.S.A. 18A:27-4.1 Appointment, transfer, removal, or renewal of officers and employees; exceptions  
N.J.S.A. 18A:59-1 through -3 Apportionment and distribution of federal funds; exceptions  
N.J.S.A. 34:13A-1 et seq. New Jersey Employer-Employee Relations Act  
See particularly:  
N.J.S.A. 34:13A-23, -25, -27, -29  
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
  
42 U.S.C.A. 2000d - 2000d4 - Title VI of the Civil Rights Act of 1964  
  
20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972

ASSIGNMENT; TRANSFER (continued)

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act

Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988, (Pub. L. No. 100-297) amending Elementary and Secondary Education Act of 1965.

34 CFR 200.1 to 200.89 - Part 200

34 CFR Part 204

Ridgefield Park Education Association v. Ridgefield Park Board of Education, 78 N.J. 144 (1978)

The Comprehensive Equity Plan, New Jersey State Department of Education Division

PossibleCross References:

*2224	Nondiscrimination/affirmative action
*3220/3230	State funds; federal funds
*4111	Recruitment, selection and hiring
*4111.1/4211.1	Nondiscrimination/affirmative action
*4131/4131.1	Staff development; inservice education/visitations/conferences
*5145.4	Equal educational opportunity
*6121	Nondiscrimination/affirmative action
*6141	Curriculum design/development
*6145	Extracurricular activities
*6160	Instructional services and resources
*6171.3	At-risk and Title 1
*6171.4	Special education

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

**STAFF DEVELOPMENT; INSERVICE EDUCATION/VISITATIONS/CONFERENCES**

The Camden City Board of Education recognizes its legal obligation to provide inservice activities that are aligned with student learning and educator development needs, and school, district, and/or State improvement goals. It is the board's priority that continuing education for teaching staff focus on the improvement of teachers' and school leaders' effectiveness in assisting students in the achievement of the New Jersey Student Learning Standards.

The superintendent shall develop a comprehensive management system for staff professional improvement and shall assist staff members in the area of professional improvement by providing relevant information regarding workshops, professional meetings and course offerings. Professional learning shall incorporate coherent, sustained, and evidence-based strategies that improve educator effectiveness and student achievement, including job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills to their work.

**District-Level Professional Development Plans**

The superintendent or his or her designee shall oversee the development and implementation of a plan to address districts' professional development needs. The school district professional development plan shall be reviewed on an annual basis to assess its effectiveness and revised it, as necessary, to meet the school district's learning goals for students, teachers, and school leaders. When overseeing and annually reviewing the school district plan, the superintendent or designee shall:

- A. Review school-level professional development plans;
- B. Assess the learning needs of students, teachers, and school leaders based on educator evaluation data, school-level plans, and data from school- and district-level performances;
- C. Plan, support, and implement professional learning that addresses the New Jersey Student Learning Standards, and that align with the standards for professional learning in N.J.A.C. 6A:9C-3.3 and the Professional Standards for Teachers and the Professional Standards for School Leaders in N.J.A.C. 6A:9-3;
- D. Develop and update, as necessary, the district mentoring plan for nontenured teachers, including novice provisional teachers who hold a certificate of eligibility (CE) or a certificate of eligibility with advanced standing (CEAS);
- E. Present the plan to the district board of education to review for fiscal impact; and
- F. Certify annually to the New Jersey Department of Education, through a statement of assurance, that the school district is meeting the requirements for the school district plan and that it includes requirements of the district mentoring plan.

School districts sending to the same middle and/or high school may form a regional consortium to develop one districtwide plan based on the sending schools' plans.

**School-Level Professional Development Plans**

The principal shall oversee the development and implementation of a plan for school-level professional

STAFF DEVELOPMENT; INSERVICE EDUCATION/  
VISITATIONS/CONFERENCES (continued)

development that shall ensure:

A. The school level plan includes:

1. A description of school-level and team-based professional learning aligned with identified school goals; and
2. Teacher and student learning needs; and

B. All teachers receive the necessary opportunities, support, and resources to complete individual professional development requirements of N.J.A.C. 6A:9C-4.4(a) that at least 20 hours per year of qualifying professional development experiences are provided. The 20-hour annual requirement shall be based on the length of full-time employment and reduced by a pro rata share reflecting part-time employment, or an absence, including the use of family or medical leave.

Professional Development for School Leaders

"School leader" means an administrator whose position requires possession of a school administrator, principal, or supervisor endorsement.

All active school leaders serving on a permanent or interim basis shall complete training on issues of school law, ethics, governance, and harassment, intimidation and bullying (N.J.S.A. 18A:26-8.2); and other statutory requirements related to student safety and well-being. To meet this ongoing requirement, the specific training needs of each school leader will be reviewed annually as part of the professional development planning process.

A. School Leaders

Each school leader shall create, implement, and complete an individual professional development plan (PDP) that:

1. Aligns with the Professional Standards for School Leaders (N.J.A.C. 6A:9-3.4) and the Standards for Professional Learning;
2. Derives from the results of observations, evidence, and recommendations included in the annual performance evaluation of the chief school administrator, principals, or supervisors;
3. Identifies professional goals that address specific individual, school, or district goals;
4. Grounds professional development activities in objectives related to improving teaching, learning, and student achievement, and in support of the school and/or district professional development plan; and
5. Includes training on: school law, ethics, and governance pursuant to N.J.S.A. 18A:26-8.2; and other statutory requirements related to student safety, bullying and harassment, and well-being.

Each school leader's individual PDP shall be developed by October 31. However, when the school leader is hired after October 1, the PDP shall be developed within 25 working days of his or her hire.

B. Professional Development for the Chief School Administrator

The superintendent shall develop an individual PDP for review by his or her district board of education. In developing the individual PDP, the following process shall be followed:

1. The board shall review the chief school administrator's individual PDP, including the individual training needs and shall ensure the individual PDP aligns to school district goals and to the school district's plan for professional development;
2. The superintendent shall submit annually to the board evidence of progress toward completion of the

STAFF DEVELOPMENT; INSERVICE EDUCATION/  
VISITATIONS/CONFERENCES (continued)

individual PDP. The superintendent also shall submit every three to five years, depending on the length of his or her contract with the board, summative evidence of plan completion;

3. The superintendent may appeal to the executive county superintendent if he or she disagrees with the board regarding PDP contents or progress toward completion. The executive county superintendent shall have final decision-making authority on all such matters.

C. Professional Development for Positions Requiring a Principal, Supervisor of Superintendent Endorsement

Leaders whose positions require a principal or supervisor endorsement, or whose positions require a superintendent endorsement but who do not serve as a superintendent of the district, shall develop an individual PDP in collaboration with his or her designated supervisor. Leaders shall provide evidence of progress toward fulfillment of his or her plan. The superintendent or designee shall:

1. Review each principal's, supervisor's, or other school leader's individual PDP, including individual training needs and shall ensure it aligns to school and school district goals and the school district's plan for professional development;
2. Meet with the principal, supervisor, or other school leader at mid-year to assess progress toward his or her PDP's completion or modification; and
3. Review the individual PDP's status as part of the principal's, supervisor's, or other school leader's annual performance evaluation.

D. Evidence of Progress and Maintaining Records

The school leader's designated supervisor, or the board in the case of the chief school administrator, shall:

1. Use the performance evaluation process and professional development planning process to monitor the school leader's progress in meeting the professional development requirements. If a school leader's progress is found to be inadequate, the school leader's designated supervisor or the board in the case of the superintendent shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and
2. Maintain accurate records of each school leader's progress in meeting the individual professional development requirements. Such records shall include a copy of each school leader's current PDP and timeline, as well as any documentation and evidence showing the school leader's progress toward meeting the plan's requirements.

- E. If a school leader leaves the employ of one New Jersey school district and is hired by another, the school leader's designated supervisor, or the board in the case of the chief school administrator, shall ensure a revised individual PDP appropriate to the new employment is developed in collaboration with the school leader.

Professional Development for Teachers

Each teacher shall be guided by an individualized professional development plan (PDP), which shall include at least 20 hours per year of qualifying activities. The 20-hour annual requirement shall be based on the length of full-time employment and reduced by a pro rata share reflecting part-time employment, or an absence, including the use of family or medical leave.

The content of each PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3. The individual PDP shall be effective for one year and shall specify, at a minimum:

STAFF DEVELOPMENT; INSERVICE EDUCATION/  
VISITATIONS/CONFERENCES (continued)

- A. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation;
- B. One area for development of professional practice derived from individual, collaborative team, school, or school district improvement goals.

Each teacher's individual PDP shall be updated annually no later than October 31. However, when the teacher is hired after October 1, the PDP shall be developed within 25 working days of his or her hire.

Progress on the individual PDP shall be discussed at the annual summary conference as detailed in board policy 4116 Evaluation of Teaching Staff Members and law (N.J.A.C. 6A:10-2.4) but may occur more frequently throughout the year. Evidence of progress toward meeting the requirements of the teacher's individual PDP may be provided by the teacher and/or his or her supervisor, and shall be reviewed as part of each annual summary conference.

A teacher's individual PDP goals may necessitate more than the recommended minimum requirements of 20 hours of professional development annually. Additional hours of qualifying experiences may be required for teachers in low-performing schools, as determined by the Commissioner.

The board of education shall ensure that all teachers receive the necessary opportunities, support, and resources to engage in ongoing professional learning and to complete the requirements of their respective PDPs.

Supervisor Responsibilities in the Development of Profession Development Plans (PDP)

The teacher's designated supervisor shall:

- A. Use the teacher performance evaluation process and the professional development planning process to monitor each teacher's progress in meeting the professional development requirements. The designated supervisor shall take appropriate steps to assure such progress. If a teacher's progress is found to be inadequate, the teacher's designated supervisor shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and
- B. Maintain accurate records of each teacher's progress in meeting the individual professional development requirements. Such records shall include a copy of each teacher's current PDP and timeline, as well as any documentation and evidence showing the teacher's progress toward meeting the plan's requirements.

If a teacher leaves the employ of one New Jersey school district and is hired by another, the former district of employment shall share the teacher's individual PDP and all supporting documentation with the new employing school district. If the current individual PDP is found to be unsuitable to the teacher's new assignment, the new employing school district shall ensure a revised individual PDP and timeline is created within 30 days of hire by the employee's new supervisor in collaboration with the new teacher.

Achievement Gap and Inequity

The board shall on a continuing basis, provide professional development training for all school personnel (certified and noncertified) to identify and resolve problems associated with the student achievement gap and other inequities arising from prejudice on the basis of protected status. Parents/guardians and other community members shall be invited to participate in the professional development training. Newly hired certified and noncertified staff shall be provided professional development training on educational equity issues within the first year of employment.

**STAFF DEVELOPMENT; INSERVICE EDUCATION/  
VISITATIONS/CONFERENCES** (continued)

**Mandated Inservice Programs**

The superintendent shall arrange development of appropriate inservice presentations, seminars and/or workshops on equity issues, special education, missing, abused and neglected children, drug/alcohol abuse awareness, suicide awareness, handling blood and body fluids, possible hazardous substances in the workplace, crises response, school violence and other topics specifically required by federal or New Jersey law. These required presentations, seminars and/or workshops shall not count automatically toward the required annual 20 hours of continuing education. The superintendent or his or her designee shall determine when required presentations, seminars and/or workshops shall count toward the teaching staff member's completion of the required annual 20 hours of continuing education.

Adopted: June 24 1985  
 Reconfirmed: August 23, 1995  
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**Key Words**

Staff Development, Professional Inservice, Visitations, Conferences, Continuing Education

<p><b><u>Legal References:</u></b> <u>N.J.S.A.</u> 18A:6-111 et seq.  <u>See particularly:</u>  <u>N.J.S.A.</u> 18A:6-112  <u>N.J.S.A.</u> 18A:6-117 et seq.  <u>N.J.S.A.</u> 18A:6-128  <u>N.J.S.A.</u> 18A:6-130 et seq.  <u>N.J.S.A.</u> 18A:7A-11  <u>N.J.S.A.</u> 18A:17-46  <u>N.J.S.A.</u> 18A:26-8.2  <u>N.J.S.A.</u> 18A:27-4  <u>N.J.S.A.</u> 18A:30-7  <u>N.J.S.A.</u> 18A:31-2  <u>N.J.S.A.</u> 18A:37-17  <u>N.J.S.A.</u> 18A:37-21  <u>N.J.S.A.</u> 18A:40A-3  <u>See particularly:</u></p>	<p>Instruction in Suicide Prevention            Instruction in suicide prevention for public school teaching staff          Teacher Effectiveness and Accountability for the Children          Ongoing professional development; corrective action plan          Professional development          Reports be school districts, commissioner; interim review          Act of violence; report by school employee; notice of action taken; annual report          "School leader" defined; training as part of professional development          Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder          Power of boards of education to pay salaries          Attendance at conventions of New Jersey Education Association          Establishment of Bullying Prevention Programs and Approaches          School Safety Team          Initial inservice training programs; curriculum; availability</p>
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STAFF DEVELOPMENT; INSERVICE EDUCATION/  
VISITATIONS/CONFERENCES (continued)

<u>N.J.S.A.</u> 18A:40A-3(a), -18(c)	
<u>N.J.S.A.</u> 34:5A-10	Retention of workplace surveys
<u>N.J.S.A.</u> 34:5A-13	Employee education and training program; certification of instructors
<u>N.J.A.C.</u> 6A:7-1.4	Responsibilities of the district board of education
<u>N.J.A.C.</u> 6A:7-1.6	Professional development
<u>N.J.A.C.</u> 6A:9C-1.1 <u>et seq.</u>	Required professional development for teachers and school leaders
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:9C-4.1 through -4.4	
<u>N.J.A.C.</u> 6A:10-2.4	Evaluation procedures for all teaching staff
<u>N.J.A.C.</u> 6A:10-2.5	Corrective action plans for all teaching staff
<u>N.J.A.C.</u> 6A:10-4.1 <u>et seq.</u>	Components of teacher evaluation
<u>N.J.A.C.</u> 6A:14-1.2(b)14	District eligibility for assistance under IDEA Part B (regarding highly qualified teachers)
<u>N.J.A.C.</u> 6A:15-1.8	Inservice training (Bilingual Education)
<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:16-3.1(a)4, -5.1(d), -6.2(b)12	Inservice training, alcohol, tobacco, drug prevention: safety and security, cooperation with law Enforcement
<u>N.J.A.C.</u> 6A:16-7.7	Harassment, Intimidation and Bullying
<u>N.J.A.C.</u> 6A:16-11.1	Reporting potentially missing, abused or neglected children or attempted or completed suicide
<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:32-4.1	Employment of teaching staff

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

The Comprehensive Equity Plan, New Jersey State Department of Education

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

*4115	Supervision
*4116	Evaluation
*4231/4231.1	Staff development; inservice education/visitations/conferences
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141	Health
*5141.4	Child abuse and neglect
*6142.2	English as a second language; bilingual/bicultural
*6171.3	At-risk and Title 1
*6171.4	Special education

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

**CAMDEN CITY PUBLIC SCHOOLS**  
**Camden, New Jersey**

**FILE CODE: 4211**

  X   **Monitored**

  X   **Mandated**

  X   **Other Reasons**

**Policy**

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**RECRUITMENT, SELECTION AND HIRING**

The Camden City Board of Education guarantees equal employment, advancement opportunity and equal pay for equal work for all people regardless of race, creed, color, national origin, nationality, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability or because of genetic information or refusal to submit to or make available the results of a genetic test, pregnancy or other conditions not related to the duties and responsibilities of the job.

The superintendent shall have the responsibility of locating and recruiting the best qualified candidates to provide for the identified needs of the district. Recruiting practices shall include measures for targeting underrepresented populations in every category of employment.

The superintendent or his or her designee shall ensure that the district's employment application process and pre-employment inquiry and interview process conform to the guidelines of the New Jersey Division on Civil Rights and the Law Against Discrimination.

The board of education shall appoint all staff members only from nominations made by the chief school administrator. All appointments shall be by recorded roll call majority vote of the full membership of the board. The superintendent shall adhere to the following in recruiting and interviewing candidates:

- A. There will be no discrimination in the employment process in regard to race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, pregnancy, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, nationality, disability, or because of genetic information or refusal to submit to or make available the results of a genetic test, or other conditions not related to the duties and responsibilities of the job;
- B. All candidates must have training and/or actual work experience in the vacant position, and an acceptable level of proficiency; and
- C. It shall be the duty of the superintendent to see that persons nominated for employment shall meet all qualifications established by state or federal law, including the completion of a criminal history check and proof of citizenship or eligible alien status.

The superintendent is responsible for the preparation and maintenance of job descriptions that define the duties, responsibilities and qualifications required for each support position. The board shall adopt those job descriptions required by law or code and others as appropriate.

The employment of any candidate is not official until the contract is approved by the board of education and signed by the candidate. It shall be the responsibility of the superintendent to communicate this fact to all candidates.

**Residency Requirements**

Every employee hired by the board shall have their principal residence within the State of New Jersey. For the purposes of this policy an employee may have only one principal residence which shall be defined as:

RECRUITMENT, SELECTION AND HIRING (continued)

- A. Where the employee spends the majority of their nonworking time;
- B. Is most clearly the center of the employee's domestic life; and
- C. The employee's designated legal address and legal residence for voting.

The fact that an employee is either domiciled or owns a home or property in the State of New Jersey shall not by itself satisfy the requirement of principal residence.

Exemptions

- A. An employee hired on or after September 1, 2011 who is not a resident when hired shall receive one year to establish residency in New Jersey. If the employee fails to establish residency within that year, he/she shall be deemed unqualified for employment and shall be removed pursuant to N.J.S.A. 52:14-7(d);
- B. An existing employee who was not a resident of New Jersey on or prior to September 1, 2011 is exempted from this policy. However if he/she has had a break in public service for a period of time greater than seven days this exemption shall not apply;
- C. A break in public service shall be defined as an actual separation from employment for more than seven calendar days due to such causes as resignation, retirement, layoff, or disciplinary removal. But a leave of absence caused by accepting a new appointment within the district shall not be considered a break in public service;
- D. An employee may request an exemption to the State committee formed under N.J.S.A. 52:14-7 on a basis of critical need or hardship. The decision on whether to approve an application of the employee shall be made by a majority vote of this committee. If this committee fails to act within 30 days after receipt of the employee's application, no exemption shall be granted and the residency requirements set forth in this policy shall be in effect.

Reporting of Arrests, Charges and Indictments

All staff members who are charged, arrested or indicted for a crime or offense must submit a report to the superintendent of the charge, arrest or indictment, including (but not limited to) disorderly persons offenses and drunk driving arrests. This reporting requirement pertains to both in-state and out-of-state offenses and crimes. The employee will make the report within fourteen (14) days. The staff member shall also report the disposition of any charges within seven (7) days of the disposition. Failure to report arrests, charges and indictment may result in disciplinary action up to and including termination of employment.

The superintendent will make these requirements known to all new employees and to all employees on an annual basis.

Employment History - Definitions

For the purpose of this policy:

- A. "Child abuse" means any conduct that falls under the purview and reporting requirements of law (P.L. 1971, c.437; N.J.S.A. 9:6-8.8 et seq.) and is directed toward or against a child or student, regardless of the age of the child or student (see also board policy 5141.4 Missing, Abused and Neglected Children);
- B. "Sexual misconduct" means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialogue, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent or erotic contact with a student.

RECRUITMENT, SELECTION AND HIRING (continued)Required Disclosure of Employment History

The board shall require all applicants for employment and applicants to provide contracted services for positions and services that involve regular contact with students to provide the following information:

- A. A list, including name, address, telephone number and other relevant contact information of the applicant's:
  - 1. Current employer;
  - 2. All former employers within the last 20 years that were schools; and
  - 3. All former employers within the last 20 years where the applicant was in a position that involved direct contact with children;
- B. A written authorization that consents to and authorizes disclosure of the information requested for the district to review the employment history and the release of related records by the applicant's list of employers as detailed in "A" of this section, and that releases those employers from liability that may arise from the disclosure or release of records;
- C. A written statement as to whether the applicant:
  - 1. Has been the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or the New Jersey Department of Children and Families. This is not required if the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
  - 2. Has ever been disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct;
  - 3. Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

Review of the Employment History

A review of the employment history of the applicant shall be conducted and the employers listed by the applicant contacted. The dates of employment shall be requested and a statement as to whether the applicant:

- A. Was the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or the New Jersey Department of Children and Families. This is not required if the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
- B. Was disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or
- C. Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

The review of the employment history may be conducted through telephone or cellphone, electronic communication or written communications. If the review is conducted by telephone or cellphone the results of the review shall be documented in writing by the district employee assigned to conduct the review.

RECRUITMENT, SELECTION AND HIRING (continued)

Any applicant who willfully provides false information or willfully fails to disclose information required shall be subject to discipline and including termination or denial of employment; may be deemed in violation of law (N.J.S.A. 2C:28-3); and may be subject to a civil penalty of not more than \$500. Notification of these penalties shall be on all applications for employment for positions which involve regular contact with students.

Review of Out-of-State Employment History

A review of out-of-State employers that are part of the employment history of the applicant shall be conducted and the employers listed by the applicant contacted. The superintendent or his or her designee shall ensure that the employment history review conducted with an out-of-State employer is documented with specificity as to the diligent efforts made to:

- A. Verify the information provided by the applicant; and
- B. Obtain the information requested from any out-of-State employers listed by the applicant.

Nondisclosure Agreements

The district shall not enter into a collectively bargained or negotiated agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

- A. Has the effect of suppressing or destroying information relating to an investigation related to a report of suspected child abuse or sexual misconduct by a current or former employee;
- B. Affects the ability of the district to report suspected child abuse or sexual misconduct to the appropriate authorities;
- C. Requires the district to expunge information about allegations or finding of suspected child abuse or sexual misconduct from any documents maintained by the district. This excludes allegations that are found to be false or alleged incidents of child abuse or sexual misconduct that have not been substantiated.

Implementation

The district may employ or contract with an applicant on a provisional basis for a period not to exceed 90 days pending the employment history review by the district provided that all of the following conditions are satisfied:

- A. The applicant has complied and provided the information requested;
- B. The district has no knowledge or information pertaining to the applicant that the applicant is required to disclose as part of the employment history review; and
- C. That special or emergent circumstances exist that justify the temporary employment of the applicant.

When the review of an applicant's employment history reveals that the applicant has a history of sexual misconduct or child abuse, the applicant shall be disqualified from employment with the district without grievance or appeals procedures or tenure proceedings pursuant to any collectively bargained or negotiated agreement or any law, rule or regulation.

The district shall respond to requests for employment history information pertaining to former or current district employees in compliance with law, within 20 days of the receipt of the request and former employee's consent to release the information.

RECRUITMENT, SELECTION AND HIRING (continued)

Information received about an applicant's employment history shall not be a public record.

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Key Words

Recruitment, Selection and Hiring; Hiring; Nondiscrimination; Affirmative Action, Background Check, Personnel Background Check, Domestic Partnership Act, Residency Requirements

**Legal References:** N.J.S.A. 10:5-1 et seq. Law Against Discrimination  
N.J.S.A. 18A:3-15.2 Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation  
N.J.S.A. 18A:6-5 Inquiry as to religion and religious tests prohibited  
N.J.S.A. 18A:6-6 No sex discrimination  
N.J.S.A. 18A:6-7.1, -7.5 Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception  
N.J.S.A. 18A:6-7.6 Employees; qualifications; discrimination, prohibitions  
 through N.J.S.A. 18A:6-7.13  
N.J.S.A. 18A:6-76.1 Deadline for notification to students of requirements of provisional certificate and induction program  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:13-40 General powers and duties of board of newly created regional districts  
N.J.S.A. 18A:16-1 Officers and employees in general  
N.J.S.A. 18A:26-1, -1.1, -2 Citizenship of teachers, etc.  
N.J.S.A. 18A:27-1 et seq. Employment and Contracts  
See particularly:  
N.J.S.A. 18A:27-4.1  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.S.A. 26:8A-1 et seq. Domestic Partnership Act  
N.J.S.A. 52:14-7 Residency Requirements  
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education  
See particularly:  
N.J.A.C. 6A:7-1.4, -1.8  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
N.J.A.C. 6A:32-4.1 Employment of teaching staff  
N.J.A.C. 6A:32-5.1 Standards for determining seniority

P.L. 2018, c.5 – regarding requirements for employment history review for child abuse and sexual misconduct.

P.L. 2018, c.9 – regarding unlawful employment practices with respect to discrimination in compensation or in the financial terms and conditions of employment

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the

RECRUITMENT, SELECTION AND HIRING (continued)Equal Employment Opportunities Act of 197229 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 19738 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 198642 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.Old Bridge Education Association v. Old Bridge Township Bd. of Ed., 1986 S.L.D. 1917Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1547 (3d Cir. 1996)

The Comprehensive Equity Plan, New Jersey Department of Education

**Possible**

<b><u>Cross References:</u></b>		2130	Administrative staff
		*2131	Superintendent
		4000	Concepts and roles in personnel
		*4111.1/4211.1	Nondiscrimination/affirmative action
		*4112.2	Certification
		*4112.4/4212.4	Employee health
		4112.5/4212.5	Criminal history check
		*4112.6/4212.6	Personnel records
		*4112.8/4212.8	Nepotism
		*4121	Substitute teachers
		*4222	Noninstructional aides
		*5120	Assessment of individual needs
		*6010	Goals and objectives

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

**CAMDEN CITY PUBLIC SCHOOLS**  
**Camden, New Jersey**

**FILE CODE: 4211.1**

  X   **Monitored**

  X   **Mandated**

  X   **Other Reasons**

**Policy**

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**NONDISCRIMINATION/AFFIRMATIVE ACTION**

The Camden City Board of Education guarantees to all persons equal access to all categories of employment, assignment to a position, transfer, and promotion in this district. The board shall not assign, transfer, promote, or retain staff, or fail to assign, transfer, promote, or retain staff, on the sole basis of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, pregnancy, liability for service in the Armed Forces of the United States, disability, nationality, atypical hereditary cellular or blood trait of any individual, nonapplicable disability or because of genetic information or refusal to submit to or make available the results of a genetic test.

An affirmative action/equity program shall be a part of every aspect of employment not limited to but including upgrading; demotion or transfer; recruitment or recruitment advertising; renewal or non-renewal; layoff or termination; rates of pay or other forms of compensation including fringe benefits; employment selection or selection for training and apprenticeships; promotion; or tenure.

The board-designated affirmative action officer shall identify and recommend correction of any existing inequities, and any that occur in the future.

**Affirmative Action Officer and Team**

The board designated affirmative action officer shall:

- A. In collaboration with the affirmative action team coordinate the required professional development training for certificated and non-certificated staff;
- B. Notify all employees of district grievance procedures for handling discrimination complaints; and
- C. Ensure that the district grievance procedures, including investigative responsibilities and reporting information, are followed (see board policy 2224 Nondiscrimination/Affirmative Action).

**Harassment and Favoritism**

The board of education is an affirmative action employer and holds all its employees responsible for maintaining a working environment that is free from all discriminatory practices. Harassment or favoritism on any basis included in the board's statement of equal access to employment, retention and advancement is prohibited.

Administrators and supervisors shall be familiarized with the actions that constitute harassment and favoritism. This material shall be included in the legally mandated affirmative action inservice training for all employees, and shall be clear and specific (see policy 2224). When harassment has been determined to have taken place, appropriate disciplinary action will follow. All such determinations shall be reported to the board.

**Sexual Harassment**

The board of education shall maintain a working environment that is free from sexual harassment. Administrators and supervisors will make it clear to all staff that sexual harassment is prohibited. No supervisory employee shall threaten or insinuate, either directly or indirectly, that an employee's refusal to submit to sexual advances will adversely affect the employee's continued employment, evaluation, compensation, assignment or advancement. No supervisory employee shall promise or suggest, either directly or indirectly, that an employee's submission to sexual advances will result in any improvement in any

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

term or condition of employment of an employee. Sexually harassing conduct committed by nonsupervisory personnel is also prohibited.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- A. Submission to the conduct or communication is made a term or condition of employment or education;
- B. Submission to, or rejection of, the conduct or communication is the basis for decisions affecting employment and assignment or education;
- C. The conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or education;
- D. The conduct or communication has the effect of creating an intimidating, hostile or offensive working or educational environment.

Sexual harassment of staff or children interferes with the learning process and will not be tolerated in the schools. Harassment by board members, employees, parents, students, vendors and others doing business with the district is prohibited. Any child or staff member who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the affirmative action officer or building principal. Anyone else who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the superintendent or board president. Employees whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including dismissal. Other individuals whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent/board. Law enforcement shall be summoned when appropriate. This policy statement on sexual harassment shall be distributed to all staff members.

Staff or pupils may file a formal grievance related to harassment on any of the grounds addressed in this policy. The affirmative action officer will receive all complaints and carry out a prompt and thorough investigation, and will protect the rights of both the person making the complaint and the alleged harasser.

Findings of discrimination in the form of sexual harassment will result in appropriate disciplinary action.

Pregnancy

The board prohibits discrimination against pregnant women and those who suffer medical conditions related to pregnancy and childbirth. The superintendent or his or her designee shall ensure that reasonable accommodations are made that will allow them to maintain a healthy pregnancy or recovery from childbirth, without being removed from their positions, placed on unpaid leave, or fired.

The district shall provide reasonable accommodations to pregnant women and those who suffer medical conditions related to pregnancy and childbirth, such as bathroom breaks, breaks for increased water intake, periodic rest, assistance with manual labor, job restructuring or modified work schedules, and temporary transfers to less strenuous or hazardous work.

Requested accommodations that cause the district an undue hardship are not required by law and shall not be provided.

Employment and Contract Practices

The board shall ensure all persons, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status, have equal and bias-free access to all categories of employment and equal pay for equal work among members of the school district's staff.

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

The board shall not enter into any contract with a person, agency, or organization that discriminates on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status, either in employment practices or in the provision of benefits or services to students or employees.

The board directs the superintendent to ensure that appropriate administrators implement the district's affirmative action policies by:

- A. Adhering to the administrative code in selection of vendors and suppliers; informing vendors and suppliers that their employees are bound by the district's affirmative action policies in their contacts with district staff and pupils (see board policy 3327 Relations with Vendors);
- B. Continuing implementation and refinement of existing practices and affirmative action plans, making certain that all recruitment, hiring, evaluation, training, promotion, personnel-management practices and collective bargaining agreements are structured and administered in a manner that furthers equal employment opportunity principles and eliminates discrimination on any basis protected by law, holding inservice programs on affirmative action for all staff in accordance with law.

Whistleblower Protection

The board prohibits discrimination or retaliation against any school employee who does any of the following:

- A. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the board that the employee reasonably believes is in violation of a law, or a rule or regulation established pursuant to law or is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity;
- B. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation established pursuant to law by the board including any violation involving deception of, or misrepresentation; or
- C. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of law, rule or regulation; is fraudulent or criminal; or is incompatible with public health, safety or welfare or protection of the environment.

The board shall ensure that notices are posted conspicuously in each school, informing employees that they are protected under the "Conscientious Employee Protection Act."

Appeals

Grievances related to equity in employment practices shall be submitted to the affirmative action officer. Any individual may petition the Commissioner in writing to resolve a dispute arising related to equity in employment practices.

Report on Implementation

The superintendent shall devise regulations, including grievance forms and procedures to implement this policy. He/she shall be responsible for informing staff annually of the identity and location of the affirmative action officer and the implementing procedures.

Adopted:	June 24, 1985
Revised:	September 25, 1989
Revised:	February 28, 1994

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

Revised: August 23, 1995  
 Revised: May 31, 1996  
 Readopted: August 14, 2007  
 NJSBA Review/Update: March 2009, August 2019  
 Revised: March 30, 2015  
 Readopted:

(SE file codes: 3362, 3381)

Key Words

Affirmative Action, Nondiscrimination, Employee Nondiscrimination/Affirmative Action, Domestic Partnership Act

**Legal References:** N.J.S.A. 10:5-1 et seq. Law Against Discrimination  
See particularly:  
N.J.S.A. 10:5-3, -3.1, -4.1, -12, -27  
N.J.S.A. 18A:6-5 Inquiry as to religion and religious tests prohibited  
N.J.S.A. 18A:6-6 No sex discrimination  
N.J.S.A. 18A:18A-17 Facilities for handicapped persons  
N.J.S.A. 18A:26-1 Citizenship of teachers, etc.  
N.J.S.A. 18A:26-1.1 Residence requirements prohibited  
N.J.S.A. 18A:29-2 Equality of compensation for male and female teachers  
N.J.S.A. 18A:36-20 Discrimination Prohibition  
N.J.S.A. 26:8A-1 et seq. Domestic Partnership Act  
N.J.S.A. 34:19-1 et seq. Conscientious Employee Protection Act  
See particularly:  
N.J.S.A. 34:19-3  
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education  
See particularly:  
N.J.A.C. 6A:7-1.4, -1.5, -1.6, -1.8  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
 Executive Order 11246 as amended  
 29 U.S.C.A. 201 - Equal Pay Act of 1963 as amended  
 20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972  
 42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972  
 29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973  
 20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act  
 42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)  
Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986)  
School Board of Nassau County v. Arline, 480 U.S. 273 (1987)  
Vinson v. Superior Court of Alameda County, 740 P.2d 404 (Cal. Sup. Ct. 1987)  
Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1547 (3d Cir. 1996)

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)

The Comprehensive Equity Plan, New Jersey State Department of Education

**Possible**

<b><u>Cross References:</u></b>	*2224	Nondiscrimination/affirmative action
	*3320	Purchasing procedures
	*4111	Recruitment, selection and hiring
	*4112.8/4212.8	Nepotism
	*4147/4247	Employee safety
	*4211	Recruitment, selection and hiring
	*5145.4	Equal educational opportunity
	*6121	Nondiscrimination/affirmative action

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

**CAMDEN CITY PUBLIC SCHOOLS**  
Camden, New Jersey

**FILE CODE: 4213/4214**

**Policy**

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

**ASSIGNMENT; TRANSFER**

The superintendent shall make certified staff assignments in the manner best calculated, in his/her judgment, to enhance the educational program.

Teaching, supervisory, administrative and support personnel are subject to assignment and transfer after recommendation of the superintendent and approval by the board of education. Procedures for such transfers shall comply with provisions of current negotiated agreements and state and federal law. Disciplinary transfers are prohibited. Particular attention shall be paid to ensuring to the extent possible that there shall be equivalence of teachers and administrative staff among the schools. Discrimination in assignment, transfer and promotion shall not be tolerated (see 2224, 4111 and 4111.1).

The superintendent or his or her designee shall monitor district promotion, assignment and transfer practices to ensure nondiscrimination. All actions of the board involving the promotion of certificated personnel shall be taken upon recommendation of the superintendent and in accordance with the current negotiated agreement.

Adopted:	June 24, 1985
Revised:	May 23, 1988
Revised:	March 11, 1992
Revised:	August 23, 1995
Revised:	May 31, 1996
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Readopted:	

(SE file code: 3130)

**Key Words**

Personnel Assignment, Personnel Transfer, Assignment and Transfer, Assignment, Transfer

<u><b>Legal References:</b></u>	<u>N.J.S.A.</u> 18A:25-1	Transfer of teaching staff members
	<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher
	<u>N.J.S.A.</u> 18A:27-4.1	Appointment, transfer, removal, or renewal of officers and employees; exceptions
	<u>N.J.S.A.</u> 18A:59-1 through -3	Apportionment and distribution of federal funds; exceptions
	<u>N.J.S.A.</u> 34:13A-1 <u>et seq.</u>	<u>New Jersey Employer-Employee Relations Act</u>
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 34:13A-23, -25, -27, -29	
	<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>	Managing for Equality and Equity in Education
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	42 <u>U.S.C.A.</u> 2000d - 2000d4 - Title VI of the <u>Civil Rights Act of 1964</u>	

ASSIGNMENT; TRANSFER (continued)

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

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act

Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988, (Pub. L. No. 100-297) amending Elementary and Secondary Education Act of 1965.

34 CFR 200.1 to 200.89 - Part 200

34 CFR Part 204

Ridgefield Park Education Association v. Ridgefield Park Board of Education, 78 N.J. 144 (1978)

The Comprehensive Equity Plan, New Jersey State Department of Education Division

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*3220/3230	State funds; federal funds
	*4111	Recruitment, selection and hiring
	*4111.1/4211.1	Nondiscrimination/affirmative action
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*5145.4	Equal educational opportunity
	*6121	Nondiscrimination/affirmative action
	*6141	Curriculum design/development
	*6145	Extracurricular activities
	*6160	Instructional services and resources
	*6171.3	At-risk and Title 1
	*6171.4	Special education

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

**CAMDEN CITY PUBLIC SCHOOLS**  
Camden, New Jersey

**FILE CODE: 4231/4231.1**

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

**Policy**

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**STAFF DEVELOPMENT; INSERVICE EDUCATION/VISITATIONS/CONFERENCES**

The Camden City Board of Education recognizes that the skills required of support staff members change with changing technology. In order to ensure both optimum efficiency in district operations, and the continued growth in expertise of the staff, the superintendent shall ensure that appropriate programs of inservice training shall be developed for support staff as necessary.

The superintendent may recommend to the board the granting of leave for attendance of personnel at state, regional, and national job-related meetings without pay deduction and with expenses paid by the school system according to established allowances.

**Achievement Gap and Inequity**

The board shall on a continuing basis, provide professional development training for all school personnel (certified and noncertified) to identify and resolve problems associated with the student achievement gap and other inequities arising from prejudice. Parents/guardians and other community members shall be invited to participate in the professional development training. Newly hired certified and noncertified staff shall be provided professional development training on educational equity issues within the first year of employment.

**Mandated Inservice Programs**

The superintendent shall arrange development of appropriate inservice presentations, seminars and/or workshops on equity issues, special education, child abuse and neglect, drug/alcohol abuse awareness, harassment, intimidation and bullying, handling blood and body fluids, possible hazardous substances in the workplace, crisis response, school violence and other topics specifically required by federal or New Jersey law.

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Readopted:	

(SE file Code: 4240)

**Key Words**

Staff Development; Inservice; Visitations; Conferences

<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:17-46	Act of violence; report by school employee; notice of action taken; annual report
	<u>N.J.S.A.</u> 18A:30-7	Power of boards of education to pay salaries
	<u>N.J.S.A.</u> 18A:31-2	Attendance at conventions of New Jersey Education Association
	<u>N.J.S.A.</u> 18A:40A-3	Initial inservice training programs; curriculum;

STAFF DEVELOPMENT; INSERVICE EDUCATION/  
VISITATIONS/CONFERENCES (continued)

<u>See particularly:</u>	availability
<u>N.J.S.A.</u> 18A:40A-3a, -18c	
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 34:5A-10	Retention or workplace surveys
<u>N.J.S.A.</u> 34:5A-13	Employee education and training program; certification of instructors
<u>N.J.A.C.</u> 6A:7-1.6	Professional development
<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:16-3.1(a)4, -5.1(d), -6.2(b)12	
<u>N.J.A.C.</u> 6A:16-11.1 <u>et seq.</u>	Reporting Allegations of Child Abuse and Neglect
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Comprehensive Equity Plan, New Jersey State Department of Education

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*4215	Supervision
	*4216	Evaluation
	4233	Travel/reimbursement
	*5131	Conduct and discipline
	*5131.1	Harassment, intimidation and bullying
	*5141	Health
	*5141.4	Child abuse and neglect

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

**CAMDEN CITY PUBLIC SCHOOLS**  
**Camden, New Jersey**

**FILE CODE: 5111**

**Policy**

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

**ADMISSION**

**Eligibility**

The Camden City Board of Education shall admit to its schools free of charge the following persons over five and under 20 years of age:

- A. Any student domiciled within the district;
- B. Any student kept in the home of a person other than the student's parent/guardian, where the person is domiciled in the school district 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 district, 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 district, 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 district resident by court order pursuant to statute;
- G. Any student previously residing in the 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
- H. Any student residing on federal property within the state pursuant to statute.

**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 district. 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.

**Kindergarten**

Any child residing in the district shall be admitted to the kindergarten provided:

- A. The child will have attained the age of five years on or before October 1 of that school year;
- B. Proof shall be furnished of immunization against the communicable diseases at the time of enrollment or such immunization shall be completed within 30 days from date of entry into the school;

ADMISSION (continued)

- C. The child shall have been examined by either the school or a private physician, and the results shall be furnished to the school on the form provided.

Grade One

Any child residing in the district shall be admitted to grade one provided:

- A. The child will have attained the age of six years on or before October 1 of that school year;
- B. He/she has been in the first grade in another public school;
- C. Proof has been furnished of immunization against communicable diseases.

Transfers Into Grades Two through 12

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 superintendent 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 state-mandated 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 school district, all procedures of law and code shall be followed.

Nonresidents

The district is obliged to educate children of appropriate age residing in the district. The mere owning of any property whatsoever, does not qualify a parent/guardian to send children to school in this school district. See policy 5118 Nonresidents.

Students Returning from County Detention

The district 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

Each child of a homeless individual and each homeless youth shall have equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths of this district. Homeless children and youths shall also have access to the education and other services that

ADMISSION (continued)

they need to ensure they have an opportunity to meet achievement standards of the New Jersey Student Learning Standards to which all students are held.

The homeless liaison will provide any assistance necessary and requested for the prompt enrollment of the student. 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.

The superintendent or his or her designee shall ensure that the parent/guardian or adult student is given written notice, at the time the child or youth seeks enrollment in the school, and at least twice annually while the child or youth is enrolled, that describes the general rights provided under the McKinney-Vento Homeless Assistance Act and specifically states the choice of schools the children and youths are eligible to attend. This notice must be signed by the parent/guardian.

The board shall make this policy available to parents and the public.

Adopted:	June 24, 1985
Revised:	August 28, 1989
Revised:	August 23, 1995
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009, August 2019
Revised:	March 30, 2015
Readopted:	

(SE file codes: 5112, 8140)

Key Words

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

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:7B-12	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	Proficiency standards and assessment
	<u>N.J.S.A.</u> 18A:7C-12	Juvenile detention centers, transfer of credit
	<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and identification
	<u>N.J.S.A.</u> 18A:36-25.1	Proof of child's identity required for enrollment; transfer of record between districts
	<u>N.J.S.A.</u> 18A:38 <u>et seq.</u>	School attendance
	<u>N.J.S.A.</u> 18A:38-1	Attendance at school free of charge
	<u>N.J.S.A.</u> 18A:38-2	Free attendance at school by nonresidents placed in district under court order
	<u>N.J.S.A.</u> 18A:38-3	Admission for nonresidents; parent active duty
	<u>N.J.S.A.</u> 18A:38-4	Free attendance to persons over age
	<u>N.J.S.A.</u> 18A:38-5	Admission of pupils under age
	<u>N.J.S.A.</u> 18A:38-5.1	No child to be excluded from school because of race, etc.
	<u>N.J.S.A.</u> 18A:38-6	Time of admission of pupils; first school year
	<u>N.J.S.A.</u> 18A:38-7.7	Legislative findings and declarations
	<u>N.J.S.A.</u> 18A:38-8	Duty to receive pupils from other districts
	<u>N.J.S.A.</u> 18A:38-25	Attendance required of children between six and 16; exceptions
	<u>N.J.S.A.</u> 18A:40-20	Immunization at public expense

ADMISSION (continued)

<u>N.J.S.A.</u> 18A:44-1	Establishment of preschool
<u>N.J.S.A.</u> 18A:44-2	Establishment of kindergarten; eligibility for admission
<u>N.J.S.A.</u> 26:1A-9.1	Exemption of pupils from mandatory immunization
<u>N.J.S.A.</u> 26:4-6	Prohibiting attendance of teachers or pupils
<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:22-2.1, -3.1, 3.2, 3.3, 3.4	
<u>N.J.A.C.</u> 6A:23A-19.2, -19.3	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> 8:57-2	
<u>N.J.A.C.</u> 8:61-1.1	Attendance at school by pupils or adults infected by Human Immuno-Deficiency Virus (HIV)

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

Every Student Succeeds Act of 2015, Pub.L. 114-95, 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)

**Possible**

<b><u>Cross References:</u></b>	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.

**CAMDEN CITY PUBLIC SCHOOLS**

Camden, New Jersey

**FILE CODE: 5114**  X   **Monitored**  X   **Mandated**  X   **Other Reasons****Policy**

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**SUSPENSION AND EXPULSION**

While the Camden City Board of Education 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 well-being 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;
- S. Harassment, intimidation and bullying.

### SUSPENSION AND EXPULSION (continued)

Any pupil who commits an assault (as defined by N.J.S.A. 2C:12-1) 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 superintendent 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 superintendent 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.

#### In-school Suspension

The board directs the administration to arrange facilities for in-school suspension whenever possible. Pupils will be required to occupy themselves with school-related 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 board approved 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 superintendent 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.

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

SUSPENSION AND EXPULSION (continued)

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 a prompt conference with parents/guardians, limitations on the length of suspensions, and specifics for the reinstatement of pupils.

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

When the superintendent 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 superintendent 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 short-term 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 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 Alternative Education).

Expulsion

The board will consider expulsion only if:

- A. The superintendent with his/her staff have exhausted all means of bringing about a correction of repeated misconduct; or

SUSPENSION AND EXPULSION (continued)

- 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 superintendent 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

The superintendent 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.

The superintendent or his or her designee shall annually evaluate district data regarding short- and long-term suspensions and expulsions and take measures as appropriate to ensure that minority and male students are not disproportionately represented in detentions, suspensions and expulsions.

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

SUSPENSION AND EXPULSION (continued)

Adopted: June 24, 1985  
 Revised: May 22, 1995  
 Revised: August 23, 1995  
 Readopted: August 14, 2007  
 NJSBA Review/Update: March 2009, August 2019  
 Revised: March 30, 2015  
 Readopted:

(SE file codes: 5610, 5620)

Key Words

Suspension, Expulsion, Pupil Suspension/Expulsion,

**Legal References:** N.J.S.A. 2C:12-1 Definition of assault  
N.J.A.C. 2C:39-1(f) Definition of firearm  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:37-1 et seq. 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:37-13 et seq. Harassment, intimidation and bullying  
N.J.S.A. 18A:40A-1 et seq. Substance abuse  
See particularly:  
N.J.S.A. 18A:40A-9, -10,  
 -11, -12  
N.J.S.A. 18A:54-20 Zero Tolerance for Guns Act  
N.J.A.C. 6A:14-2.8 Powers of board (county vocational schools)  
N.J.A.C. 6A:16-1.1 et seq. Discipline/suspension/expulsions  
See particularly: Programs to Support Student Development  
N.J.A.C. 6A:16-1.3, -4.3,  
 -5.1, -5.5, -5.6, -5.7, 7.1  
N.J.A.C. 6A:16-7.2 Short-term suspension  
N.J.A.C. 6A:16-7.3 Long-term suspension  
N.J.A.C. 6A:16-7.4 Expulsion  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

18 U.S.C.A. 921, Definition of firearm

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

SUSPENSION AND EXPULSION (continued)

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

D.H. o/b/o/ Minor Child, G.H. v. West Orange Twp. Bd. of Educ., EDU 127-07, Final Decision (April 5, 2007),  
<http://www.state.nj.us/education/legal/commissioner/2007/apr/124-07.pdf>

J.G. o/b/o/ J.G. v. Secaucus Bd. of Educ., EDS 9178-03, Final Decision (Feb. 26, 2004),  
[http://njlaw.rutgers.edu/collections/oal/final/eds09178-03\\_1.html](http://njlaw.rutgers.edu/collections/oal/final/eds09178-03_1.html)

**Possible**

<b><u>Cross References:</u></b>	*5113	Absences and excuses
	*5124	Reporting to parents/guardians
	*5131	Conduct/discipline
	*5131.1	Harassment, intimidation and bullying
	*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.

**CAMDEN CITY PUBLIC SCHOOLS**  
Camden, New Jersey

**FILE CODE: 5114**

  X   Monitored  
  X   Mandated  
  X   Other Reasons

**Regulation**

**SUSPENSION AND EXPULSION**

**GENERAL STATEMENT**

The following guidelines for suspension and expulsion are established to ensure the good order of the school, provide appropriate notice of penalties for violations of school regulations, teach students the consequences and provide examples of disruptive behavior, provide notice of penalties for assault and weapons violations, and establish due process rights of any student that is suspended or expelled.

**STAFF RESPONSIBLE**

The following chart lists the staff members responsible for the implementation of the regulation and summarizes their responsibilities:

Position	Summary of Main Responsibilities
Chief school administrator	<ul style="list-style-type: none"><li>• General policy procedure oversight within the district</li><li>• Reporting all suspensions and expulsions to the board</li><li>• Notification of due process and appeal rights</li><li>• Conducting meetings</li><li>• Documentation of all steps of the procedure</li><li>• Biannual report</li></ul>
Board of education	<ul style="list-style-type: none"><li>• General oversight of the chief school administrator</li><li>• Board hearings in closed session</li></ul>
Building Principal	<ul style="list-style-type: none"><li>• Written report to the board in cases of assault by a student</li><li>• Notice to case manager and parents/guardians along with reasons for removal for classified students</li></ul>
Classroom Teachers and/or aides	<ul style="list-style-type: none"><li>• Attendance</li><li>• Impartial witness to disciplinary infractions</li><li>• Report all disciplinary infractions to administration</li></ul>
IEP Team and Case Manager	<ul style="list-style-type: none"><li>• Ensure that the removal of a special education student to an alternative interim educational placement is limited to 45 days</li><li>• Ensure that services provided to suspended special education students provides for advancement in the general education curriculum and toward the achievement of IEP goals and objectives.</li></ul>
Special Education Teacher	<ul style="list-style-type: none"><li>• Ensure that services provided to suspended special education students allow for both advancement in the general education curriculum and toward the achievement of IEP goals and objectives.</li></ul>

**DEFINITIONS**

"Bodily injury" means physical pain, illness or any impairment of physical condition.

"Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument from which may be fired or ejected any solid object or gas, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile

**SUSPENSION AND EXPULSION** (regulation continued)

smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

"Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

"Weapon" means any object readily capable of inflicting serious bodily injury. The term includes, but is not limited to, (1) components which can be readily assembled into a weapon; (2) knives, clubs, slingshots, bands studded with metal filings or razor blades imbedded in wood; and (3) stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other object or substance intended to produce temporary physical discomfort or permanent injury.

"School rules" means any applicable state or federal statute, code, regulation, ordinance, or legal directive issued by an authority having control over students and shall include the code of student conduct.

"Informal hearing" means a discussion between a school administrator and a student regarding the student's alleged misconduct in which the student is informed of his or her alleged violation of the code of student conduct (see N.J.A.C. 6A:16-7.1, and board policy 5131 Conduct and Discipline) and the basis for the accusation, and potential for discipline. During the informal hearing, the student is given the opportunity to explain his or her version of the facts and events regarding the alleged violation.

"Formal hearing" is held before the board of education and at a minimum shall:

- A. Be conducted by the board or it may be delegated by the board to a board committee, a school administrator, or an impartial hearing officer for the purpose of determining facts or making recommendations. Before taking final action, the board as a whole shall receive and consider either a transcript or detailed report on the hearing;
- B. Include an opportunity for the student to confront and cross-examine witnesses if there is a question of fact and present his or her own defense, and produce oral testimony or written supporting affidavits;
- C. Take place no later than 30 calendar days following the day the student is suspended from the general education program; and
- D. Result in the district board of education's decision that shall be based, at a minimum, on the preponderance of evidence, which means that the board shall determine which facts are more likely to have happened than not.

**PROCEDURES****Procedures for Suspension of Classified Students**

- A. For disciplinary reasons, classified students may be suspended from their current educational placement for 10 or fewer consecutive or cumulative school days per year, by the building principal/designee so long as they receive the same due process protections and educational services as non-classified students during the period of suspension. However, upon removal, the building principal/designee must forward a written notice and description of the reasons for the student's removal to the case manager and the student's parents:
  1. In imposing a removal of ten days or less on a classified student, the building principal may, on a case-by-case basis, consider any unique circumstances pertaining to the violation of the student code of conduct. Any such unique circumstance shall be included in the above written description of the reasons for removal.
  2. Special education students are entitled to receive general educational services on or before the fifth day of suspension. A building principal who imposes a suspension of five days or more on a special education student must contact the case manager to ensure that appropriate services are provided.
- B. Preschool students with disabilities shall not be suspended or expelled.

SUSPENSION AND EXPULSION (regulation continued)

- C. The case manager shall monitor each removal and make an initial determination as to whether the removal constitutes a potential change in placement.

D. Change in Placement

Every removal of a classified student from his IEP designated placement for disciplinary reasons, shall constitute a change in placement if:

1. The removal is for more than ten consecutive school days; or
2. Separate removals constitute a pattern of removal because they cumulatively amount to more than ten school days in a school year. In determining whether a pattern of removal exists, consideration should be given to similarities among the following factors:
  - a. The length of each removal;
  - b. The total amount of time the student has been removed;
  - c. The proximity of the removals to one another;
  - d. The similarity of conduct necessitating removal;
  - e. Factors precipitating the conduct;
  - f. The building principal/designee must consult with the case manager in determining whether a pattern of removals exists. If a pattern is found to exist, the removals constitute a change-in-placement. The director of special education services should also be consulted as to the determination.
3. Where a change in placement is found, the child and parents are entitled to all due process protections listed in N.J.A.C. 6A:14-2.3 et. seq. as follows:
  - a. The building principal/designee shall provide written notice, within 15 calendar days of the above determination, to the parent regarding the change in placement;
  - b. The building principal/designee shall provide notice, fifteen calendar days in advance, of any proposed action. Notice shall be compliant with N.J.A.C. 6A:14-2.3(g). Any proposed action may be taken in less than 15 calendar days upon parental consent;
  - c. The proposed action shall be implemented on the 16<sup>th</sup> calendar day unless the parent disagrees and measures are taken by the building principal/designee to resolve the disagreement; or
  - d. The parent files a request for mediation or due process pursuant to N.J.A.C. 6A:14-2.6 or 2.7. If such a request is filed, the proposed action must be delayed pending the results of mediation or due process, as the case may be;
  - e. The board, through the case manager, shall ensure that services to a student with a disability who has been removed from his or her education placement for more than 10 consecutive or cumulative school days, are sufficient to allow the student to progress appropriately in the general education curriculum and advance appropriately toward the student's IEP goals and objectives.
  - f. A classified student who is subjected to disciplinary action that includes removal to an interim alternative educational setting, suspension for more than 10 consecutive or cumulative school days in a school year, or expulsion is entitled to additional protections as listed in 20 U.S.C. § 1415(k). Upon removal, the building principal/designee shall ensure:
    1. Education services are provided that are sufficient to allow the student to progress appropriately in the general education curriculum and advance appropriately toward the student's IEP goals and objectives;
    2. A functional behavioral assessment, behavioral intervention services, and modifications to address the behavior so that it does not recur.

4. Manifestation Determination

Within 10 school days of any change in a classified student's placement due to a violation of the code of student conduct, the case manager shall convene an IEP meeting and with the parent, shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and

SUSPENSION AND EXPULSION (regulation continued)

any relevant information provided by the parents to conduct a manifestation determination to determine:

- a. Whether the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- b. Whether the conduct in question was the direct result of the district's failure to implement the IEP.

5. **Manifestation Found**

If the IEP team determines that the conduct was caused by, or had a direct and substantial relationship to, the child's disability; or was the direct result of the district's failure to implement the IEP, that conduct shall be determined to have been a manifestation of the child's disability. In such cases, the IEP team shall:

- a. Review the functional behavioral assessment from 6(ii) above, or conduct a new functional behavioral assessment if warranted;
- b. Review and revise the student's behavioral intervention plan to address the student's non-compliant behavior; and
- c. Return the child to his or her prior placement, unless the parent agrees to a change in placement as a modification of the behavioral intervention plan.

6. **Manifestation Not Found**

Where the IEP team determines that the student's conduct was not a manifestation of the child's disability, the student shall be entitled to the due process protections afforded general education students for violations of the code of student conduct. If the student is removed for five or more school days, the building principal/designee shall notify the student's case manager and special education teacher, who shall determine the educational services that are sufficient to allow the student to progress appropriately in the general education curriculum and advance appropriately toward the student's IEP goals and objectives during the period of suspension.

Special Circumstances for Classified Students

The building principal may remove a student with a disability to an interim alternative educational setting for not more than 45 school days, without regard to the results of a manifestation determination, where a classified student:

- A. Possesses a weapon on school grounds, on a school bus, or during a board-approved activity;
- B. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance on school grounds, on a school bus, or during a board-approved activity; or
- C. Has inflicted serious bodily injury upon another person on school grounds, on a school bus, or during a board-approved activity.
- D. On the date of removal, the building principal shall notify the parents and the case manager in writing of the removal to an interim alternative educational setting for not more than 45 school days and of the procedural safeguards provided to the student in effectuating the removal.
- E. Where a student with a disability is removed from his or her current educational placement due to special circumstances, the IEP team shall convene within five school days to determine the interim alternative educational setting. During the IEP meeting, the case manager/designee shall ensure that the parent is advised, in writing, of the right to appeal any decision regarding placement or the manifestation determination to the Commissioner of Education.
- F. Where the IEP believes that maintaining a student with a disability in his or her current educational placement is substantially likely to result in injury to the student, or to others, the district may request a

SUSPENSION AND EXPULSION (regulation continued)

hearing before the Commissioner to change the child's placement. In such cases, the director of special education shall consult with the building principal and superintendent in determining to seek a change in placement.

Procedures for Short-term Suspension (10 days or less)

The following procedures apply to all students in the general education program and to classified students when the CST has determined that the student's misconduct was not a manifestation of his or her disability.

According to N.J.S.A. 18A:37-4, the building principal shall have the authority to suspend a student from his or her educational program. N.J.A.C. 6A:16-7.2 allows the building principal to delegate to an administrator, the informal hearing set forth in this regulation, however, any suspension may only be imposed by the building principal. All suspensions must be reported to the board of education at the first regular meeting following the suspension. The building principal, prior to imposing a suspension of 10 days or less, shall:

- A. Provide an informal hearing before the suspension, conducted by the building principal/designee. The informal hearing shall include the following:
  1. A description of behaviors alleged to warrant suspension, including verbal or written notice of the alleged violations of school rules and if those allegations are denied, an explanation of the underlying evidence. Notice of the allegations may be prior to or concurrent with the informal hearing;
  2. A copy of the applicable provisions of the board approved code of student conduct. Those provisions must include, but are not limited to, the age-appropriate behavioral expectations, as well as disciplinary consequences that are graded according to the severity of the offense, developmental age of the student, and any prior disciplinary history.
  3. An opportunity to respond to the allegations, including statements in defense, explanation, or mitigation;
  4. During the informal hearing, the student is not entitled to representation through counsel, nor through a parent/guardian, nor is the student entitled to call or cross-examine witnesses. The administrator/designee conducting the informal hearing may exercise discretion with regard to speaking to witnesses and investigating the allegations. In all cases, any disciplinary recommendation must be based on objective factual determinations, even if those determinations are reasonably debatable, meaning that the administrator/designee's factual determinations shall not be deemed invalid just because reasonable minds disagree. No disciplinary recommendation may be based in discrimination prohibited by state or federal statute or regulation.
  5. Where a student's conduct poses a continuing danger to persons or property or the student's conduct presents an ongoing threat of disrupting the educational process, the building principal may remove the student immediately and convene the informal hearing as soon as practical thereafter.
- B. The building principal/designee shall ensure that the informal hearing is conducted by a school administrator who has been trained in the conduct of student disciplinary hearings.
- C. The building principal shall immediately notify the chief school administrator, in writing, of any suspension along with the reasons for the suspension and the terms and conditions imposed upon the student. The chief school administrator shall ensure that the suspension is reported to the board of education at the next regular meeting following the suspension.
- D. The building principal/designee shall provide oral or written notification to the parents/guardians, of student's suspension (adequate supervision shall be provided while the student awaits the parent/guardian). Such notice shall be provided to the students upon discharge of the student to the parent/guardian and shall include:
  1. The specific charges;
  2. The facts on which the charges are based;
  3. The provision(s) of the code of student conduct the student is accused of violating;
  4. The student's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and this section; and
  5. The terms and conditions of the suspension.

SUSPENSION AND EXPULSION (regulation continued)

- E. The building principal/designee shall notify the student's teacher(s) in writing of the period of suspension and shall ensure that academic instruction consistent with the student's current coursework is provided on or before the fifth day of suspension.
- F. At the completion of the suspension period, the student shall return to the program from which they were suspended. The student shall be responsible for turning in all assigned coursework upon his or her return.
- G. The building principal/designee shall have discretion to convene a re-entry meeting to ensure that the student is prepared to return to his or her educational program. Where the building principal/designee has reason to believe that the student is not ready to return to the educational program, such belief and the reasons therefore shall be documented in the student's disciplinary file and the building principal/designee shall consider intervention and referral services (I&RS team).
- H. The chief school administrator/designee shall document in writing the date of each of the above steps with a brief description recording the circumstances surrounding each step. Such documentation shall be maintained in the student's disciplinary file.
- I. The chief school administrator/designee shall provide notice of each short-term suspension and the student's return to the board of education at the next regular meeting. The building principal/designee shall have discretion to reinstate the student prior to the completion of the short-term suspension.
- J. Any student may appeal a short-term suspension from the general education program, based upon a removal for assault upon a teacher, administrator, board member, district employee, or another student, with a weapon, on school property, at a school function, or on a school bus, to the board of education. In all other cases involving removal from the general education program, an appeal may be filed before the Commissioner of Education pursuant to N.J.A.C. 6A:3-1.3 through 1.17. A student with a disability retains the due process protections contained in N.J.A.C. 6A:14.

(See: Exhibit 1 – Notification Letter for Short-term Suspension)

Procedures for Long-term Suspension (more than 10 days)

- A. The chief school administrator shall ensure that the procedures for short term suspension as listed in short-term suspension above, in addition to the procedures in this section for long-term suspension, including documenting the steps taken, are followed for any student assigned a long term suspension. No suspension may extend past the second regular board meeting following the suspension except by board action. In the event that the first regular meeting following the student's suspension is cancelled, the board shall consider continuing the student's suspension at the subsequent regular meeting. If the second regular meeting subsequent to the suspension is cancelled, and the administration and/or board has not taken action with respect to the student's suspension, the board shall schedule a special meeting as soon as practical to consider a continuation of the student's suspension.
- B. Parents/guardians shall receive written notification within 2 days of the suspension stating of the following:
  - 1. The specific charges;
  - 2. The facts on which charges are based;
  - 3. The student's rights to due process and a formal board hearing held within 30 days of the student's removal; and
  - 4. Notice that further conduct warranting expulsion shall amount to a knowing and voluntary waiver of the student's right to a free public education, in the event that the board determines to expel the student;

The parent/guardian shall be requested to provide written acknowledgement of the notifications (see: Exhibit 2 Long-term Suspension notification).

SUSPENSION AND EXPULSION (regulation continued)

C. Other information that shall be provided in writing at least five calendar days prior to the formal hearing:

1. The list of witnesses and their statements;
2. The manifestation determination, if applicable;
3. Notice of the right to have an attorney present and available legal resources in the community;
4. The right to educational services that are comparable to those provided in the student's general education program;
5. The right to impartial officials – no official hearing the case can be involved in the incident;
6. The right to a translator.

Comparable educational services shall be provided to the student on or before the fifth day of suspension.

(See: Exhibit 2 – Notification Letter, covering notification of charges, facts, witnesses, expulsion, due process rights and request for written acknowledgement)

Procedures for Long-term Suspension – Board Responsibilities

- A. The board shall conduct a formal hearing on or before the second regular board meeting following the student's suspension. At this hearing, the board may reinstate the student, or affirm, continue, or modify the suspension.
- B. The board may refer the hearing to a board student disciplinary committee, a school administrator, or an impartial hearing officer for the purpose of determining facts or making recommendations. Before taking final action, the full board shall receive and consider either a transcript of the hearing or a detailed report on the hearing.
  1. Where the board determines to continue the suspension, such determination shall be based on the following criteria:
    - a. The nature and severity of the offense;
    - b. The board's removal decision or administrative recommendation as appropriate;
    - c. The results of relevant testing, assessments, or evaluations of the student; and
    - d. The recommendation of the chief school administrator, after considering input from the principal or director of the alternative education program or home or other in-school or out-of-school instruction program in which the student has been placed.
  2. In each instance where the board has determined to continue a suspension, at each subsequent meeting, the board shall consult with the chief school administrator to determine:
    - a. The status of the student's suspension;
    - b. The appropriateness of the suspended student's current educational program; and
    - c. Whether the suspended student's disciplinary placement should continue or whether the student should return to the general education program.
- C. Where the student has not been reinstated pursuant to administrative or board action, the board shall approve an appropriate educational program for the student based on the following:
  1. A behavioral evaluation, including referral to the child study team;
  2. Results of relevant testing and assessment;
  3. Academic, health and behavioral records;
  4. Chief school administrator and other relevant staff recommendations;
  5. Parental input;
  6. Consultation with intervention and referral services (I&RS) team.
- D. The formal hearing shall provide an opportunity for the student to:
  1. Present a defense/explain their side of the story;

SUSPENSION AND EXPULSION (regulation continued)

2. Present witnesses;
  3. Present signed statements by witnesses;
  4. Face and question school witnesses on questions of fact. The board has no authority to determine the constitutionality of any statute.
- E. After the conclusion of the hearing the board shall notify the parent in writing of the decision within 5 days. The board's determination shall be based on a more likely than not standard, meaning that the board may find a fact to be true if its probability of occurrence is more likely than not. Notification shall include:
1. The charges considered;
  2. Summary of all the evidence;
  3. Factual findings for each charge;
  4. Identification of educational services to be provided;
  5. Terms and conditions of the long-term suspension;
  6. Notice of the right to appeal to the commissioner of education within 90 days.
- F. In establishing a long-term suspension the board shall consider:
1. Nature and severity of the offense;
  2. The removal decision;
  3. Test results;
  4. Recommendation of the chief school administrator and other relevant staff.
- G. The board shall have discretion to reinstate the student to his or her educational program prior to the expiration of the suspension period. If the board continues the suspension, it shall review the case at each board meeting following that determination. The review shall include:
1. The status of the suspension;
  2. The educational services provided;
  3. Whether services shall be continued, adjusted or the student returned to general education;
  4. If expulsion should be considered.
- H. When determining to continue a student's suspension, the board shall make a final determination on:
1. When the student is prepared to return to the general education program;
  2. Whether the student will remain in an alternative education program or receive home or other in- or out-of-school instruction, based on the board's approval of the student's educational program, the criteria set forth in (C)1 through 6 above; or
  3. Whether to initiate expulsion proceedings in accordance with board policy and this regulation and law (N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.4).
- I. Appropriate educational services shall be provided to suspended students until the student graduates from high school or reaches the age of 20, whichever comes first.

Procedures for Expulsion

- A. Expulsion may only be considered:
1. After a long-term suspension, including all due process rights;
  2. After the provision of appropriate educational services;
- B. A formal hearing shall be provided by the board according to the procedures for notification and hearings detailed under long-term suspension.
- C. The student shall be entitled to comparable educational services through the conclusion of any appeal to the commissioner of education.

**SUSPENSION AND EXPULSION** (regulation continued)**Mandatory Removal from School**

In compliance with law, serious behavioral infractions related to violence and weapons require that the student be removed from the educational program. All procedures for short- and long-term suspension as described in this procedure shall apply when a student's removal from the educational program is required by law. Serious and dangerous offenses requiring mandatory removal from school include:

- A. Assault against board member or school personnel in the performance of their duties, or as a result of the individual's relationship to a public school district;
- B. Assault against board member, school personnel, or student with a weapon on school property, school bus or at a school function;
- C. Gun possession on school property, on a school bus or at a school function;
- D. Conviction of possession of a gun or a crime involving a gun off school property.

For the specific procedures for the mandatory removal of a student see board policies 5131.5 Violence and Vandalism, 5131.6 Substance Abuse, 5131.7 Weapons and Dangerous Instruments; and regulation 5131.5/5131.7 Violence and Weapons, Regulation.

**REGULATION HISTORY**

Effective Date:

Date of Review/Revision:

**CROSS REFERENCES**

5114	Suspension and Expulsion
5131	Conduct and Discipline
5131	Code of Student Conduct, Regulation
5131.1	Harassment, Intimidation and Bullying
5131.5	Violence and Vandalism
5131.5/5131.7	Violence and Weapons, Regulation
5131.3	Substance Abuse
5131.6	Substance Abuse, Regulation
5131.7	Weapons and Dangerous Instruments

**EXHIBITS**

Exhibit 1	Short-term Suspension, Due Process Notification
Exhibit 2	Long-term Suspension, Due Process Notification

**PRIMARY RESOURCES**

1	Administration and Board Action Chart
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**CAMDEN CITY PUBLIC SCHOOLS**  
Camden, New Jersey

**FILE CODE: 5114**

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

**Exhibit: Sample Letter**

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NOTIFICATION LETTER – SHORT-TERM SUSPENSION

Date:

Dear Parent/Guardian/Adult Student,

Your child has been suspended from \_\_\_\_\_ School, effective \_\_\_\_\_ (date). The period of suspension shall be for \_\_\_\_\_ full school days and your child shall be permitted to return to school on \_\_\_\_\_ (date). During the period of suspension your child shall not be allowed on school property, in school buildings or at school activities.

Please be advised that while on suspension, your child is expected to continue to complete classroom and homework assignments. These assignments must be provided to the classroom teacher upon your child's return to the classroom. For additional information or assistance on the completion of these assignments, please contact the classroom teacher or my office.

The specific charges in violation of the district code of student conduct (*attached or https://*) are as follows:

***\*Note: the specific charges should be consistent with the district code of student conduct and the district code of student conduct should be attached or a link provided. Information below should be transferred from the applicable sections of the most recent revision of the N.J. Dept. of Ed. "Violence Vandalism and Substance Abuse form (VV-SA) Incident Report Form" (E00-00317)***

1. *The code of student conduct violation/incident;*
2. *The date, time and location of the incident;*
3. *Brief description of the incident;*
4. *The name of the violation category on the district code of student;*
5. *The disciplinary range for the violation category listed on the code of student conduct;*
6. *The disciplinary measures assigned for the specific incident.*

If you have any questions please contact me.

Sincerely,

Principal, \_\_\_\_\_ School  
Phone \_\_\_\_\_  
Email \_\_\_\_\_

PARENT NOTIFICATION (exhibit continued)

New Jersey law requires that students are entitled to certain "due process rights" before being removed from their educational program. These rights include the following:

1. Advance notice of the conduct which might subject the student to discipline. This notice was provided to your student in the "Code of Student Conduct" at the beginning of the school year. You may obtain an additional copy by contacting the school's main office;
2. An informal conference with a school administrator, to allow your child the opportunity to hear any accusation of misconduct and to respond to any and all accusations. At this meeting, the student will receive a description of behaviors that may result in suspension or expulsion;
3. The right to receive a description of potential administrative responses to the misconduct, including remedial or disciplinary actions that are based on the severity of the conduct, the student's age and past history of disciplinary infractions, as well as other relevant factors;
4. Despite the short-term removal from the general education program as indicated above, your student shall remain entitled to educational services that are comparable to services received in the classroom. However, these services will be provided in a safe, secure, alternate location beginning on the fifth day of suspension, if applicable.
5. Your child has the right to appeal this decision to the Commissioner of Education pursuant to *N.J.A.C. 6A:3-1.3* through 1.17.
6. The right to privacy concerning this incident and all records documenting this incident and administrative actions taken in response to the incident.
7. The right to a description of behavioral supports that, where appropriate, are available to support your child's maintenance of appropriate behavior. Please note that the "Code of Student Conduct" contains a description of approved behavioral supports that will help your child fulfill established behavioral expectations. Please do not hesitate to contact this office for more information.
8. Finally, attached please find a list of community-based health and social service provider agencies available to support a student and the student's family, as appropriate, and a list of legal resources available to serve the community.

Attachments: 5131 District Code of Student Conduct  
5114 Suspension and Expulsion Policy  
5114 Suspension and Expulsion Regulation

**CAMDEN CITY PUBLIC SCHOOLS**  
Camden, New Jersey

**FILE CODE: 5114**

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

**Exhibit: Sample Letter**

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**DUE PROCESS NOTIFICATION LETTER – LONG-TERM SUSPENSION**

Date:

Dear Parent/Guardian/Adult Student,

Your child has been suspended from \_\_\_\_\_ School, effective \_\_\_\_\_ (date). The period of suspension shall be for \_\_\_\_\_ full school days and your child shall be permitted to return to school on \_\_\_\_\_ (date). During the period of suspension your child shall not be allowed on school property, in school buildings or at school activities.

Be advised that further conduct warranting expulsion shall amount to a knowing and voluntary waiver of the student's right to a free public education, in the event that the board determines to expel the student.

The specific charges in violation of the district code of student conduct (*attached or https://*) are as follows:

***\*Note: the specific charges should be consistent with the district code of student conduct and the district code of student conduct should be attached or a link provided. Information below should be transferred from the applicable sections of the most recent revision of the N.J. Dept. of Ed. "Violence Vandalism and Substance Abuse form (VV-SA) Incident Report Form" (E00-00317)***

1. *The charge/incident;*
2. *The date, time and location of the incident;*
3. *The name of the violation category on the district code of student;*
4. *The disciplinary range for the violation category listed on the code of student conduct;*
5. *The disciplinary measures assigned for the specific incident.*

These charges were based on the following facts (*fully describe the incident with justification*):

***\*Note: May include but not be limited to the following:***

1. *The date, time and location of the incident;*
2. *A description of the circumstances of the incident;*
3. *The number of people involved;*
4. *Number of witnesses to the incident;*
5. *Description of how the incident was reported;*
6. *Description of how the incident was investigated.*

The following individuals shall be witnesses at the board hearing:

1. *Name, title*
2. *Name, title*

Your child is entitled to the following:

1. *The right to impartial officials – no official hearing the case can be involved in the incident;*
2. *The right to a translator (if needed);*
3. *The right to comparable educational services no later than 5 days after the student has left the education program;*
4. *The right to be notified of the charges against him/her;*
5. *The list of witnesses and their statements 5 days prior to the formal hearing;*
6. *The right to have an attorney present and available legal resources in the community;*

PARENT NOTIFICATION (exhibit continued)

7. *The right to the names of the witnesses;*
8. *The right to copies of the statements and affidavits of those witnesses;*
9. *The right to be heard in his/her own defense;*
10. *The right to present witnesses and evidence in his/her own defense;*
11. *The right to the opportunity to cross-examine witnesses; and*
12. *The right to appeal the board's decision in writing to the:*

Commissioner of Education  
 Division of Controversies and Disputes  
 New Jersey State Department of Education  
 P.O. Box 500  
 Trenton, New Jersey 08625  
 Telephone: (609) 292-5705; or the

New Jersey Division on Civil Rights  
 31 Clinton Street  
 Newark, New Jersey 07102  
 Telephone: (973) 648-2700

Please review the attached board policy and procedure 5114 Suspension and Expulsion and 5131 Code of Student Conduct which fully explain your child's rights.

\_\_\_\_\_  
 (Principal/Chief School Administrator Signature)

\_\_\_\_\_  
 (Date)

Attachments: 5131 District Code of Student Conduct  
 5114 Suspension and Expulsion Policy  
 5114 Suspension and Expulsion Regulation

I have been notified of the specific charges against my child and the facts related to those charges and informed of my child's due process rights.

- ☐ I shall attend the board hearing set for \_\_\_\_\_ (date, time and location).
- ☐ I am unavailable on the scheduled date of the board hearing and request the date be rescheduled.
- ☐ I am waiving my right to a board hearing.

\_\_\_\_\_  
 (Parent/Guardian Signature)

\_\_\_\_\_  
 (Date)

\_\_\_\_\_  
 (Student Signature)

\_\_\_\_\_  
 (Date)

**CAMDEN CITY PUBLIC SCHOOLS**  
**Camden, New Jersey**

**FILE CODE: 5118**

☐ **Monitored**

☐ **Mandated**

☒ **Other Reasons**

**Policy**

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**NONRESIDENTS**

The Camden City Board of Education shall operate the schools of this district for the benefit of all children resident in the district and such others as may be admitted, pursuant to statute and policy of the board. 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 this district shall be enrolled for a period not to exceed thirty (30) 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.

**Foreign Exchange Students**

The board may admit foreign exchange students into district schools in order to promote cultural awareness and understanding among students.

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 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 superintendent by July 1 proceeding the school year of attendance. Foreign exchange students shall comply with all immunization requirements for students of this district. The superintendent shall be responsible for determining the visa status and eligibility of foreign exchange students applying for admission.

**Victims of Domestic Violence**

NONRESIDENTS (continued)

A child who moves out of a school district as a result of domestic violence, sexual abuse or other family crises shall be permitted to remain enrolled in that district for the remainder of the school year. If the child remains enrolled in the district for the remainder of the school year, the school district shall provide transportation services to the child, provided the child lives remote from school, and the State shall reimburse the school district for the cost of the transportation services.

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. The district will designate a "homeless student liaison" to help the homeless student enroll in school, make sure that the homeless student is enrolled and attending school, and see that the district meets federal and state requirements for educating homeless students.

Other Nonresident Pupils

Other nonresident pupils may be admitted to this district on payment of tuition and availability of space.

The superintendent 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 superintendent 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.

Adopted:	June 24, 1985
Revised:	August 23, 1995
Revised:	May 31, 1996
Readopted:	August 14, 2007, March 2015
NJSBA Review/Update:	March 2009, August 2015
Revised:	

(SE file codes: 5111, 5114, 5116)

Key Words

Nonresidents, Tuition Pupil, Affidavit Pupil, Homeless Pupil

**Legal References:** N.J.S.A. 18A:7F-45  
N.J.S.A. 18A:11-1

Definitions  
 General mandatory powers and duties

NONRESIDENTS (continued)

<u>N.J.S.A. 18A:36B-14 et seq.</u>	<u>Interdistrict Public School Choice Program Act of 1999</u>
<u>N.J.S.A. 18A:38-1 et seq.</u>	Attendance at school free of charge
See particularly:	
<u>N.J.S.A. 18A:38-1.1, 38-2, 38-3, 38-8, 38-9</u>	
<u>N.J.S.A. 18A:46-20</u>	Receiving pupils from outside district; establishment of facilities
<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
<u>N.J.A.C. 6A:12-1.3 et seq.</u>	Interdistrict Public School Choice
<u>N.J.A.C. 6A:17-1.1 et seq.</u>	Education for homeless children and students in state facilities
<u>N.J.A.C. 6A:22</u>	Student residency
See particularly:	
<u>N.J.A.C. 6A:22-3</u>	Eligibility to attend school
<u>N.J.A.C. 6A:22-3.1</u>	Students domiciled within the school district
<u>N.J.A.C. 6A:23A-19.2</u>	Method of determining the district of residence
<u>N.J.A.C. 6A:23A-19.3</u>	Address submission for determining the district of residence
 8 <u>U.S.C. 1101 - Illegal Immigrant and Immigration Responsibility Act of 1997</u>	
 <u>Board of Education of the Borough of Englewood Cliffs v. Board of Education of the City of Englewood</u> , 132 <u>NJ</u> 327; cert. denied, 510 <u>U.S.</u> 991 (1993); subsequent listing 333 <u>N.J. Super.</u> (App. Div. 2000)	
 <u>Every Student Succeeds Act of 2015</u> , Pub. L. 114-95, 20 <u>U.S.C.A.</u> 6301 et seq.	
 <u>J.A. v. Board of Education of South Orange/Maplewood</u> , 318 <u>N.J. Super.</u> 512 (App. Div. 1999)	

Possible

<u>Cross References:</u>	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.

**FOSTER CARE AND EDUCATIONAL STABILITY**

The Camden City Board of Education recognizes that children placed in foster care, including resource family homes or other out-of-home placements, have special needs. The board is committed to ensuring cooperation and collaboration with the New Jersey Department of Children and Families (DCF) to minimize further disruptions in the lives of these children and promote their educational stability. The superintendent is directed to oversee the development of effective partnerships between the schools of this district and child welfare officials to support the educational needs of children in out-of-home placements within the community, and also provide a framework to support a broader range of children in need of prevention, intervention and referral services.

The Federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) requires educational stability for children placed in foster care including resource family homes or other out-of-home placement. When the Division of Child Protection and Permanency (DCP&P) or other State authorized agency places a child in foster care including resource family homes or other out-of-home placement there shall be a presumption that the child shall remain in the school currently attended by the child, unless DCP&P or other State authorized agency determines that this is not in the best interest of the child. In the event that it is determined that the present school district placement is not in the child's best interest, the child shall be immediately enrolled in the new school district, and the mandated student records shall be provided to the new school district in accordance with law (N.J.A.C. 6A:32-7.5 et seq.) and board policy (5125 Student Records). Even if the child is unable to produce records typically required for enrollment, the child shall be immediately enrolled.

Foster care means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. Out-of-home placement is a temporary placement for a child, made by a State agency (Child Protection and Permanency) or State authorized agency (Youth Case Management/YCM, Care Management Organization/CMO or Unified Care Management), in a group home category placement or resource family home, where care of the child is deemed necessary to protect the child's safety and well-being.

**Roles and Responsibilities**

- A. The superintendent shall ensure that ongoing communication and collaboration with the Department of Children and Families (DCF) is maintained to support the following goals:
1. Children remain in their current school when it is determined that it is in their best interest, and to the extent feasible and appropriate, the children remain in their current school while this determination is being made by DCF;
  2. Children enter school ready to learn;
  3. Children receive supports and services to participate in all aspects of school and to prevent school dropout, truancy, and disciplinary actions;
  4. Children are engaged in their education, are empowered to advocate for their educational needs and pursuits, and receive supports and services to ensure a successful transition into adulthood;
  5. Children with disabilities are located, identified and evaluated for eligibility for special education and section 504 services and, if eligible, shall receive services in accordance with their IEP or section 504 plan;
  6. DCF and the district collaborate to support and improve the well-being of children.

FOSTER CARE AND EDUCATIONAL STABILITY ( continued)

- B. DCP&P employees shall have access to student records, including those that are relevant to current and ongoing child welfare investigations. It is not required to have the written consent of the parent or adult student, or a court order, to release student records to DCP&P or other representatives of a State or local child welfare agency pursuant to P.L. 112-278, S.2, the Uninterrupted Scholars Act;
- C. The superintendent shall designate at least one school district liaison to act as the primary contact person between the schools in the district and child welfare authorities with regard to general information sharing, the development of mutual training and other cooperative efforts (N.J.A.C. 6A:16-11.1(a)6). The responsibilities of the district liaison may include:
  - 1. Facilitating school registration, placement, educational planning, support services, collaboration and problem resolution that may include but are not limited to:
    - a. Healthcare planning (see policies 5141 Student Health and 5141.21 Administration of Medication);
    - b. Child study team referral and assessment;
    - c. Intervention and referral services as necessary and appropriate;
    - d. Ensuring continuity of individualized education program (IEP) as appropriate;
  - 2. Serving as the point person for communication, collaboration, information sharing and resource identification;
  - 3. Acquiring knowledge about outside systems and resources, which may require attendance at cross-trainings offered at state and local levels;
  - 4. Overseeing district staff's implementation of the Interagency Guidance Manual with DCF staff and the local memorandum of agreement (MOA) if developed;
  - 5. Participating in turnkey county-offered trainings and activities that foster collaboration, communication and problem resolution between the education and child welfare communities; and
  - 6. Coordinating with DCP&P to provide the required training of school district employees, volunteers and interns (N.J.A.C. 6A:16-11.1(a)8).

District of Residence and Tuition

The district of residence is responsible for continuing to educate a child within its own district or paying tuition for a child attending school in another district, and for providing for any needed transportation. Five school days after the best interest determination has been made, the district of residence must make transportation arrangements for the child. The district of residence shall bear the cost of providing the transportation.

## A. Placement in a resource family home:

- 1. If a child was placed in a resource family home prior to September 9, 2010, the district of residence shall be the district in which the resource family parents reside. If such a child in a resource family home is subsequently placed in a State facility or by a State agency, the district of residence of the child shall then be determined as if no such resource family placement had occurred;
- 2. If a child was or is placed in a resource family home on or after September 9, 2010, the district of residence shall be the present district of residence of the parent or guardian with whom the child lived prior to the most recent placement in a resource family home.

## B. Placement in residential State facilities

When a child is placed in a residential State facility, or has been placed by State agencies in a group home, skill development home, private school or out-of-State facility, the district of residence shall be the present district of residence of the parent or guardian with whom the child lived prior to his most recent admission to a State facility or most recent placement by a State agency.

- C. If the district of residence cannot be determined, or if the criteria identify a district of residence outside of the State, or if the child has resided in a domestic violence shelter or transitional living facility located outside of the district of residence for more than one year, the State shall assume fiscal responsibility for the tuition of the child (N.J.S.A. 18A:7B-12).

FOSTER CARE AND EDUCATIONAL STABILITY ( continued)Transportation

- A. Transportation for students living in group homes shall be the responsibility of the resident district board of education as detailed above and according to law (N.J.S.A. 18A:7B-12);
- B. Transportation for students placed in a resource family home on or prior to September 9, 2010 shall be the responsibility of the resident district board of education in which the resource family home is located and shall follow the requirements of law (N.J.S.A. 18A:39-1 et seq.) and board policy 3541.1 Transportation Routes and Safety.
- C. For students removed from the custody of their parent or legal guardian and placed in a resource family home or moved from placement in one resource family home to another after September 9, 2010:
  - 1. The school district of residence for the student is the school district in which the student's parent or legal guardian was living at the time of the student's placement;
  - 2. When a student is placed in a resource family home that is located within the student's school district of residence, the school district of residence shall provide transportation services; and
  - 3. When a student is placed in a resource family home that is located outside of the student's school district of residence, the school district in which the resource family home is located shall arrange for transportation services in consultation with the school district of residence. The school district of residence shall be responsible for the cost of transportation.

Transferring Student Records

When a child is placed in foster care including a resource family home or other out-of-home placement and newly enrolls in the district, the superintendent or his or her designee shall immediately contact the school of origin to obtain relevant academic and other records. The request for records shall be submitted in writing within 10 school days of enrollment. The superintendent or his or her designee shall also ensure records of students who are required to transfer to another school district as a result of foster placement, are transferred expeditiously and in accordance with law (N.J.A.C. 6A:32-7.5) and board regulations.

Implementation

The superintendent shall oversee the development of procedures for collaboration with DCP&P and tuition reimbursement to avoid barriers to immediate enrollment.

NJSBA Review/Update: August 2019

Adopted:

Key Words

Foster Care, Resource Family Home, Out-of-Home Placement, DCP&P, Child Welfare, Liaison

<b>Legal References:</b> <u>N.J.S.A. 18A:7B-12</u>	Determination of district of residence
<u>N.J.S.A. 18A:7F-24</u>	Submission of budget for educational programs in State facilities
<u>N.J.S.A. 18A:7F-43 et seq.</u>	School Funding Reform Act of 2008
<u>See particularly:</u>	
<u>N.J.S.A. 18A:7F-49</u>	Determination of base per pupil amount; grade level weights
<u>N.J.S.A. 18A:36-19a.</u>	Student records
<u>N.J.S.A. 18A:36-25.1</u>	Certified copy of birth certificate required for enrollment in school, records
<u>N.J.S.A. 18A:39-1 et seq.</u>	Transportation to and from schools
<u>N.J.S.A. 30:4C-26</u>	Placing child in resource family home or institution
<u>N.J.S.A. 30:4C-26b</u>	Child in resource family home, determination of school placement
<u>N.J.A.C. 6A:8-4.3</u>	Accountability

FOSTER CARE AND EDUCATIONAL STABILITY ( continued)

<u>N.J.A.C. 6A:14-1 et seq.</u>	Special education
<u>See particularly:</u>	
<u>N.J.A.C. 6A:14-2.2</u>	Surrogate parents, wards of the State and foster parents
<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:16-8.1</u>	Establishment of intervention and referral services
<u>N.J.A.C. 6A:16-11.1</u>	Reporting potentially missing , abused or neglected children and attempted or completed suicide
<u>N.J.A.C. 6A:22-3.4</u>	Proof of eligibility
<u>N.J.A.C. 6A:22-4.1</u>	Registration forms and procedures for initial assessment and enrollment
<u>N.J.A.C. 6A:23A-17.1</u>	Method of determining tuition rates for regular public schools
<u>N.J.A.C. 6A:32-7.1 et seq.</u>	Student records
<u>See particularly:</u>	
<u>N.J.A.C. 6A:32-7.5</u>	Access to student records

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Fostering Connections to Success and Increasing Adoptions Act, Pub. L. 110-351

Memorandum, Re: Ensuring Educational Stability for Children in Foster Care; the New Jersey Commissioner of Education: October 4, 2016, located at:  
<https://homeroom5.doe.state.nj.us/broadcasts/2016/OCT/03/15303/Ensuring%20Educational%20Stability%20for%20Children%20in%20Foster%20Care.pdf>

Memorandum, Re: Interagency Guidance Manual to Improve Educational Outcomes of Children in Out-of-Home Placement; the New Jersey Commissioner of Education: March 11, 2016, located at:  
[http://www.nj.gov/education/students/safety/edservices/stability/outcomes\\_memo.pdf](http://www.nj.gov/education/students/safety/edservices/stability/outcomes_memo.pdf)

*Improving the Educational Outcomes of Children in Out-of-Home Placements: An Interagency Guidance Manual*; The New Jersey Department of Children and Families, 2013.  
 Located at: <http://www.nj.gov/education/students/safety/edservices/stability/outcomes.pdf>

**Possible**

<b><u>Cross References:</u></b>	*3541.1 Transportation Routes and Services
	*5111 Admission
	*5125 Student Records
	*5141 Health
	*5141.3 Health Examinations and Immunizations
	*5141.21 Adminstrating Medication
	*6164.1 Intervention and Referral Services
	*6164.2 Guidance Counseling
	*6164.4 Child Study Team
	*6171.1 Remedial Instruction
	*6171.3 At-risk and Title 1 (parent involvement)
	*6171.4 Special Education

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

**Regulation**

**FOSTER CARE AND EDUCATIONAL STABILITY**

**GENERAL STATEMENT**

The New Jersey Department of Children and Families (DCF) maintains oversight of the processes involved in identifying and placing children in out-of-home placements. The school district plays a critical role in maintaining the educational stability of children placed in foster care including resource family homes or other out-of-home placements. The follow procedures structure the collaboration between the school district and DCF to optimize educational stability for students placed in foster care and ensure the prompt arrangement of transportation and payment of tuition.

**STAFF RESPONSIBLE**

The following chart lists the staff members responsible for the implementation of the regulation and summarizes their responsibilities:

<b>Position</b>	<b>Summary of Main Responsibilities</b>
Chief school administrator	<ul style="list-style-type: none"><li>• Implementation and administrative oversight within the district</li><li>• Transfer of records, written notifications</li><li>• Appointment of the liaison</li></ul>
Building principal	<ul style="list-style-type: none"><li>• Implementation and oversight within the school building</li><li>• Assessment of this regulation</li></ul>
District liaison	<ul style="list-style-type: none"><li>• Primary contact with the DCP&amp;P case manager and DCF</li><li>• Facilitates all aspects of the student's enrollment and adjustment to school to ensure educational stability</li><li>• Coordinates school services with BA, transportation director, CST, I&amp;RS, school nurse</li><li>• Facilitates the caregivers involvement in school</li></ul>
Business administrator	<ul style="list-style-type: none"><li>• Tuition calculation, payment</li><li>• Transportation arrangements, payment</li></ul>
Transportation director	<ul style="list-style-type: none"><li>• Transportation arrangements</li></ul>
Intervention and Referral Services	<ul style="list-style-type: none"><li>• Provide assessments for students experiencing health, behavioral, educational or emotional difficulties</li><li>• Provide appropriate services and/or referral resources</li></ul>
Child Study Team	<ul style="list-style-type: none"><li>• Implementation of the IEP, when applicable</li><li>• Evaluation and assessment as necessary and requested</li></ul>
Nurse	<ul style="list-style-type: none"><li>• Implementation of health care arrangements and plans</li></ul>

**DEFINITIONS**

"New Jersey State Department of Children and Families (DCF)" was created in July 2006 as New Jersey's first Cabinet agency devoted exclusively to serving and safeguarding the most vulnerable children and families in the state. DCF includes:

1. Child Protection and Permanency (DCP&P);
2. Children's System of Care;
3. Family and Community Partnerships;
4. Office of Adolescent Services;
5. Office of Education;
6. Child Welfare Training Academy;

## 7. Centralized Child Abuse/Neglect Hotline;

"Best interests determination" as used for the purposes of educational stability, is generally made by the DCP&P case manager and if contested by court on whether or not the child should remain in his/her current school. In making a best interest determination the case manager considers a number of factors including but not limited to safety, proximity, age and grade level, the child's preference, and special education programming needs (see N.J.S.A. 30:4C-26b for the complete list).

"Case Manager" is the child's assigned case manager from DCP&P or other state authorized agency (Youth Case Management/YCM, Care Management Organization/CMO or Unified Care Management/UCM) who facilitates the child's placement in any out-of-home setting and has supervision of said child.

"Caregiver" is a person who is licensed by DCF to provide resource family care or is employed by an agency to provide direct care and supervision for a child in a group home, treatment home, teaching family home or supervised transitional living home.

"District of residence" for children placed in resource family homes prior to September 9, 2010, is the school district where the resource family parents reside. On or after September 9, 2010, children placed in resource home care or moved from one resource home to another, the "district of residence" is the school district of the parent or guardian with whom the child lived prior to the most recent placement in resource home care per N.J.S.A. 18A:7B-12. For children placed in a non-resource family home, the "district of residence" is the school district where the parent resides.

"Educational Stability" is the continuation in the present school for a child placed in a resource family home or other out-of-home placement unless it is determined that this is not in the best interest of the child.

"Foster care" means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.

"Resource family home" means and includes private residences wherein any child in the care, custody, or guardianship of the Department of Children and Families may be placed by the department, or with its approval, for care, and shall include any private residence maintained by persons with whom any child is placed by the Division of Child Protection and Permanency for the purpose of adoption until the adoption is finalized.

"Group home category placement" is any public or private establishment other than a resource home that provides board, lodging, care and treatment services on a 24-hour basis to 12 or fewer children in a homelike, community-based setting. Included in this category are group homes, treatment homes, teaching family homes and supervised transitional living programs.

"Out-of-home placement" is a temporary placement for a child, made by a State agency (DCP&P) or State authorized agency (Youth Case Management/YCM, Care Management Organization/CMO or Unified Care Management), in a group home category placement or resource family home, where care of the child is deemed necessary to protect the child's safety and well-being.

"Parent" is the natural parent, adoptive parent, or an appointed surrogate parent. Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights pertaining to N.J.A.C. 6A:14.

"Parental consent" is an agreement in writing from the parent having legal responsibility for educational decision making under N.J.A.C. 6A:14-2.2. The district must ensure that consent is informed and voluntary.

"Resource family home" is a private residence, other than a children's group home, treatment home, teaching family home or supervised transitional living program, in which board, lodging, care and temporary out-of-home placement services are provided by a resource family parent on a 24-hour basis under the auspices of DCP&P.

## PROCEDURES

### Collaboration and Communication

The superintendent shall appoint one or more district liaisons between the district and DCP&P to ensure that students in this district or students transferring to this district affected by placement in foster care including resource family homes or other out-of-home placement receive continuity and stability in their educational program.

The liaison shall have the authority to confer and coordinate the provision of services with DCP&P and school office/admission personnel, transportation staff, the child study team, intervention and referral services, guidance staff, district medical personnel, teachers, the director of special education and the director of curriculum in facilitating the transfer and adjustment of newly enrolled students and students remaining in the district after placement.

### Best Interest Determination

- A. When a child is placed in foster care including a resource family home or other out-of-home placement, DCP&P has five business days to make an assessment to determine if remaining in the district is in the child's best interest, and during this assessment the child shall remain in the school that he/she is currently attending;
- B. The liaison shall remain in contact with DCP&P to an extent that is practical and follow-up with DCP&P no later than the five business day time period to ascertain the determination;
- C. The liaison shall notify the counseling staff, who may arrange supportive services such as counseling, resource information and other assistance the student may need;
- D. If DCP&P indicates that the student may be transferred to another district, the liaison shall begin overseeing the preparations for the transfer of the student's records. No records shall however, be transferred until DCP&P gives the district the official determination.

### Remaining in the District

Once notified by DCP&P that a student has been placed in foster care, including a resource family home or other out-of-home placement, and DCP&P has determined the student shall remain in the district, the liaison shall:

- A. Notify the business administrator and/or the transportation director to coordinate transportation services when the placement is remote from the school;
- B. Contact the student's caregiver and/or DCP&P case manager to update the student record with new contact information and emergency contact information;
- C. Work with the DCP&P case manager regarding any custody and/or notification restrictions related to the court order to place the child;
- D. Notify the counseling staff, district intervention and referral services and/or the student's teacher as appropriate, to arrange supportive services such as counseling, resource information and other assistance the student may need.

### Transferring into the District

Once notified by DCP&P that a student who has been placed in foster care, including a resource family home or other out-of-home placement, and DCP&P has determined that a transfer is in the best interest of the child, the student shall be transferred into one of the district schools:

- A. The liaison, in collaboration with the DCP&P case worker, shall facilitate the child's registration into the school district. Required documents for registration are limited to:

1. Foster/Resource Family Parent Identification letter or other agency letter pursuant to N.J.A.C. 6A:22-4.1;
  2. Caregiver proof of residency. The district must accept, as proof of a child's address, any combination of documents that establish residency, including deeds, leases, mortgages, utility bills or other documents (N.J.A.C. 6A:22-3.4).
- B. A child has the right to attend school. The district shall not delay or deny attendance based on its non-receipt of:
1. A certified copy of the child's birth certificate or other proof of identity. This is required within 30 days of initial enrollment (N.J.A.C. 6A:22-4.1(g); N.J.S.A. 18A:36-25.1);
  2. Medical information, although attendance at school may be deferred while awaiting immunization records (N.J.A.C. 6A:22-4.1(h); N.J.A.C. 8:57-4);
  3. The child's prior educational record pursuant to N.J.A.C. 6A:22-4.1(i).
- C. The liaison, in collaboration with the DCP&P case worker, shall follow-up by contacting the district of previous attendance to ensure that the transfer of records from the school of previous attendance is being processed and to verify when the records will be sent;
- D. The liaison, in conjunction with the DCP&P case manager, shall collect the necessary signed consent to release documentation so that staff members from the school of previous attendance and other relevant service providers may be consulted regarding continuity of the student's educational program. This may include the student's health, special education, social and emotional needs and other information necessary to assist with a smooth transition to the district;
- E. The liaison, in collaboration with the DCP&P case worker, shall ensure that the child is referred for intervention and referral services (I&RS) to assist when the child is experiencing learning, behavior or health difficulties (see board policy 6164.1 Intervention and Referral Services). The I&RS team shall collaborate with district liaison and the DCP&P case worker to identify out-of-school interventions when appropriate;
- F. The liaison, in collaboration with the DCP&P case worker, and the school nurse shall make provisions for the health care needs of the student including, but not limited to, disseminating the appropriate notices and information to pertinent staff members regarding allergies, provisions of the individualized health care plan and the administration of medication and emergency medication as appropriate;
- G. If I&RS is provided for children receiving special education, the services shall be coordinated with the child's IEP team, as appropriate (N.J.A.C. 6A:16-8.1) and according to board policy 6171.4 Special Education;
- H. Appropriate instruction shall be provided to children performing below established standards of proficiency to improve their performance (N.J.A.C. 6A:8-4.3(c) and board policy 6171.1 Remedial Instruction);
- I. The liaison shall work with the DCP&P case worker and the appropriate district staff to locate and identify children with disabilities to ensure that children with suspected educational disabilities are evaluated, and to ensure that there are no interruptions in special education and related services. Within 30 days, the district shall either adopt the current IEP or conduct all necessary assessments and develop and implement a new IEP for the student (board policy 6171.4 Special Education and N.J.A.C. 6A:14-4.1(g));
- J. Schools identified as priority and focus schools will work with the Regional Achievement Centers to determine which interventions will be used pursuant to the approved Elementary and Secondary Education Act (ESEA) flexibility waiver;
- K. The liaison, or his or her designee, shall contact the caregiver with district website information and written materials clearly identifying any and all available student support services such as tutoring, summer school, homework help and after school programs;

- L. The liaison, or his or her designee, may offer training to parents and caregivers/caregiver agencies on how to participate in and support the education of children in their care.
- M. Upon enrollment, the liaison or his or her designee shall make a reasonable effort to ascertain the child's past involvement in extracurricular activities and current interests to match the child with available programs, activities, etc.;
- N. Within the first two weeks of enrollment, a list of programs, services, planned events, and extracurricular activities shall be distributed to the child and their parents/caregivers.

#### Transfer of Records

Records shall be transferred according to the following guidelines:

- A. Original mandated student records that schools have been directed to compile by New Jersey statute, regulation, or authorized administrative directive shall be forwarded to the receiving school district with written notification to the parent or adult student;
- B. Original mandated student records that the board of education has required shall be forwarded to the receiving school district only with the written consent of the parent or adult student, except where a formal sending-receiving relationship exists between the school districts;
- C. All records to be forwarded, including disciplinary records, shall be sent to the superintendent or his or her designee of the school district to which the student has transferred within 10 school days after the transfer has been verified by the requesting school district;
- D. The superintendent or his or her designee shall request in writing all student records from the school district of last attendance within two weeks from the date that the student enrolls in the new school district;
- E. Upon request, the superintendent or his or her designee of the school district of last attendance shall provide a parent(s) or an adult student with a copy of the records disclosed to other educational agencies or institutions; and
- F. Proper identification, such as a certified copy of the student's birth certificate or other proof of the child's identity shall be requested at the time of enrollment in a new school district;

#### District of Residence

The district of residence is responsible for continuing to educate a child within its own district or paying tuition for a child attending school in another district, and for providing for any needed transportation. Five school days after the best interest determination has been made, the district of residence must make arrangements for, and pay the cost of the transportation, wherever the child attends school. The district of residence is determined according to the following:

- A. Placement in a resource family home:
  - 1. When a child was placed in a resource family home prior to September 9, 2010, the district of residence shall be the district in which the resource family parents reside. If such a child in a resource family home is subsequently placed in a State facility or by a State agency, the district of residence of the child shall then be determined as if no such resource family placement had occurred;
  - 2. When a child was or is placed in a resource family home on or after September 9, 2010, the district of residence shall be the present district of residence of the parent or guardian with whom the child lived prior to the most recent placement in a resource family home.
- B. Placement in residential State facilities

When a child is placed in a residential State facility, or has been placed by State agencies in a group home, skill development home, private school or out-of-State facility, the district of residence shall be the

present district of residence of the parent or guardian with whom the child lived prior to his most recent admission to a State facility or most recent placement by a State agency.

#### Tuition

- A. When a student is transferred into this district and his or her district of residence is other than this district tuition shall be assessed and the business administrator shall be responsible for the following, including but not limited to:
1. The calculation of the tuition rate according to all the provisions of N.J.A.C. 6A:23A-17.1 describing the method of determining the tuition rate including the calculation of the actual cost per student, the estimated cost per student, and the estimated daily average enrollment;
  2. Obtaining certification of the actual cost per student for each tuition category for a given year from the Commissioner;
  3. Establishing by written contractual agreement with the district of residence, a tentative tuition charge for budgetary purposes;
  4. Using the forms prepared by the Commissioner of Education for certification of the actual cost per student for each tuition category for contracts, and for establishing the estimated cost per student for each tuition category for the ensuing school year;
  5. When necessary and appropriate preparing proof that the charge for the use of the school facilities is not adequate and submitting it to the Commissioner for approval of an additional charge for the use of school facilities school facilities.
- B. When this district is the district of residence responsible for paying the student's tuition, the business administrator shall be responsible for the following, including but not limited to:
1. Verifying all the receiving district's documentation related to the calculation of tuition;
  2. Taking the appropriate actions to ensure that the payment of tuition is expedited promptly;
  3. Making the necessary budgetary adjustments to account for district expenses related to tuition.

If the district of residence cannot be determined by DCF, or if a district of residence is outside of the State, or if the child has resided in a domestic violence shelter or transitional living facility located outside of the district of residence for more than one year, the State shall assume fiscal responsibility for the tuition of the child. The tuition shall equal the approved per student cost established by law (N.J.S.A. 18A:7F-24). This amount shall be appropriated in the same manner as other State aid. The Department of Education shall pay the amount to the Department of Human Services, the Department of Children and Families, the Department of Corrections or the Juvenile Justice Commission.

In the case of a homeless child or a child in a family resource home, the Department of Education shall pay to the school district in which the child is enrolled the weighted base per student amount calculated according to law (N.J.S.A. 18A:7F-49) and the appropriate security categorical aid per student and special education categorical aid per student.

If the State has assumed fiscal responsibility for the tuition of a child in a private educational facility approved by the Department of Education to serve children who are classified as needing special education services, the Department shall pay the tuition to the Department of Human Services, the Department of Children and Families or the Juvenile Justice Commission, as appropriate. In addition, the Department of Education shall pay such aid as required to make the total amount of aid equal to the actual cost of the tuition.

#### Transportation

The child's district of residence is required to provide for transportation of the child to and from school. When this district is the district of residence as defined by law and board policy (5118.2) the following procedures shall apply:

- A. The liaison shall notify the business administrator and/or transportation director of any changes affecting the student's transportation arrangements;

- B. The business administrator and/or transportation director shall determine if the child is eligible for transportation services and arrange for those services;
- C. To ensure a smooth transition, DCP&P shall be responsible for the provision of, and payment for, transportation for the first five days after the placement decision is made;
- D. The district liaison shall cooperate with the DCP&P caseworker in arranging transportation to and from the school district that the child attends based on the best interest determination at the same time that DCP&P provides its notification. If the child is eligible for transportation and the district agrees to arrange and provide the transportation, the district shall bill DCP&P for the transportation costs for the first five days after the placement decision;
- E. Beginning on the sixth school day after a child's educational placement is determined, the child's district of residence shall be responsible for the provision of any mandated transportation services. Should the district be unable to provide the transportation service at that time, DCP&P will continue to provide transportation and shall bill the district for the additional service;
- F. Problems regarding the arrangements for required transportation shall be referred to the County Office of Education. If the matter cannot be resolved with the assistance of the county office, DCP&P educational liaisons should contact the DCP&P Statewide Educational Stability Administrator.

## **REGULATION HISTORY**

NJSBA Review/Update: August 2019  
 Effective Date:  
 Date of Review/Revision:

## **CROSS REFERENCES**

3541.1	Transportation Routes and Services
5111	Admission
5125	Student Records
5141	Health
5141.3	Health Examinations and Immunizations
5141.21	Administering Medication
6164.1	Intervention and Referral Services
6164.2	Guidance Counseling
6164.4	Child Study Team
6171.1	Remedial Instruction
6171.4	Special Education

## **PRIMARY RESOURCES**

Resource 1 *Improving the Educational Outcomes of Children in Out-of-Home Placements: an Interagency Guidance Manual*, published by the New Jersey Department of Children and Families, 2014. (find at: <http://www.nj.gov/education/students/safety/edservices/stability/>)

**CAMDEN CITY PUBLIC SCHOOLS**  
**Camden, New Jersey**

**FILE CODE: 5131**

  X   **Monitored**

  X   **Mandated**

  X   **Other Reasons**

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**Policy**

**CONDUCT/DISCIPLINE**

The Camden City Board of Education 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 approved code of student conduct is established to achieve the following purposes:

- A. Foster the health, safety, and social and emotional well-being of students;
- B. Support the establishment and maintenance of civil, safe, secure, supportive and disciplined school environments conducive to learning;
- C. Promote achievement of high academic standards;
- D. Prevent the occurrence of problem behaviors;
- E. Establish parameters for the intervention and remediation of problem student behaviors at all stages of identification; and
- F. Establish parameters for consistent responses to violations of the code of student conduct that take into account, at a minimum, the severity of offenses, the developmental ages of student offenders and students' histories of inappropriate behaviors as appropriate.

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 self-discipline. 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 superintendent 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 superintendent shall establish the degree of order necessary to the educational program in which students are engaged.

**Code of Conduct**

The superintendent 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 may be based on parent/guardian and student. The superintendent has the right and authority to

CONDUCT/DISCIPLINE (continued)

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:16-7.5.

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;
- 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 comprehensive behavioral supports that promote positive student development and assist each student in fulfilling the district behavioral expectations established including:
  1. Positive reinforcement for good conduct and academic success;
  2. Supportive interventions and referral services;
  3. Remediation of problem behavior that takes into account the behavior's nature, the students' developmental ages and the students' histories of problem behaviors and performance; and
  4. Behavioral interventions and supports for students with an IEP or accommodation plans.
- E. A description of responses to violations of behavioral expectations that, at a minimum, are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their histories of inappropriate behaviors that shall:
  1. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;
  2. Be consistent with other responses as required by law for serious offences including firearms, weapons and assault offenses;
  3. Ensure that the code of student conduct is applied equitably without regard to race, color, religion, ancestry, national origin, nationality, sex, gender, sexual orientation, gender identity or expression, marital, domestic-partnership, or civil-union, mental, physical, or sensory disability, or any other distinguishing characteristic;
  4. Be consistent with the provisions of N.J.S.A. 18A:6-1 regarding the corporal punishment of pupils.
- F. Expectations and consequences consistent board policies and procedures 5113 Attendance, Absences

CONDUCT/DISCIPLINE (continued)

and excuses and 5131.1 Harassment, Intimidation and Bullying;

- G. A current list of community-based health and social service provider agencies available to support a student and the student's family, as appropriate, and a list of legal resources available to serve the community.

A student may be denied privileges such as participation in extracurricular activities, school functions, sports, graduation exercises or other privileges as disciplinary sanctions in order to maintain the order and integrity of the school environment.

Student Behavioral Infractions

Students who display chronic behavioral or academic problems may be referred to the child study team by the superintendent 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:16-7.2, N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.4, 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:12-1) 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:16-7.2, N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.4. 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.

The superintendent or his or her designee shall take appropriate measures to ensure that minority and male students shall not be disproportionately represented in detentions, suspensions, and expulsions.

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

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 superintendent 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

CONDUCT/DISCIPLINE (continued)

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 superintendent 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, 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 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
- B. Has the effect of insulting or demeaning any student or group of students; or
- C. 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

Classified students are subject to the same disciplinary procedures as nondisabled students and may be disciplined in accordance with their IEP and accommodation plans. 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.

CONDUCT/DISCIPLINE (continued)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 biannual reports of student conduct, suspensions and expulsions; and incidences reported under the Student Safety Data System (SSDS).

Implementation

The superintendent 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.

The board shall review and update the code of student conduct annually. The code of student conduct shall be disseminated annually to all school staff, students and parents/guardians.

The superintendent shall report as required by law to the New Jersey Department of Education on student conduct, including all student suspension and expulsion and incidences reported under the Student Safety Data System.

Employees shall receive annual training on the code of student conduct, including training on the prevention, intervention, and remediation of student conduct that violates the code of student conduct. Information on the code of student conduct shall be incorporated into the orientation for new employees.

Adopted:	June 24, 1985
Revised:	April 12, 1988
Revised:	August 23, 1995
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009, August 2019
Revised:	March 30, 2015
Readopted:	

(SE file code: 5500, 5561, 5600, 5841)

Key Words

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

<b>Legal References:</b>	<u>N.J.S.A.</u> 2A:4A-60 et al.	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A.</u> 2C:12-1	Definition of assault
	<u>N.J.S.A.</u> 2C:33-19	Paging devices, possession by students
	<u>N.J.S.A.</u> 2C:39-5	Unlawful possession of weapons
	<u>N.J.S.A.</u> 18A:6-1	Corporal punishment of pupils
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties

CONDUCT/DISCIPLINE (continued)

N.J.S.A. 18A:25-2 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:37-13.2, -14  
N.J.S.A. 18A:37-15 et seq.  
N.J.S.A. 18A:40A-1 et seq. Substance Abuse  
N.J.S.A. 18A:54-20 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:16-2.4  
 -4.1, -5.1, -5.4, -5.6, -5.7 -6.1, -6.2,  
 -7.1 through -7.5  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

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

Every Student Succeeds Act of 2015, Pub.L. 114-95, 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

**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
4138/4238	Employee protection
*4231/4231.1	Staff development; inservice education/visitation conferences
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

CONDUCT/DISCIPLINE (continued)

*5127	Commencement activities
*5131.1	Harassment, intimidation and bullying
*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.

**NJSBA POLICY SERVICES**  
Camden, New Jersey

**FILE CODE: 5131**

  X   Monitored

  X   Mandated

  X   Other Reasons

**Exhibit**

**CONFIDENTIAL INTERNAL DOCUMENT**

**CONFIDENTIAL INTERNAL DOCUMENT**

**SCHOOL:** \_\_\_\_\_

**STUDENT CONDUCT INCIDENT REPORT**

The Student Conduct Incident Report Form shall be completed for serious violations of the student code of conduct or unacceptable student conduct. This form shall be filed in reporting conduct incidents involving students enrolled in the district, whether in attendance or assigned to an alternate location.

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

Date/Time Known to Staff: \_\_\_\_\_ Date/Time Reported to Supervisor: \_\_\_\_\_

Provision(s) of Code of Student Conduct violated: \_\_\_\_\_

\_\_\_\_\_

Specific Location of Incident: \_\_\_\_\_

\_\_\_\_\_

Name(s) of Employee(s) Involved: (Use additional pages if needed)

_____	_____	_____	_____
(Last)	(First)	Title	Phone Number

_____	_____	_____	_____
(Last)	(First)	Title	Phone Number

_____	_____	_____	_____
(Last)	(First)	Title	Phone Number

Name(s) of Student(s) Involved: (Use additional pages if needed)

_____	_____	Age/grade _____	Sex _____
(Last)	(First)		

_____	_____	Age/grade _____	Sex _____
(Last)	(First)		

_____	_____	Age/grade _____	Sex _____
(Last)	(First)		

Description of the Incident: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Personal Injuries:     ☐ Yes     ☐ No     If Yes, Describe: \_\_\_\_\_  
\_\_\_\_\_

Treated By: (Name of Physician and/or Hospital) \_\_\_\_\_  
\_\_\_\_\_

Police Notified: ☐ Yes     ☐ No     If Yes, Name of Officer(s) and Police Department: \_\_\_\_\_  
\_\_\_\_\_

Fire Department Notified: ☐ Yes     ☐ No     If Yes, Name of Officer(s) and Fire Department: \_\_\_\_\_  
\_\_\_\_\_

DCP&P Notified: ☐ Yes     ☐ No     If Yes, Name of Social Worker(s) and Contact Information: \_\_\_\_\_  
\_\_\_\_\_

EMS Notified: ☐ Yes     ☐ No     If Yes, Name of EMT(s) and Hospital: \_\_\_\_\_  
\_\_\_\_\_

Eyewitnesses to the Incident: (Name/Title) \_\_\_\_\_  
\_\_\_\_\_

Property Damage: ☐ Yes     ☐ No     If Yes, Describe: \_\_\_\_\_  
\_\_\_\_\_

Additional  
Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Follow-up  
☐ No Further Follow-up Report Necessary  
☐ Follow-up Report Forthcoming  
☐ The Following Action Is Recommend/Planned  
\_\_\_\_\_  
\_\_\_\_\_

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Name/Title of Person Reporting Incident

Telephone Number with Area Code

---

Name/Title and Telephone Number of Supervisor Who Can Be Contacted for Additional Details

c: 

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Supervisor, Principal

**Regulation****CODE OF STUDENT CONDUCT****GENERAL STATEMENT**

The \_\_\_\_\_ School (or School District) Code of Student Conduct is established in order to:

- A. Foster the health, safety, social, and emotional wellbeing of students;
- B. Support the establishment and maintenance of civil, safe, secure, supportive, and disciplined school environments conducive to learning;
- C. Promote achievement of high academic standards;
- D. Prevent the occurrence of problem behaviors;
- E. Establish parameters for the intervention and remediation of student problem behaviors at all stages of identification;
- F. Establish parameters for school responses to violations of the student discipline/code of conduct that take into account, at a minimum, the severity of the offenses, the developmental ages of the student offenders, and student's histories of inappropriate behaviors;
- G. Promote character in students;
- H. Teach students about appropriate behavior and citizenship in school and in society.

**STAFF RESPONSIBLE**

The following chart lists the staff members responsible for the implementation of the regulation and summarizes their responsibilities:

<b>Position</b>	<b>Summary of Main Responsibilities</b>
Chief school administrator	<ul style="list-style-type: none"> <li>• General policy procedure oversight within the district</li> <li>• Ensure the annual review and implementation of the code of student conduct</li> <li>• Ensure implementation of referral procedures</li> <li>• Ensure appropriate training for school staff</li> <li>• Develop and maintain list of community resources to assist students and families involved in drugs and alcohol</li> </ul>
Building principal	<ul style="list-style-type: none"> <li>• Primary responsibility for implementing and enforcing student code of conduct procedures</li> <li>• Disciplining students</li> <li>• Liaison with law enforcement re: reports of criminal activities by students</li> <li>• Maintaining the student discipline records</li> <li>• Participate in the annual review of the code of student conduct</li> <li>• Ensure support for student transitions to and from health and social service agencies</li> <li>• Annual dissemination of student code of conduct to all staff and students</li> </ul>

CODE OF STUDENT CONDUCT (regulation continued)

Teaching staff members	<ul style="list-style-type: none"> <li>• Primary responsibility for implementing enforcing procedures</li> <li>• Disciplining students</li> </ul>
Support staff members	<ul style="list-style-type: none"> <li>• Reporting violations to teaching staff members</li> </ul>
Bus driver	<ul style="list-style-type: none"> <li>• Primary responsibility for implementing enforcing good order while transporting students</li> </ul>

**SCOPE/PURPOSE**

This regulation supports and is incorporated into Policy File Code 5131. It applies to student conduct within all school facilities and each school vehicle used to transport students. This regulation also addresses off-campus conduct to the extent that such implementation is allowed under the laws of New Jersey.

The intent underlying the adoption of Policy File Code 5131 and this supporting procedure is to ensure the health and safety of students, employees, vendors and visitors to district facilities and board approved activities and to ensure the orderly operation of the schools. The administration will at all times seek to ensure health, safety, and discipline through supportive remedial measures, but reserves the right to impose discipline to achieve the purpose of Policy File Code 5131.

**DEFINITIONS**

"Assault" means purposely or recklessly causes bodily injury to another; or negligently causing bodily injury to another with a deadly weapon; or attempting to put another in fear of imminent serious bodily injury.

"Bodily injury" means physical pain, illness or any impairment of physical condition.

"Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

"Significant bodily injury" means bodily injury which creates a temporary loss of the function of any bodily member or organ or temporary loss of any one of the five senses.

**PROCEDURES**Six Pillars of Character

***\*Well-articulated district sample language below. If you have a program that defines core values replace this section with your district adopted core values.***

The educational programs of the \_\_\_\_\_ Board of Education shall strive to reinforce character development in the students. The students of this district shall be encouraged to develop the following competencies:

**A. Trustworthiness**

Students will develop appreciation of trustworthiness. Students will understand that genuine sincerity, personal morality, and trust in deeds and words must be realized in order to demonstrate trustworthiness.

**B. Citizenship**

Students will develop appreciation of civic virtue and citizenship. Students will understand the importance of not only knowledge and respect for the law, but the duty to give to society more than one takes.

**C. Responsibility**

CODE OF STUDENT CONDUCT (regulation continued)

Students will develop appreciation of responsibility. Students will understand how all behaviors are accountable and those rights require responsibilities to participate as active citizens in our democratic constitutional system of government.

## D. Respect

Students will develop appreciation of respect. Students will understand that genuine respect requires that we all have a moral obligation to honor the essential worth and dignity of the individual, including oneself. We have a responsibility to be the best we can be in all situations.

## E. Caring

Students will develop appreciation of caring. Students will understand that caring is the heart of ethics and is demonstrated in how we show our emotional concern toward all people.

## F. Fairness

Students will develop appreciation of justice and fairness. Students will understand that a just and fair person considers all points of view, listens to others, and balances truth in light of evidence.

The \_\_\_\_\_ School District standards of character education are an essential component of the district's code of conduct. The board believes with appropriate infusion of character education into our 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.

Behavioral Expectations

To promote an environment for positive student development and achievement, that enhances learning and leads to success in school, students are encouraged to emulate the following student expectations:

- A. Prepare mentally and physically for the process of learning;
- B. Be nourished, rested, clean, properly dressed and groomed;
- C. Be free of drugs and alcohol;
- D. Come to school prepared to learn;
- E. Demonstrate respect for people and property;
- F. Be honest, courteous and polite;
- G. Respect the property of others;
- H. Accept the rights of others to their own opinions;
- I. Settle differences peacefully;
- J. Display good sportsmanship at school-related functions;
- K. Actively participate in the maintenance and cleanliness of school facilities and property;
- L. Take responsibility for individual behavior and learning;
- M. Recognize that school is work and academic development is the primary purpose of being in school;

CODE OF STUDENT CONDUCT (regulation continued)

- N. Complete all homework, class work and exams on time;
- O. Make personal choices based on reasonable decision making processes;
- P. Accept constructive criticism and disagreement when necessary and appropriate;
- Q. Accept the consequences of individual actions;
- R. Attend school and classes regularly and punctually;
- S. Use library/media center time for school work;
- T. Use books, school technology and other equipment appropriately;
- U. Access and use the internet safely and only for school related work;
- V. Share responsibilities when working as a member of a group;
- W. Cooperate, contribute and share in the work of the group;
- X. Accept and assume leadership when appropriate; and
- Y. Obey and comply with the instruction of the school staff.

Student Recognition

Students who fulfill the district behavioral expectations and/or exceed the expectations shall be encouraged to continue compliance with the code of student conduct by staff. The staff may utilize rewards, recognition and/or other positive reinforcement as deemed appropriate to encourage compliance with the code of student conduct. These may include:

- A. Reinforcement for good conduct and academic success (board policy 5126 Awards for Achievement);
- B. Supportive intervention and referral services (board policy 6164.1 Intervention and Referral);
- C. Remediation for problem behaviors (board policies 6164.1 Intervention and Referral, 6171.1 Remedial Instruction and 6164.2 Guidance Services); and
- D. Support for students with disabilities (6171.4 Special Education).

Student Rights

The student shall have the right to:

- A. Be free from corporal punishment;
- B. Advance notice of behaviors that will result in suspension and expulsion (board policy 5114 Suspension/Expulsion);
- C. Education that supports student development toward becoming a productive citizen;
- D. Behavioral supports that promote positive student development and ability to fulfill behavioral expectations contained in the code of student conduct;

CODE OF STUDENT CONDUCT (regulation continued)

- E. A safe and secure school environment;
- F. Attend school if married, pregnant or is a parent (board policy 5134 Married and Pregnant Students);
- G. Due process and appeal procedures (board policy 5145.6 Student Grievance, and 5114 Suspension and Expulsion, Regulation);
- H. A list of community-based health and social service provider agencies and list of legal resources available to serve the community;
- I. All notifications as required by law (N.J.A.C. 6A:16-6.2, 7.2, 7.3, 7.8) including:
  - a. School officials shall notify the student's parents/guardians when the student is the target of the law enforcement investigation;
  - b. Parents/guardians shall be notified as soon as possible whenever a student is arrested for violating a law prohibiting the possession, sale or other distribution of a controlled dangerous substance, including anabolic steroids, drug paraphernalia, or a firearm or other deadly weapon;
  - c. Parents/guardians shall be notified of their due process rights for short term and long-term suspension;
  - d. Parents/guardians shall be notified of the transfer of student records.
- J. Records and privacy protection established by law and board policy (5125 Student Records, 5145.11 Questioning and Apprehension, 5145.12 Search and Seizure).

Discipline

Board of education policy in accordance with the laws of governing public education in this state, specifically N.J.S.A. 18A:37-1 requires each pupil to comply with the rules and regulations established for each school. Each student is expected to pursue the prescribed course of study for which he/she is enrolled, and shall submit to the authority of the teacher (or other staff member) as specified in N.J.S.A. 18A:25-2, with each pupil being held accountable for his or her behavior during scheduled school hours as well as on the way to and from school.

Any pupil who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface, or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school (N.J.S.A. 18A:37-2).

"Conduct" which shall constitute good cause for suspension or expulsion shall include, but not be limited to, any of the following:

- 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 well-being 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

CODE OF STUDENT CONDUCT (regulation continued)

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;
- S. Harassment, intimidation and bullying.

Disciplinary Measures

The following disciplinary measures may be applied as appropriate to the student's violation of school rules. The measures are sequential and are organized in order of severity. The age of the student, nature of the offense and circumstances surrounding the offense will all be taken into account when discipline is being applied. In all cases, before a classified student is subjected to a suspension of more than ten consecutive or cumulative school days in a school year, administration shall notify the IEP team who shall conduct a manifestation determination.

## A. Admonishment

A school staff member in authority may admonish the student for his/her unacceptable conduct and warn the student that additional misconduct may warrant a more severe penalty. Teachers will settle less serious discipline issues in the classroom. A conference, a phone call to the parent or a teacher assigned detention will settle most cases. Students will be sent to the office in more severe cases.

## B. Deprivation of Privileges

Students may be deprived of the following privileges for disciplinary reasons:

1. Moving freely about the school building;
2. Participation in cocurricular or extracurricular activities;
3. Participation on sports teams, or in competitions;
4. Attendance at a school-related social or sports activity;
5. Participation in a graduation ceremony;
6. Parking on school grounds;
7. Transportation by school bus; or
8. Assignment to an alternative educational setting;

CODE OF STUDENT CONDUCT (regulation continued)

9. Any other privilege the principal or designee determines may be appropriate and consistent with policy 5131 Conduct and Discipline, and N.J.A.C. 6A:16-7.1 et seq.

## C. Temporary Removal from Classroom/Transportation

1. The classroom teacher may direct the student to report to the building principal for repeated or serious infractions;
2. The teacher will inform the office as to the student's name, homeroom, and the conduct that has caused the student's removal from the room;
3. Students who are sent to the office will be dealt with in a firm, fair, non-discriminatory and consistent manner;
4. The administrator in charge of discipline will interview the student and determine which, if any, additional disciplinary steps are indicated.
5. The driver of any vehicle used to transport students may also direct a student to report to the building principal for infractions of the code of student conduct and/or engaging in conduct that is distracting to or causes a safety concern in the driver.

## D. Detention

1. The student may be required to report before or after the school day to detention for a period of supervised study, lunch detention may also be assigned;
2. In all cases, the teacher assigning detention shall notify the building principal;
3. The teacher or faculty member assigning detention shall ensure that the student has appropriate class work to complete during the detention;
4. Transportation will be the responsibility of the student's parents or legal guardians;
5. The student may be excused from detention only for an unavoidable commitment previously made; any such excused detention must be made up on another day.

## E. Grading

A student who has cheated on a test or assignment, plagiarized material, falsified sources, refused to submit assignments, or otherwise indulged in academic dishonesty or negligence may suffer a reduced grade by virtue of the disqualified work. In no other instance may a student's grade be lowered as a direct penalty for misconduct.

## F. In-school Suspension

1. The student may be removed from his/her regular classes and required to report to an in-school suspension program for supervised study;
2. In-school suspension will not be imposed without the due process set forth in policy 5114 Suspension and Expulsion;

## G. Suspension from School

1. The student may be denied the right to attend school for a period of time pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.2 and N.J.A.C. 6A:16-7.3 and policy 5114 Suspension and Expulsion;
2. Suspension from school will not be imposed without the due process set forth in policy 5114 Suspension and Expulsion.

## H. Expulsion

1. The board may expel a general education student from school, pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.4 and policy 5114 Suspension and Expulsion;
2. Expulsion is an extremely serious disciplinary measure and will not be imposed without the due process set forth in policy 5114 Suspension and Expulsion.

CODE OF STUDENT CONDUCT (regulation continued)Annual Review

Each school code of student conduct shall be reviewed annually and maintained by a committee. The members of the committee shall include parents, guardians and students, the chief school administrator, members of the board of education and community members. The committee may also include teachers and others staff and administrators as desired or required. The committee shall assess the effectiveness of the implementation of policy 5131 by completing the Department of Education Compliance Checklist (see: primary resource 1). The annual review shall also include consultation with local organizations licensed by the Department of Human Services, more information can be found at: <http://www.state.nj.us/humanservices/clients/addiction/>.

The revised/updated code of student conduct shall be distributed annually to all students, staff, and parents. The chief school administrator shall ensure that training on the proper implementation of the code of student conduct is provided to all staff annually and is provided to all new employees reasonably after service commences.

Discipline Chart

Discipline infractions that may not have been addressed in the code of student conduct will be subject to review at the discretion of the school administration. The code of student conduct may be reviewed during the school year. If changes to the code are implemented, students, staff and parents affected by the change will be notified. For definitions and additional information regarding disciplinary infractions, please refer to the New Jersey Electronic Violence and Vandalism ("EVVRS") Incident Definitions (see: <http://homeroom.state.nj.us/evvrs.htm>).

**Minor Offenses \*Insert your table of behaviors and consequences:**

Behavior	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Chewing gum			
Copying work			
Disregarding staff instructions			
Disrupting class			
Disruption in the cafeteria			
Disruption on the school bus			
Dress code violation			
Eating/drinking in class			
Harassment, intimidation and bullying (name calling)			
Inappropriate behavior to another student			
Leaving the classroom without permission			
Littering			
Missing an assignment			
Not being in assigned location/no hall pass			
Parking violation			
Running in hallway			
Sleeping in class			
Tardy to school			

CODE OF STUDENT CONDUCT (regulation continued)

Tardy to the class			
Throwing objects: bus/ class/hallway/cafeteria			
Unprepared for class			
Vandalism (writing in pencil on the desk)			
Vulgar/profane language			
Writing or passing notes			
Inappropriate use of personal cell phone/electronic device Violation of N.J.S.A. 2C:33-19.			

Serious Offenses

Behavior	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Academic dishonesty, plagiarism			
Cutting class			
Cutting detention			
Cutting school			
Dating violence			
Defiance/insolence to staff			
Driving rule violation on school property			
Forging any note or required signature			
Harassment, intimidation and bullying (including, physical altercation, cyber bullying, verbal or physical threats)			
Leaving school grounds			
Obscene or sexual behavior or language			
Physical altercation/minor without harm			
Possession of tobacco			
Racism			
Under the influence of alcohol			
Vandalism (writing in ink, paint, marker, etching, willfully destroying school books or other school property)			
Violation of technology acceptable use agreement			
Smoking			
Possession of			

CODE OF STUDENT CONDUCT (regulation continued)

pornography			
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**Very Serious Offenses**

<b>Behavior</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> Offense</b>	<b>3<sup>rd</sup> Offense</b>
Arson	<ul style="list-style-type: none"> <li>• Parent/guardians notification</li> <li>• Police notification</li> <li>• Suspension</li> <li>• Notification of due process rights</li> </ul>		
Assault with a weapon	<ul style="list-style-type: none"> <li>• Parent/guardians notification</li> <li>• Police notification</li> <li>• Expulsion</li> <li>• Notification of due process rights</li> </ul>		
Assault with or without a weapon of a staff member of board member	<ul style="list-style-type: none"> <li>• Parent/guardians notification</li> <li>• Police notification</li> <li>• Suspension/expulsion</li> <li>• Notification of due process rights</li> </ul>		
Assault, physical altercation with physical harm	<ul style="list-style-type: none"> <li>• Parent/guardians notification</li> <li>• Police notification</li> <li>• Suspension</li> <li>• Notification of due process rights</li> </ul>		
Bomb threat	<ul style="list-style-type: none"> <li>• Parent/guardians notification</li> <li>• Police notification</li> <li>• Suspension</li> <li>• Notification of due process rights</li> </ul>		
Dating violence			
Extortion			
Harassment, intimidation and bullying (including cyber bullying, serious offenses, multiple prior offenses, part of a group bullying any individual or group)			
Hazing			
Misuse of fire safety equipment or alarms			
Possession and distribution or sale of drugs or alcohol	<ul style="list-style-type: none"> <li>• Parent/guardians notification</li> <li>• Police notification</li> <li>• Suspension</li> <li>• Notification of due process rights</li> </ul>		

CODE OF STUDENT CONDUCT (regulation continued)

Possession of a weapon	<ul style="list-style-type: none"> <li>• Parent/guardians notification</li> <li>• Police notification</li> <li>• Expulsion</li> <li>• Notification of due process rights</li> </ul>		
Possession of drugs or alcohol			
Robbery			
Sexual harassment/sexual offense			
Terroristic threats			
Theft			
Unlawful assembly			
Vandalism (significant and willful destruction of school property)			
Possession of child pornography			

**DISCIPLINARY REPORTING PROCEDURE**

1. When a disciplinary incident involving a student has been safely resolved, the building principal/designee shall determine whether an EVVRS report must be generated using form E00-00317 as revised for the current school year (see primary resource 2 EVVRS Reporting Form).
2. The principal/designee shall investigate the incident and shall direct employees who were witnesses to the incident to report details surrounding the incident as fully and faithfully as possible.
3. The building principal/designee shall be familiar with the Electronic Vandalism and Vandalism Reporting System (EVVRS) and should refer to the EVVRS manual (see: <http://homeroom.state.nj.us/evvrs.htm>) to ensure accuracy and consistency in reporting student-involved incidents to that system.
4. Incidents that need not be reported through the EVVRS should nevertheless, be investigated and reported using the district code of student conduct incident reporting form. *Administration should ensure that the appropriate form is used (see exhibit 1 for a sample incident reporting form).*
5. The EVVRS incident report shall be completed as soon as possible after the incident, but in all cases within 10 days. If additional time is needed to complete the report due to unavailability of witnesses or other obstacles to a complete and thorough investigation, the principal/designee shall document the reasons for any necessary extension and establish a date certain for the completion of the initial report. If additional facts become available subsequent to the completion date, the EVVRS incident shall be revised and such revisions shall be documented and filed accordingly.

**DUE PROCESS**

In all cases, before remedial or disciplinary measures are imposed upon a student for a disciplinary violation, the student shall receive appropriate due process as set forth in N.J.A.C. 6A:16-7.1-7.5.

Students who are the subject of remedial or disciplinary actions may appeal such action to the board of education within thirty days. Students may also appeal to the Commissioner of Education pursuant to the procedures set forth in N.J.A.C. 6A:3-1.3 through 1.17; N.J.A.C. 6A:4; and, where applicable, N.J.A.C. 6A:14-2.7 and 2.8.

**CODE OF STUDENT CONDUCT** (regulation continued)**REGULATION HISTORY**

Effective Date:

Date of Review/Revision:

**CROSS REFERENCES**

5114	Suspension and Expulsion
5131	Conduct and Discipline
5134	Married and Pregnant Students
5131.1	Harassment, Intimidation and Bullying
5131.5	Violence and Vandalism
5131.5/5131.7	Violence and Vandalism, Regulation
5131.6	Substance Abuse
5136.6	Substance Abuse, Regulation
5131.7	Weapons and Dangerous Instruments
5145.11	Questioning and Apprehension
5145.12	Search and Seizure

**EXHIBIT**

Exhibit 1      Incident Report Form

**PRIMARY RESOURCES**

1	DOE Compliance Checklist
2	EVVRS Reporting Form
3	Conduct and Discipline, Sample Behavior Chart

**CAMDEN CITY PUBLIC SCHOOLS**  
**Camden, New Jersey**

**FILE CODE: 5131.1**

**X Monitored**

**X Mandated**

**X Other Reasons**

**Policy**

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**HARASSMENT, INTIMIDATION AND BULLYING**

The Camden City 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 Camden City Public 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 superintendent 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 superintendent 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 superintendent 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:16-7.5.

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 superintendent 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.

Bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance. "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 nature of the student's disability, if any and to the extent relevant; 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:

## 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

## 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;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- 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:

- A. Consequences may include
  - 1. Conference with the supervisor and the victim if appropriate;
  - 2. Corrective action plan;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

3. Admonishment such as a letter in the personnel file;
4. Temporary removal from the classroom;
5. Discipline measures such as:
  - a. Withholding of increment;
  - b. Suspension without pay;
6. Legal action; and
7. Termination.

**B. Remedial Measures: Personal**

1. Letter of apology;
2. Restitution and restoration;
3. Mediation;
4. Support group;
5. Probationary period in which the supervisor in conjunction with the employee may develop and implement the following:
  - a. Corrective action plan;
  - b. Behavioral assessment or evaluation;
  - c. Behavioral management plan, with benchmarks that are closely monitored.
6. Referral for a psychiatric examination (see policy 4112.4/4212.4 Employee Health); and
7. Referral for counseling, treatment or therapy.

**C. 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.

Victim Support

When a student is a victim of harassment, intimidation and/or bullying a range of strategies and resources shall be developed and made available to the victim. As appropriate, the student, parents/guardians and staff members shall be involved in the development of strategies to prevent recurring incidences of bullying. The objectives of the strategies shall be to provide relief to the victim, minimize any stigma that may be associated with the victim, and/or eliminate the risk of further persecution. The type, diversity, location, and degree of support shall be directly related to the student's perception of safety.

Sufficient safety measures shall be considered and implemented where appropriate to ensure the victims' physical and social-emotional well-being and protect the student's capacity to learn in a safe, supportive, and

HARASSMENT, INTIMIDATION AND BULLYING (continued)

civil educational environment.

Examples of support for student victims of harassment, intimidation, and bullying may include but are not limited to:

- A. Teacher aides, hallway and playground monitors;
- B. Assignment of an adult "shadow" to help protect the student;
- C. Seating and schedule changes;
- D. School transfers;
- E. Before- and after-school supervision;
- F. Changes in transportation routes and/or increased supervision during transport;
- G. Counseling, treatment or therapy.

Reporting Harassment, Intimidation and Bullying Behavior

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 committed by an adult or youth against a student:

- 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,

HARASSMENT, INTIMIDATION AND BULLYING (continued)

intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

The school administrator shall take into account the circumstances of the incident when providing notification to parents and guardians of all students involved in the reported harassment, intimidation, or bullying incident. The circumstances of the incident shall be considered conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense.

District Anti-Bullying Coordinator

The superintendent shall appoint a district anti-bullying coordinator. The superintendent 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 superintendent 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
- 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/school climate 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/School Climate Team

The board shall form a school safety/school climate 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/school climate team shall meet at least two times per school year.

The school safety/school climate team shall consist of the principal or his or her designee; a teacher in the school; the school anti-bullying specialist; a parent of a student in the school; and other members determined by the principal. The school anti-bullying specialist shall serve as the chair of the school safety team.

The school safety/school climate team shall:

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

A parent shall be on the school safety/school climate team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality. Other members of the school safety/school climate team who are not authorized to access student records (see board policy 5125 Student Records) shall be on the team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.

Investigating Reported Harassment, Intimidation and Bullying

To protect the victim, the superintendent shall take into account the circumstances of the incident when communicating with parents/guardians and when following the investigation procedures.

The principal, or his or her designee, in consultation with the anti-bullying specialist, shall make a preliminary determination prior to initiating an investigation, as to whether a reported incident or complaint, assuming all facts presented are true, is a report that qualifies as harassment, intimidation and bullying according to the law (within the scope of N.J.S.A. 18A:37-14).

If the principal, or his or her designee, in consultation with the anti-bullying specialist, determines that the incident or complaint is a report outside the scope of the law (N.J.S.A. 18A:37-14) and does not qualify as harassment, intimidation and bullying, this determination may be appealed to the board of education according to the appeal process detailed below. The determination of the board may be appealed to the commissioner of education in accordance with law (N.J.A.C. 6A:3).

When the principal, or his or her designee, in consultation with the anti-bullying specialist, determines that the reported incident qualifies as harassment, intimidation and bullying, the report 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

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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 superintendent within two school days of the completion of the investigation, and in accordance with law and board policy. The superintendent 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.
- F. The superintendent 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.
- G. Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation.

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 principal, in conjunction with the school anti-bullying specialist 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;

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- 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;
- 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 superintendent 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,

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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 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 superintendent after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

Consequences and Remediation

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:

**A. Consequences**

1. Removal from the classroom or school;
2. The visitor or volunteer may be banned from school buildings and grounds;
3. Immediate suspension and/or expulsion from classrooms or school property;
4. Termination of volunteer privileges;
5. Legal action.

**B. Remedial measures to reestablish visitor, volunteer, contracted service providers, assembly/board members or all other persons, privileges may include:**

1. Conference with the principal or superintendent;
2. Personal action such as a letter of apology;
3. Restitution and restoration.

Visitors, volunteers, contracted service providers, board members or all other persons in violation of this policy shall not be permitted on school property without the approval of the superintendent.

Appeal Process

The parent or guardian may request a hearing before the board concerning the written information about a harassment, intimidation, or bullying investigation. The request for a board hearing shall be filed with the

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board secretary no later than 60 calendar days after the written information is received by the parents or guardians. 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."

Approved Private Schools For Students With Disabilities (PSSDs)

The board is committed to ensuring that all district students that require placement in approved private schools for students with disabilities (PSSD) have the safe and civil environment in their school placement necessary for students to learn and achieve high academic standards. All approved PSSDs receiving students with disabilities from this district shall be committed to treating their students with civility and respect, and shall refuse to tolerate harassment, intimidation or bullying.

When an approved PSSD receives a complaint or report of an act of harassment, intimidation, or bullying involving a district student placed in the approved PSSD that occurred on a district school bus, at a district school-sponsored function and off school grounds, the approved PSSD shall notify the anti-bullying coordinator of the report or complaint.

The superintendent shall assign a school anti-bullying specialist to investigate a complaint or report of harassment, intimidation, or bullying, occurring on district school buses, at district school-sponsored functions, and off school grounds involving a student who attends an approved PSSD. The investigation conducted by the district anti-bullying specialist shall be in consultation with the approved PSSD.

The full-time non-teaching principal of the approved PSSD shall report to the anti-bullying coordinator and the child study team director, any complaint or report of an act of harassment, intimidation, or bullying involving a district student placed in the approved PSSD that occurred at the PSSD or an activity sponsored by the PSSD. The report shall include the names of the district students who are parties to the harassment, intimidation, or bullying investigation and the results of each investigation. The principal of the approved PSSD shall make this report to the district anti-bullying coordinator and to the student's parents/guardians no later than five school days following the investigation's completion. The report to the district shall include information on any service(s) provided; training established; and, discipline imposed or other action taken or recommended by the full-time non-teaching principal of the PSSD.

Once an incident of harassment, intimidation, or bullying is identified, the full-time non-teaching principal of the approved PSSD shall determine the appropriate response to address the individual circumstances in consultation and conjunction with appropriate district staff, as necessary. The approved PSSD shall not, pursuant to N.J.A.C. 6A:14-7.6(f), unilaterally implement disciplinary action involving removal to an interim alternative educational setting, suspension of more than 10 consecutive or cumulative school days in a school year or termination of placement. Disciplinary action involving suspension and expulsion from the approved PSSD shall be implemented in conjunction with the district and according to law (N.J.A.C. 6A:14-2.8) and board policies 5114 Suspension and Expulsion and 6171.4 Special Education.

Parents or guardians of students who are parties to a harassment, intimidation, or bullying investigation conducted by this district or an approved PSSD in which their child is placed may request a hearing before the board of education concerning the information received about an investigation. Any request for a hearing before the board of education shall be filed within 60 calendar days after the written information about the harassment, intimidation, or bullying investigation is received by the district and the parents or guardians. The

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hearing before the board shall be scheduled in collaboration with the approved PSSD and held by the board within 10 business days of the request. The approved PSSD and the board shall coordinate the policies and procedures for conducting such hearings.

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 New Jersey Student Learning 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

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.

The board shall annually examine the training needs of school employees and volunteers who have significant contact with students for the effective implementation of the harassment, intimidation, or bullying policies, procedures, programs, and initiatives of the district board of education and implement training programs for school employees and volunteers who have significant contact with students. The

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annual examination of training needs shall take into consideration the findings of the annual review and update of the code of student conduct.

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 New Jersey Student Learning 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 superintendent 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
- 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.

\*Note: revise section below for districts with one school.

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

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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 superintendent will annually submit the report to the Department of Education utilizing the Student Safety Data System (SSDS). The superintendent 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 superintendent 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

Each school and the school district 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.

The district shall annually conduct a re-evaluation, reassessment, and review of this policy, any report(s) and/or finding(s) of the school safety/school climate team(s). The board shall also make any necessary revisions and additions to this policy as required by law. 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.

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 superintendent shall take the following steps to publicize this policy:

\*Note: revision needed for districts with one school

- 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

**HARASSMENT, INTIMIDATION AND BULLYING** (continued)

- D. Print this policy in any district publication that sets forth the comprehensive rules, procedures and standards of student conduct and in student handbooks;

\*Note: revision needed below for districts with one school

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 superintendent 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.

Adopted: March 15, 2015  
 NJSBA Review/Update: August 2019  
 Readopted:

(SE file Code: 5512)

**Key Words**

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

<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. 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:11-1</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:25-2</u>	Authority over students
	<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>	Student 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 Students to Authority (Discipline)
	<u>N.J.S.A. 18A:37-13 et seq.</u>	<u>Anti-Bullying Bill of Rights Act</u>
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:37-14, -15, -17</u>	Harassment, intimidation, and bullying
	<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 (students with

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<u>N.J.A.C. 6A:16-1.1 et seq.</u>	disabilities)
<u>See particularly:</u>	Programs to support student development (includes student conduct code)
<u>N.J.A.C. 6A:16-7.1, -7.5, -7.6, -7.7</u>	
<u>N.J.A.C. 6A:30-1.4 et seq.</u>	Evaluation process for the annual review

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 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

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*5145.6	Student 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.

**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. All pregnant students shall be permitted to remain in the regular school program and activities.

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. All alternate educational programs or home instruction for pregnant students shall provide instruction equivalent to the general and/or special education programs as applicable.

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

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**Key Words**

Married Pupils, Pregnant Pupils, Married Students, Pregnant Students

**Legal References:** N.J.S.A. 10:5-1 et seq. Law Against Discrimination  
N.J.S.A. 18A:36-20 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:7-1.4,-1.7  
N.J.A.C. 6A:16-7.1 Code of student conduct

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

The Comprehensive Equity Plan, New Jersey State Department of Education

**Possible**

**Cross References:** \*5141.3 Health examinations and immunizations  
\*5145.4 Equal educational opportunity

MARRIED/PREGNANT PUPILS (continued)

*6145	Extracurricular activities
*6154	Homework/makeup work
*6172	Alternative educational programs
*6173	Home instruction

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

**HEALTH**

The Camden City Board of Education believes that good health is vital to successful learning. In order to help district pupils achieve and maintain good health, the board directs the superintendent to develop pupil health services that employ professional personnel and interact 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 superintendent 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 New Jersey Student Learning 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;
- 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;

HEALTH (continued)

- 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.

School-based health care services shall be available to all students, including English language learners.

Annual Nursing Plan

The superintendent (or his/her designee) in conjunction with the school physician and the certified school nurse shall develop an annual nursing services plan. The nursing services plan shall describe in detail the nursing services to be provided throughout the district based on the needs of its students, potential emergency situations, basic nursing services requirements, and the assignment of medical staff to provide the services. The nursing services plan shall be adopted annually at a regular meeting. The nursing services plan may include the following:

- 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.

Students with Diabetes

As used in this policy, an "individualized health care plan" means a document setting out the health services needed by the student at school, and an "individualized emergency health care plan" outlines a set of procedural guidelines that provide specific directions about what to do in a particular emergency situation. Both are to be developed by the school nurse, in consultation with the parent or guardian of a student with diabetes and other medical professionals who may be providing diabetes care to the student, and signed by the parent or guardian.

The board believes that diabetes is a serious chronic disease that impairs the body's ability to use food, and must be managed 24 hours a day in order to avoid the potentially life-threatening short-term consequences of blood sugar levels that are either too high or too low. In order to manage their disease, students with diabetes must have access to the means to balance food, medications, and physical activity level while at school and at school-related activities.

Accordingly, a parent or guardian of a student with diabetes shall inform the school nurse, who shall develop an individualized health care plan and an individualized emergency health care plan for the student. Further, the parent or guardian must annually provide to the board of education written authorization for the provision of diabetes care as outlined in the plans, including authorization for the emergency administration of glucagon.

Both plans shall be updated by the school nurse prior to the beginning of each school year and as necessary if there is a change in the student's health status. The plans may include elements specified in N.J.S.A. 18A:40-

HEALTH (continued)

12.13 including, but not limited to:

- A. The symptoms of hypoglycemia for that particular student and the recommended treatment;
- B. The symptoms of hyperglycemia for that particular student and the recommended treatment;
- C. The frequency of blood glucose testing;
- D. Written orders from the student's physician or advanced practice nurse outlining the dosage and indications for insulin administration and the administration of glucagon, if needed;
- E. Times of meals and snacks and indications for additional snacks for exercise;
- F. Full participation in exercise and sports, and any contraindications to exercise, or accommodations that must be made for that particular student;
- G. Accommodations for school trips, after-school activities, class parties, and other school-related activities;
- H. Education of all school personnel who may come in contact with the student about diabetes, how to recognize and treat hypoglycemia, how to recognize hyperglycemia, and when to call for assistance;
- I. Medical and treatment issues that may affect the educational process of the student with diabetes; and
- J. How to maintain communications with the student, the student's parent or guardian and healthcare team, the school nurse, and the educational staff.

The school nurse assigned to a particular school shall coordinate the provision of diabetes care at that school and ensure that appropriate staff are trained in the care of these students, including staff working with school-sponsored programs outside of the regular school day. The school nurse shall also ensure that each school bus driver that transports a student with diabetes is provided notice of the student's condition, how to treat hypoglycemia, and emergency/parent contact information. A reference sheet identifying signs and symptoms of hypoglycemia shall be posted in plain view within school buildings.

The school nurse shall have the primary responsibility for the emergency administration of glucagon to a student with diabetes who is experiencing severe hypoglycemia. The school nurse shall designate, in consultation with the board of education, additional employees of the school district who volunteer to administer glucagon to a student with diabetes who is experiencing severe hypoglycemia. The designated employees shall only be authorized to administer glucagon, following training by the school nurse or other qualified health care professional, when a school nurse is not physically present at the scene.

Upon written request of the parent or guardian and as provided in the individualized health care plan, the student shall be allowed to attend to the management and care of his/her diabetes in the classroom, on school grounds or at any school-related activity, if evaluated and determined to be capable of doing so consistent with the plan. The student's management and care of his/her diabetes shall include the following:

- A. Performing blood glucose level checks;
- B. Administering insulin through the insulin delivery system the student uses;
- C. Treating hypoglycemia and hyperglycemia;
- D. Possessing on the student's person at any time the supplies or equipment necessary to monitor and care for the student's diabetes;

HEALTH (continued)

- E. Compliance with required procedures for medical waste disposal in accordance with district policies and as set forth in the individual health care plan; and
- F. Otherwise attending to the management and care of the student's diabetes.

New Jersey Family Care

The school nurse shall ensure that the parent/guardians of students who are without medical coverage are notified of and provided information on the accessibility of the New Jersey Family Care Program in accordance with N.J.S.A. 18A:40-34.

Nonpublic School Pupils

The board shall provide mandated nursing services to nonpublic school pupils as required by law (see policy 5200 Nonpublic School Pupils).

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.

Automated External Defibrillator (AED)

Because the board recognizes that medical emergencies may occur that justify the use of AEDs, the board shall acquire and maintain this equipment for use by qualified staff members. An applicable patient would exhibit all of the following signs as per American Heart Association standards on AED use:

- A. Is unconscious;
- B. Is not breathing;
- C. Have no signs of circulation (as confirmed by a pulse check).

Only those staff members documented as having completed the required training shall be authorized to use an AED. A coach, athletic trainer, or in the absence of the coach or athletic trainer and other designated staff member, who is appropriately trained and certified in the use of the AED shall be present during athletic events or team practices. In the event that no appropriately AED trained and certified staff person can be present at athletic events or team practices, the district shall ensure that a State-certified emergency services provider or other certified first responder is on site at the event or practice.

Placement, Accessibility and Maintenance of the AED

The AED shall be:

- A. Available in an unlocked location on school property with an appropriate identifying sign;
- B. Accessible during the school day and any other time when a school-sponsored athletic event or team practice is taking place in which pupils of the district or nonpublic school are participating;
- C. Within reasonable proximity of the school athletic field or gymnasium, as applicable;
- D. Tested and maintained according to the manufacturer's operational guidelines and notification shall be

HEALTH (continued)

provided to the appropriate first aid, ambulance, or rescue squad or other appropriate emergency medical services provider regarding the defibrillator, the type acquired, and its location in accordance with section 3 of P.L.1999, c.34 (N.J.S.A. 2A:62A-25).

Implementation of Procedures for Cardio-Pulmonary Resuscitation and AED Use

The superintendent shall oversee the development and implementation of a district emergency action plan that establishes guidelines for use of the AED. The emergency action plan shall include:

- A. A list of no less than five school employees, team coaches, or licensed athletic trainers who hold current certifications from the American Red Cross, American Heart Association, or other training program recognized by the Department of Health, in cardio-pulmonary resuscitation and in the use of a defibrillator. The list shall be updated, as necessary, at least once in each semester of the school year; and
- B. Detailed procedures on responding to a sudden cardiac event including, but not limited to, the identification of the persons in the school who will be responsible for: responding to the person experiencing the sudden cardiac event, calling 911, starting cardio-pulmonary resuscitation, retrieving and using the defibrillator, and assisting emergency responders in getting to the individual experiencing the sudden cardiac event.

Any employee, student or other individual who inappropriately accesses and/or uses an AED will be subject to disciplinary action, up to and including expulsion from school and/or termination of employment. Civil and/or criminal liability may also be imposed on any student, employee or individual who inappropriately accesses and/or uses an AED. All usage will be reported to the board of education.

Immunity

A school district and its employees shall be immune from civil liability in the acquisition and use of defibrillators pursuant to the provisions of section 5 of P.L.1999, c.34 (C.2A:62A-27). A person who acts with gross negligence or willful misconduct in the use of defibrillators does not enjoy immunity.

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NJSBA Review/Update:	March 2009, August 2019
Revised:	March 30, 2015
Readopted:	

(SE file codes: 5300, 5305, 5307, 5310, 5331, 5332, 5335, 5338)

Key Words

Health, Pupil Health, Student Health, Nursing Plan, Diabetes, Individualized Health Care Plan, Cardio-Pulmonary Resuscitation, Automated External Defibrillator, AED

<b><u>Legal References:</u></b>	<u>N.J.S.A. 2A:62A-23 to 27</u>	AED emergency medical services
	<u>N.J.S.A. 18A:16-6, -6.1</u>	Indemnity of officers and employees against civil actions
	<u>N.J.S.A. 18A:35-4.6 et seq.</u>	<u>Parents Right to Conscience Act of 1979</u>
	<u>N.J.S.A. 18A:40-1</u>	Employment of medical inspectors, optometrists and nurses; salaries; terms; rules

HEALTH (continued)

<u>N.J.S.A.</u> 18A:40-3	Lectures to teachers
<u>N.J.S.A.</u> 18A:40-4.3	Biennial examination for scoliosis
<u>N.J.S.A.</u> 18A:40-5	Method of examination; notice to parent or guardian
<u>N.J.S.A.</u> 18A:40-6	In general
<u>N.J.S.A.</u> 18A:40-7, -8, -10, -11	Exclusion of pupils who are ill
<u>N.J.S.A.</u> 18A:40-12.11 <u>et seq.</u>	Findings, declarations relative to the care of students with diabetes
<u>N.J.S.A.</u> 18A:40-23 <u>et seq.</u>	Nursing Services for Nonpublic School Pupils
<u>N.J.S.A.</u> 18A:40-34	New Jersey Family Care Program
<u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u>	Substance Abuse
<u>N.J.S.A.</u> 44:6-2	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, -2.1, -2.2, -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> 8:57-2	Reporting of AIDS and HIV
<u>N.J.A.C.</u> 8:61-2.1	Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987), guidelines for admission of children with AIDS, the right to call witnesses and attendant right to cross-examine must be provided automatically upon request of the parties

**Possible**

<b><u>Cross References:</u></b>	*1410	Local units
	1420	County and intermediate units
	*3510	Operation and maintenance of plant
	*3516	Safety
	*3542	Food service
	*4112.4/4212.4	Employee health
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	4151.2/4251.2	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
	*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

HEALTH (continued)

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

**USE OF AUTOMATED EXTERNAL DEFIBRILLATOR(S)**

**GENERAL STATEMENT**

With sudden cardiac arrest, which is a medical emergency separate and distinct from a heart attack, the pumping action of the heart suddenly stops, causing blood flow to the rest of the body to stop. It is fatal about 90 percent of the time. An automated external defibrillator (AED) is used to treat victims who experience sudden cardiac arrest (SCA). An AED is only to be attached to a victim who has no pulse and not breathing. The AED will analyze the victim's heart rhythm and advise the operator if a shockable rhythm is detected. If a rhythm is detected, the AED will charge to the appropriate energy level and advise the operator to deliver a shock. The following procedures are establish to ensure appropriate placement, safe use and regular maintenance of the district automated external defibrillators.

**STAFF RESPONSIBLE**

The following chart lists the staff members responsible for the implementation of the regulation and summarizes their responsibilities:

<b>Position</b>	<b>Summary of Main Responsibilities</b>
Chief school administrator	<ul style="list-style-type: none"> <li>• General policy procedure oversight within the district</li> <li>• Contacting and being the liaison with EMS</li> </ul>
Building principal	<ul style="list-style-type: none"> <li>• General procedure oversight within the school</li> <li>• Notification of the chief school administrator</li> <li>• Primary contact for reported incidents</li> <li>• Contacting and being the liaison EMS</li> </ul>
Emergency Safety Officer/School Nurse	<ul style="list-style-type: none"> <li>• Coordinate AED training and certification regarding designated employees</li> <li>• Primary contact for reported incidents</li> <li>• Administration of the AED for cardiopulmonary arrest</li> <li>• Examination and direct care of the students and staff until EMS assume responsibility</li> <li>• Ensure AED acquisition, maintenance and testing</li> <li>• Document incidents and maintain the school health records</li> </ul>
Medical Emergency Response Team (MERT)	<ul style="list-style-type: none"> <li>• Receive training in the use of the AED</li> <li>• Respond to incidents</li> </ul>
School Physician	<ul style="list-style-type: none"> <li>• Review AED implementation plan</li> <li>• Prescription for AED device</li> </ul>
All school staff	<ul style="list-style-type: none"> <li>• Incident reporting (Exhibit 1, Incident Report Form)</li> <li>• Incident documentation</li> <li>• Student supervision</li> </ul>

**PROCEDURES**

*\*BOARDS OF EDUCATION HAVE DISCRETION IN THE ESTABLISHMENT OF A SAFETY OFFICER TITLE AND A MEDICAL EMERGENCY RESPONSE TEAM ("MERT") AS PROPOSED IN THIS REGULATION. IF ADMINISTRATION DETERMINES **NOT** TO CREATE A SAFETY OFFICER TITLE AND/OR MERT, IN ORDER TO MITIGATE ANY POTENTIAL LEGAL LIABILITY, ADMINISTRATION SHOULD DOCUMENT THE ACTUAL*

AUTOMATED EXTERNAL DEFIBRILLATOR (regulation continued)

***DISTRICT PROCEDURES AND CLEARLY DESCRIBE HOW THE DUTIES OF THE SAFETY OFFICER AND MERT LISTED BELOW ARE APPROPRIATELY ASSIGNED. REGULATIONS PERTAINING TO SCHOOL HEALTH SHOULD BE REVIEWED BY THE SCHOOL NURSE AND/OR DOCTOR.***

Safety Officer Responsibilities

The Safety Officer of the AED Program in each building is the Certified School Nurse. The Safety Officer of the AED Program is responsible for:

1. Selecting members of the Medical Emergency Response Team (MERT) with the approval of the principal;
2. Notifying local EMS providers about the existence of the AED program and the location of the AED(s);
3. Maintaining records of the team members;
4. Coordinating and securing equipment and accessory maintenance;
5. Proposing revisions of the policies and procedures as needed after consultation with the school physician;
6. Monitoring the effectiveness of the system;
7. Giving the superintendent, principal and staff a list of currently CPR and AED Certified Staff each year;
8. Ensure that the school's emergency action plan includes the ""Guidelines for Public Access Defibrillation Programs in State Facilities (see Primary Resource 1, State AED\_Guidelines\_sf.pdf);
9. Notify the Commissioner of Health of the diagnosis of a sudden cardiac arrest;
10. Consult with non-public schools operating within the geographical confines of the district regarding the provision of emergency medical services to students;
11. The school nurse and any non-instructional nurse shall maintain a current AED certification from the American Heart Association, the American Red Cross, the National Safety Council, or other Dept. of Health approved entity to provide AED certification.

School Physician Responsibilities

The school physician is responsible for:

1. Writing an annual prescription for the AED;
2. Reviewing and approving guidelines for emergency procedures related to the use of AED(s) and CPR;
3. Review and evaluation of situations in which AED is used;
4. Ensure ongoing training opportunities are provided for keeping CPR and AED certificates current.

Authorized AED Users

The AED Users are responsible for:

1. Receiving approval from the safety officer and building principal to be an approved member of the MERT;
2. Completing successfully all required training to be a MERT member including maintaining an current certification from an approved CPR and AED training program and providing documentation of current certification to the school nurse;
3. As noted in N.J.S.A. 2A:62A-26, any AED certified employee or non-certified volunteer who uses an AED device must notify emergency services as soon as possible after the cardiac event;
4. Any person who reasonably uses an AED device to provide emergency medical care in compliance with N.J.S.A. 2A:62A-27 shall be immune from liability, except for gross negligence or willful or wanton misconduct.

Medical Emergency Response Team (MERT) Members

Medical emergency response team (MERT) members must complete training adequate to provide CPR and AED. AED training must be a course approved by the State Department of Health Office of Emergency Medical Services as required by law. MERT members will also be trained on universal precautions against Bloodborne Pathogens. The members shall be offered Hepatitis B vaccination as required by law. The Safety Officer shall maintain training records for the MERT members who must renew their CPR and AED training every two years.

AUTOMATED EXTERNAL DEFIBRILLATOR (regulation continued)

Members of the MERT are responsible for:

1. Activating the internal emergency response system and providing prompt basic life support including AED and first aid according to training and experience;
2. Responding directly to the location of the emergency and, if necessary, performing CPR until the AED arrives as previously assigned;
3. Bringing the AED and any other first aid supplies (according to the members training and experience) to the location of the emergency as previously assigned;
4. Contacting the local community 911 for medical assistance;
5. Meeting the responding EMS personnel and directing them to the scene of the medical emergency as previously assigned.

Principal Responsibilities

The principal or his or her designee is responsible for:

1. Ensure that the school acquires sufficient automated external defibrillators to provide medical services to individuals suffering from sudden cardiac arrest. Each AED device shall comply with FDA standards. Consideration shall be given to the quantity necessary to meet the needs of individuals within the school and its facilities.
2. Receiving emergency/medical calls from internal locations;
3. Contacting and activating the designated medical emergency response team (MERT) members and deploying them to the location of the emergency. This includes:
  - a. Assigning team member(s) to respond directly to the location of the emergency;
  - b. Assigning team member(s) to retrieve the AED and respond to the location of the medical emergency;
  - c. Assigning team member(s) to meet the responding EMS personnel and direct them to the location of the medical emergency;
  - d. Assigning classroom coverage as needed;
4. Calling the child's parent/guardian or staff member's emergency contact person;
5. Notifying the chief school administrator;
6. Annually, the building principal shall ensure that staff receive instruction on the recognition of sudden cardiac event indicators presented by the district physician, school nurse or appropriately certified designee;
7. The principal/athletic director shall ensure that the parent/guardian of each student who participates in interscholastic or intramural athletic competitions receives the pamphlet about sudden cardiac arrest published by the Commissioner of Education and shall ensure that each parent/guardian and student signs an acknowledgment of receipt of the pamphlet (see Primary Resource 2 DOE Memo on Sudden Cardiac Death in Young Athletes\_Memo.pdf and Primary Resource 3, Pamphlet for Sudden Cardiac Death in Young Athletes.pdf).

The principal/athletic director shall ensure that a designated staff member, who is trained and certified in cardio-pulmonary resuscitation and the use of the defibrillator, is present during each athletic event or team practice. Such coverage may be provided by a State-certified emergency services provider or other certified first responder.

Equipment

The AED and first responder kit will be brought to all medical emergencies where a cardiac event is suspected. Each AED will have a set of adult defibrillator electrodes pre-connected to the device and one spare set within the AED case.

Pediatric electrodes will be attached to defibrillator case as well.

The first responder kit will contain two pairs of gloves, one razor, one set of trauma shears, one hand wipe and one face mask barrier device.

AUTOMATED EXTERNAL DEFIBRILLATOR (regulation continued)

The safety officer shall be responsible for ensuring that all defibrillator electrodes and the AED battery are within the expiration date listed on the equipment.

Medical Response Documentation

## 1. Internal Post Event Documentation

It is important to document the location and each use of the medical emergency response system. A member of the MERT team shall submit a written record detailing the event in which the AED was used (see a district sample emergency action plan: Secondary Resource 1, AED Emergency Action Plan Collingswood.pdf)

## 2. External Post Event Documentation:

Medical emergencies involving the use of an AED require special documentation. Any and all patient information generated during AED use must be collected into the patient's confidential medical file. A copy of AED use information shall be presented to the School Physician of the AED program within 72 hours of the emergency. At a minimum, event information supplied shall include any recorded data and all electronic files captured by the AED.

## 3. Post Event Review:

Following each deployment of the MERT or if a volunteer responder activates an AED, a review shall be conducted to learn from the experience. The School Physician shall conduct and document the post event review. All key participants in the event shall participate in the review. Included in the review shall be the identification of actions and the collection of opportunities for improvement as well as critical incident stress debriefing. A summary of the post event review shall be sent to the Safety Officer and School Physician. The Safety Officer shall maintain a copy of the post event review summary.

Equipment Maintenance

Following use of emergency response equipment, all equipment shall be cleaned and/or decontaminated as required. If contamination includes body fluids, the equipment shall be disinfected according to OSHA Bloodborne Pathogen Standards, CFR 1910, 1030.

Monthly System Check

Once each calendar month the safety officer or her/his designee shall conduct and document a system check in compliance with the manufacturer's specifications. These records shall be retained on file. In addition, the monthly system check shall include no less than the following elements:

1. Policy and procedure are up-to-date;
2. Emergency kits are stocked to par level;
3. AEDs are at their assigned locations;
4. List of CPR and AED Certified staff is posted in the nurse's office, main office, and in the emergency plan;

Annual System Assessment

Once each calendar year the Safety Officer, in consultation with school physician, shall conduct and document a system readiness review. This shall include no less than the following elements:

1. Training records (copy of current CPR certification).
2. Equipment operational and maintenance records.
3. Physician Medical Authorization records.
4. Annual replacement of the batteries in the AED.

**AUTOMATED EXTERNAL DEFIBRILLATOR** (regulation continued)**Location of the AEDs**

The location of the AED areas is as follows:

**AEDs (Automated External Defibrillators) Locations**

<b>AED ID#</b>	<b>Brand</b>	<b>Date of Purchase</b>	<b>Serial Number</b>	<b>Fixed (F) Portable (P)</b>	<b>Location</b>	<b>Status</b>

**REGULATION HISTORY**

Effective Date:

Date of Review/Revision:

**CROSS REFERENCES**

5141 Health  
5141.21 Administration of Medication

**EXHIBIT**

Exhibit 1 Incident Report Form

**PRIMARY RESOURCES**

PR 1 State AED Guidelines\_sf.pdf  
PR 2 Sudden Cardiac Death in Young Athletes\_Memo.pdf  
PR 3 Sudden Cardiac Death in Young Athletes\_Pamphlet.pdf

**SECONDARY RESOURCES**

SR 1 AED Emergency Action Plan Collingswood.pdf

See below:

# WEEKLY AED CHECKS

Month/Year: \_\_\_\_\_

AED Identification Number: \_\_\_\_\_ Location: \_\_\_\_\_

Month/Week												
<b>Exterior:</b>  Clean No Damage	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1
	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2
	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3
	W4	W4	W4	W4	W4	W4	W4	W4	W4	W4	W4	W4
<b>Pads:</b> Unopened With-In Expire Date	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1
	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2
	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3
	W4	W4	W4	W4	W4	W4	W4	W4	W4	W4	W4	W4
<b>Ready Status:</b> All "Green" or "Ok"	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1
	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2
	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3
	W4	W4	W4	W4	W4	W4	W4	W4	W4	W4	W4	W4
<b>In-Use Battery:</b> Installed	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1
	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2
	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3
	W4	W4	W4	W4	W4	W4	W4	W4	W4	W4	W4	W4
<b>Spare Battery:</b> Within "Use- By" Dates	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1
	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2
	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3
	W4	W4	W4	W4	W4	W4	W4	W4	W4	W4	W4	W4
<b>Ancillary Supplies:</b> Pack Present And Contains: Barriers Gloves Razor Scissor Towel	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1	W1
	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2	W2
	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3	W3
	W4	W4	W4	W4	W4	W4	W4	W4	W4	W4	W4	W4
<b>Inspector Initials</b>												

## INSTRUCTIONS:

- ✓ IF ITEM OK
- FILL IN BLOCK IF NOT OK
- INITIAL BOTTOM ROW
- REPORT "NOT OK" TO RESPONSIBLE PARTY

# DAILY AUTOMATED EXTERNAL DEFIBRILLATOR

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Sep																															
Oct																															
Nov																															
Dec																															
Jan																															
Feb																															
Mar																															
Apr																															
May																															
Jun																															

Please initial and sign your name below if you are to check the AED for the blinking green light.

Put your initial in the appropriate box for the day you checked the AED.

Initial		Name		Initial		Name

**CAMDEN CITY PUBLIC SCHOOLS**  
Camden, New Jersey

**FILE CODE: 5141**

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

**Exhibit**

**AUTOMATED EXTERNAL DEFIBRILLATOR (AED) INCIDENT REPORT**

Please complete all of the information to the best of your ability and forward it to the school nurse. The school physician will review the information.

School: \_\_\_\_\_ Location: \_\_\_\_\_

Name of Victim: \_\_\_\_\_ Age of Victim: \_\_\_\_\_

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

Victim's Known Medical History:

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Check One:

- ☐ Student  
☐ Board of Education Employee  
☐ Other

Circumstances of how victim was found:

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Who called "911":

---

Who used AED and how many shocks were delivered:

---

Time victim was placed in the care of Emergency Medical Services:

---

Victim transported to which hospital:

---

Family notified: \_\_\_\_\_ Yes \_\_\_\_\_ No If so, by whom: \_\_\_\_\_

Other information:

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Signature of AED User: \_\_\_\_\_

Name (please print): \_\_\_\_\_

**Policy**

**ADMINISTERING MEDICATION**

The Camden City Board of Education shall not be responsible for the diagnosis and treatment of student illness. The administration of medication to a student during school hours will be permitted only when failure to take such medicine would jeopardize the health of the student, or the student 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 student or medications prescribed by the district physician on standing orders. Medications shall include emergency medication in the event of bee stings, medication for asthma, diabetes, adrenal insufficiency or other medical diagnosis requiring medication during the school day, opioid antidote, and all non-prescription "over the counter" medication (see policy 5141).

Before any medication may be administered to any student either by the school nurse or designated school staff or by the student themselves during school hours, the board shall require the written consent 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 student 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 student 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 student and shall be picked up at the end of the school year or the end of the period of medication, whichever is earlier;
- E. A student may self-administer medication without supervision of the school nurse for asthma or other life-threatening illnesses, a life-threatening allergic reaction or adrenal insufficiency, provided that the applicable requirements of this policy for such self-administration, as described below, are met. "Life-threatening illness" has been defined as an illness or condition that requires an immediate response to

ADMINISTERING MEDICATION (continued)

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.

Nebulizers

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 superintendent 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 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.

Student Self-Administration of Medication

The board shall permit self-administration of medication for asthma, diabetes or other potentially life-threatening illnesses, a life-threatening allergic reaction or adrenal insufficiency by students 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 student is participating in field trips or extracurricular activities. Parents/guardians of the student must meet the following conditions:

- A. Provide the board with written authorization for the student's self-administration of medication;
- B. Provide written certification from the student's physician that the student has asthma, diabetes, or another potentially life-threatening illness, is subject to a life-threatening allergic reaction, or has adrenal insufficiency and is capable of and has been instructed in the proper method of self-administration of medication; and
- 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 student 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 student.

A student who is permitted to self-administer medication shall be permitted to carry an inhaler or prescribed medication for allergic reactions, including a pre-filled auto-injector mechanism, or prescribed medication for adrenal insufficiency at all times, provided that the student does not endanger himself or other persons through misuse.

The board shall:

- A. Inform the student 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

ADMINISTERING MEDICATION (continued)

result of any injury arising from the self-administration of medication by the student; and

- C. Maintain the right to revoke a student'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 superintendent shall confer with the school physician and school nurse prior to recommending termination of a student's permission to self-medicate and shall also consult with the student, the student's parents/guardians and the student's physician.

Upon written request of the parent or guardian and as provided in the individualized health care plan, the student shall be allowed to attend to the management and care of his/her diabetes in the classroom or on school grounds, if evaluated and determined to be capable of doing so consistent with the plan, and N.J.S.A. 18A:40-12.15 and board policy 5141 Health for specific rules regarding diabetes management.

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 student for whom he/she is designated.

The board shall inform the student'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 student.

Parents/guardians shall provide the board with the following:

- A. Written orders from the physician that the student 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 and designee(s); and
- 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 student 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 student.

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 N.J.S.A. 18A:40-12.6, school policy requires:

- A. The placement of a student'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 student'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

ADMINISTERING MEDICATION (continued)

- C. The transportation of the student to a hospital emergency room by emergency services personnel after the administration of epinephrine, even if the student's symptoms appear to have resolved.

Emergency Administration of Epinephrine for First Time Allergic Reactions at School

The school nurse or trained designee shall be permitted to administer epinephrine via a pre-filled auto-injector mechanism to any student without a known history of anaphylaxis. This includes students whose parents/guardians have not submitted prior written permission or obtained prescribed medication as indicated in the rules above. Epinephrine may be administered to any student without a known history of anaphylaxis when the nurse or trained designee in good faith believes that the student is having an anaphylactic reaction.

The district shall maintain a supply of epinephrine auto-injectors that is prescribed under a standing protocol from a licensed physician or an advanced practice nurse in a secure but unlocked and easily accessible location. The supply of epinephrine auto-injectors shall be accessible to the school nurse and trained designees for administration to a student having an anaphylactic reaction.

Liability

No school employee, including a school nurse, or any other officer or agent of a board, or a physician or an advanced practice nurse providing a prescription under a standing protocol for school epinephrine shall be held liable for any good faith act or omission consistent with the provisions of law for the administration of epinephrine (N.J.S.A. 18A:40-12.5 et seq.). No action shall be taken before the New Jersey State Board of Nursing against a school nurse for any such action taken by a person designated in good faith by the school nurse to administer epinephrine according to law (N.J.S.A. 18A:40-12.6). Good faith shall not include willful misconduct, gross negligence or recklessness.

Emergency Administration of Hydrocortisone Sodium Succinate for Adrenal Insufficiency

In the event of an emergency, hydrocortisone sodium succinate shall be administered through an appropriate delivery device and equipment to a student for adrenal insufficiency provided that:

- A. The parents/guardians of the student provide to the board written authorization for the administration of hydrocortisone sodium succinate;
- B. The parents/guardians of the student provide to the board written orders from the physician or advanced practice nurse that the student requires the administration of hydrocortisone sodium succinate for adrenal insufficiency;
- C. The board informs the parents/guardians of the student in writing that the district and its employees or agents shall have no liability as a result of any injury arising from the administration of hydrocortisone sodium succinate; and
- D. The parents/guardians sign a statement acknowledging that the district shall incur no liability as a result of any injury arising from the administration of hydrocortisone sodium succinate to the student and that the parents/guardians shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the administration of hydrocortisone sodium succinate.

The permission is effective for the school year for which it is granted and is renewed for each subsequent school year.

Placement and Availability of Hydrocortisone Sodium Succinate, and Transportation to Hospital

The school nurse shall oversee the following school policy requirements for compliance with law (N.J.S.A. 18A:40-12.3):

ADMINISTERING MEDICATION (continued)

- A. The placement of a student's prescribed hydrocortisone sodium succinate in a secure but unlocked location easily accessible by the school nurse and designees to ensure prompt availability in the event of emergency situations at school or at a school-sponsored function. The location of the hydrocortisone sodium succinate shall be indicated on the student's emergency care plan. Back-up hydrocortisone sodium succinate, provided by the parent/guardian, shall also be available at the school if needed;
- B. The school nurse or designee shall be promptly available on site at the school and school-sponsored functions in the event of an emergency; and
- C. The transportation of the student to a hospital emergency room by emergency services personnel after the administration of hydrocortisone sodium succinate, even if the student's symptoms appear to have resolved.

Nothing in this policy shall be construed to prohibit the emergency administration of hydrocortisone sodium succinate to a student for adrenal insufficiency by the school nurse or other employees designated when the student is authorized to self-administer hydrocortisone sodium succinate.

Designee Training to Administer Hydrocortisone Sodium Succinate

The school nurse shall have the primary responsibility for the emergency administration of hydrocortisone sodium succinate. The school nurse shall designate, in consultation with the board, additional employees or volunteers to administer hydrocortisone sodium succinate to a student for adrenal insufficiency when the nurse is not physically present at the scene. The school nurse shall recruit and train, in consultation with the board of education, volunteer designees who are determined acceptable candidates by the school nurse within each school building, as deemed necessary by the nursing service plan.

The school nurse shall determine that:

- A. The designees have been properly trained in the administration of hydrocortisone sodium succinate using standardized training protocols established by the Department of Education in consultation with the Department of Health;
- B. The parents/guardians of the student consent in writing to the administration of hydrocortisone sodium succinate by the designees (in addition to the school nurse); and
- C. The parents/guardians of the student have received a written statement that the district and its employees or agents shall have no liability as a result of any injury arising from the administration of hydrocortisone sodium succinate to the student, and that the parents/guardians have signed 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 student 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 student.

The permission is effective for the school year for which it is granted and is renewed for each subsequent school year upon fulfillment of the above-listed requirements in this section.

Emergency Administration of Opioid Antidote

"Opioid antidote" means any drug, regardless of dosage amount or method of administration, which has been approved by the United States Food and Drug Administration (FDA) for the treatment of an opioid overdose. Opioid antidote includes, but is not limited to, naloxone hydrochloride, in any dosage amount, which is administered through nasal spray or any other FDA-approved means or methods.

"Opioid overdose" means an acute condition including, but not limited to, extreme physical illness, decreased

ADMINISTERING MEDICATION (continued)

level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid drug or another substance with which an opioid drug was combined, and that a layperson would reasonably believe to require medical assistance.

The school physician shall include an opioid antidote in the prescribed standing order for the schools of the district that include any of the grades nine through twelve. The chief school administrator, in consultation with the building principal of any school other than those including grades nine through twelve, shall determine whether the school physician shall include an opioid antidote in the prescribed standing order for such schools and shall report that determination to the board. The opioid antidote may be administered to any student, school personnel or other person reasonably believed to be experiencing an opioid overdose. The opioid antidotes shall be accessible in the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building. The chief school administrator, in consultation with each building principal regardless of grade, shall determine whether to make opioid antidotes accessible during school-sponsored functions that take place off school grounds and shall report each school's determination to the board.

The opioid antidote shall be stored in a secure but unlocked and easily accessible location, and according to the manufacturer's directions. To the extent that is safe and practical, the opioid antidote shall be stored at a reasonable proximity of an automated external defibrillator (AED). The school nurse shall be responsible for monitoring the on-site inventory of the opioid antidote, arranging for the replacement of the opioid antidote supply and ensuring the appropriate and safe disposal of administered and expired opioid antidote applicators.

Any student suspected of being under the influence of drugs or alcohol including students suspected of an opioid overdose shall be subject to board policy 5131.6 Drugs, Alcohol, Steroids and Tobacco and applicable law (including but not limited to N.J.A.C. 6A:16-3) regarding prevention, identification, examination, treatment, intervention and referral for substance abuse.

The school nurse shall be primarily responsible for the assessment of any student suspected of being under the influence of drugs or alcohol including, but not limited to, any student suspected of an opioid or other drug overdose. The board shall designate additional district employees ("designated employees") who volunteer to administer an opioid antidote in the event a person experiences an opioid overdose when the nurse is not physically present at the scene. Such designated employees shall receive training in administration of the opioid antidote in accordance with applicable law. The school nurse or designated employee who believes in good faith that a person is experiencing an opioid overdose may administer the opioid antidote.

The school nurse or his or her designee or a designated employee shall immediately call 911 upon suspecting an overdose, and notify the parents/guardians as soon as practicable. The school nurse or designee and any designated employee responding to a suspected overdose shall notify the building principal of any suspected overdose and all actions taken including the administration of opioid antidote and the notification of emergency medical services.

If the school nurse or a designated employee are not immediately available and a district employee observes a person overdosing, the employee may contact emergency services. The employee who has contacted emergency services regarding a person suspected to have overdosed shall notify the building principal of any suspected overdose and all actions taken including the administration of opioid antidote and the notification of emergency medical services.

An overdose victim shall be transported by emergency services personnel to the nearest hospital emergency room, including where the victim's symptoms appear to have resolved. The principal shall designate a member of the school staff to accompany the student to the hospital. The principal shall notify the superintendent whenever an opioid antidote is administered.

The school nurse shall document the incident including but not limited to:

A. Date, time and location of the incident;

ADMINISTERING MEDICATION (continued)

- B. Names of any staff members or students reporting the incident;
- C. A description of the incident;
- D. Description of the evaluation conducted;
- E. The administration of opioid antidote including the form and dosage;
- F. All actions taken, including, when 911 was called, when emergency services arrived, staff assigned to accompany the student.

The documentation shall be in the same manner as the documentation of administration of other medications under a non-patient specific order.

A school may enter into a shared services agreement for the provision of opioid antidotes pursuant to applicable law if the arrangement will result in cost savings.

Training

The school nurse shall have the primary responsibility for the emergency administration of an opioid antidote. As described above, the board shall designate additional employees ("designated employees") to administer the opioid antidote who shall be authorized to administer the antidote only after receiving training in accordance with applicable law. The school nurse shall not be solely responsible to train designated employees.

Parent Notification

Written notification of the board opioid overdose policy shall be distributed annually to parents/guardians and adult students. The notification shall inform parents/guardians and adult students that the board authorizes the certified school nurse and/or other appropriately licensed school health professionals as well as designated employees to administer the opioid antidote.

The school nurse, in consultation with the chief school administrator, shall be responsible for the development and regular review of policies and procedures regarding administration of opioid antidotes. The policies and procedures for the use of opioid antidote shall be included in district emergency response procedures.

Liability for the Administration of Opioid Antidote

No school employee, including a school nurse, or any other officer or agent of a board of education, charter school, or nonpublic school, or a prescriber of opioid antidotes for a school through a standing order, shall be held liable for any good faith act or omission consistent with the provisions of applicable law. Good faith shall not include willful misconduct, gross negligence, or recklessness.

Implementation

The board may adopt additional regulations on all aspects of the administration of medication. When implementing school policy and N.J.S.A. 18A:40-12.6, staff will consult these New Jersey Department of Education guidance documents:

- A. Training Protocols for the Emergency Administration of Epinephrine (9/08);
- B. Guidelines for the Management of Life-Threatening Food Allergies in Schools (9/08).

Any person who acts in good faith in accordance with law and board policy shall be immune from any civil or

**ADMINISTERING MEDICATION** (continued)

criminal liability arising from actions performed pursuant to law and this board policy.

Adopted: June 24, 1985  
 Revised: August 23, 1995  
 Revised: October 23, 1995  
 Revised: March 29, 1999  
 Readopted: August 14, 2007  
 NJSBA Review/Update: March 2009, August 2019  
 Revised: March 15, 2015  
 Readopted:

(SE file code: 5330)

**Key Words**

Administering Medication, Medication in School, Nebulizer, Epinephrine, Anaphylaxis, Asthma

<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:40-1	Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
	<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:40-4	Examination for physical defects and screening of hearing of students
	<u>N.J.S.A.</u> 18A:40-12.3	Self-administration of medication by student; conditions
	through -12.4	
	<u>N.J.S.A.</u> 18A:40-12.5	Policy for emergency administration of epinephrine to public school students
	<u>N.J.S.A.</u> 18A:40-12.6	Administration of epinephrine; primary responsibility; parental consent
	through -12.6d	
	<u>N.J.S.A.</u> 18A:40-12.7	Nebulizer
	<u>N.J.S.A.</u> 18A:40-12.8	Administration of asthma medication by school nurse through nebulizer; training; student asthma treatment plan
	<u>N.J.S.A.</u> 18A:40-12.11	Children with diabetes
	<u>N.J.S.A.</u> 18A:40-12.12	Definitions
	<u>N.J.S.A.</u> 18A:40-12.13	Health care plans for children with diabetes
	<u>N.J.S.A.</u> 18A:40-12.14	Employees authorized to administer glucagon
	<u>N.J.S.A.</u> 18A:40-12.15	Management by student permitted
	<u>N.J.S.A.</u> 18A:40-12.16	Notice to bus driver
	<u>N.J.S.A.</u> 18A:40-12.17	Posting of reference sheet
	<u>N.J.S.A.</u> 18A:40-12.18	Medical information release
	<u>N.J.S.A.</u> 18A:40-12.19	Immunity
	<u>N.J.S.A.</u> 18A:40-12.20	Authorized possession of syringe
	<u>N.J.S.A.</u> 18A:40-12.21	School choice not restricted
	<u>N.J.S.A.</u> 18A:40-12.22	Administration of medical marijuana
	<u>N.J.S.A.</u> 18A:40-12.23	Emergency administration of opioid antidotes
	through <u>N.J.S.A.</u> 18A:40-12.28	
	<u>N.J.S.A.</u> 18A:40-21.1	Required Hepatitis B vaccination
	<u>N.J.S.A.</u> 18A:40-21.2	Distribution of fact sheet on meningitis
	<u>N.J.S.A.</u> 18A:40-23	Findings and Declarations
	<u>N.J.A.C.</u> 18A:40-24	Definitions
	<u>N.J.A.C.</u> 18A:40-25	Nursing services to students in non-public schools
	<u>N.J.S.A.</u> 18A:40-26	Medical services to non-public school students
	<u>N.J.S.A.</u> 18A:40-27.1	Nursing services to non-public preschool students

ADMINISTERING MEDICATION (continued)

<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 45:11-23	Definitions
<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	Definitions
<u>N.J.A.C.</u> 6A:16-2.1	Health services policy and procedural requirements
<u>N.J.A.C.</u> 6A:16-2.2	Required health services
<u>N.J.A.C.</u> 6A:16-2.3	Health services personnel
<u>N.J.A.C.</u> 6A:16-2.4	Required student health records
<u>N.J.A.C.</u> 6A:16-2.5	School health services to nonpublic schools
<u>N.J.A.C.</u> 6A:16-4.1	Policies and procedures for the prevention of drug and alcohol abuse
<u>N.J.A.C.</u> 6A:23A-5.3(e)	Failure to maximize SEMI Aid
<u>N.J.A.C.</u> 6A:32-6.3	Requirements of physical examinations

P.L. 2018. C.106 (A542, S1830), an act concerning the emergency administration of opioid 1 antidotes in schools, supplementing chapter 40 of Title 18A of 2 the New Jersey Statutes, and amending P.L.2013, c.46

P.L. 2019, c. 118, an act concerning the self-administration and emergency administration of hydrocortisone sodium succinate for adrenal insufficiency

Overdose Prevention Act, P.L. 2013, c. 46

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 (A-4211-81T3, 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 #52-91

Policy Advisory #1 on N.J.S.A. 18A:40-12.3 et seq. Self-Administration of Medication By a Student, 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

For training for the administration of naloxone see:  
<http://www.state.nj.us/humanservices/dmhas/initiatives/naloxone.html>

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

*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141	Health
*5141.1	Accidents
*5141.2	Illness
*5141.3	Health examinations and immunizations
*5141.8	Sports related concussion and head injury
*6153	Field trips

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

**Form**

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**EMERGENCY ADMINISTRATION OF NALOXONE FOR DRUG OVERDOSE**

Dear \_\_\_\_\_,  
Parent/Guardian

Time is of the essence when a drug overdose is occurring, or is believed to be occurring. Administering an opioid antidote (defined as naloxone hydrochloride or any other similarly acting drug approved by the United States Food and Drug Administration) blocks effects of opioids and can reverse a potentially life threatening overdose.

In accordance with the New Jersey Law (*P.L. 2013, c. 46*), the "Overdose Prevention Act" the school physician annually prescribes an opioid antidote including naloxone hydrochloride as part of the district's physician standing order. The opioid antidote shall be administered in an emergency to any student, school personnel or other person during school hours or during on-site school-sponsored activities believed to be experiencing a opioid overdose. The board authorizes the drug to be administered by the school doctor, the school nurse, other appropriately designated individuals deemed, by a health care professional, capable of administering the opioid antidote, where the individual has been trained through a Department of Human Services (DHS) endorsed program to administer the opioid antidote.

The \_\_\_\_\_ Board of Education hereby informs you that where board-approved policy and procedures are followed, the district, its employees, and designated individuals shall incur no liability whatsoever for any and all claims, damages, losses and expenses of any kind as a result of any injury arising from the good faith emergency administration of the opioid antidote.

**Attach board policy and regulation: 5141.21 Administration of Epinephrine**

**Exhibit 2 - Sample Form**

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**SELF-MEDICATION RELEASE FORM**

I, \_\_\_\_\_ give permission for my child, \_\_\_\_\_

to self-medicate with \_\_\_\_\_ as prescribed by \_\_\_\_\_  
(medication) (physician's name)

in emergency situations where the nurse or parent/guardian is not present on-site, off-site, or at an after-school activity.

- I agree to provide an identical copy of any inhaler/s, epi-pen or other auto-injector, or glucagon which will be stored in a locked cabinet in the original container in the nurse's office.
- A note from the prescribing physician is attached which includes the dosage and timing of medication and a notation of each instance of administration, as well as certification that the student is capable of self-medication and has been instructed on the proper administration of his/her medication.
- In the event that my child, \_\_\_\_\_, self-administers medication according to \_\_\_\_\_ Board of Education policy 5141.21 Administering Medication, I release the school district of any and all liability.
- I have received and reviewed the provisions of policy 5141.21 Administering Medication.

Parent/guardian signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Exhibit 1 - Sample Form**

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**AUTHORIZATION AND CONSENT TO ADMINISTER MEDICATION**

Student's Name: \_\_\_\_\_ Grade: \_\_\_\_\_

Address: \_\_\_\_\_ Teacher: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

I (we) request authorization and consent to have the school nurse or an appointed faculty member administer medication as prescribed by our private physician to my child while in school. I (we) also hereby release the board of education, the school physician, school nurse and all of their employees from any liability connected therewith.

Date: \_\_\_\_\_ Parent/Guardian Signature: \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_

Witness Signature: \_\_\_\_\_

---

**TO BE FILLED OUT BY THE PHYSICIAN**

Please administer the following medication: \_\_\_\_\_

Name of student: \_\_\_\_\_

Name of medication: \_\_\_\_\_

Prescribed dosage: \_\_\_\_\_

Side effects that may be expected: \_\_\_\_\_

How long do you expect this student to be on the medication? \_\_\_\_\_

Comments or suggestions: \_\_\_\_\_

Physician's Signature: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

---

**APPROVAL OF SCHOOL PHYSICIAN**

I have reviewed the above request and authorize the school nurse or (faculty member) to administer the prescribed medication as ordered to (Name of Student) during school hours.

Physician's Signature: \_\_\_\_\_

(CONFIDENTIAL INFORMATION)

### Exhibit 3

## HIPAA-Compliant Authorization for Exchange of Health & Education Information

Patient/Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

I hereby authorize \_\_\_\_\_ [insert health care provider name & title]

and \_\_\_\_\_ [insert name & title of school official] to exchange health and education information/records for the purpose listed below.

\_\_\_\_\_ [insert address & telephone of school/school district]

### Description:

The health information to be disclosed consists of:

The education information to be disclosed consists of:

### Purpose: This information will be used for the following purpose(s):

1. Educational evaluation and program planning
2. Health assessment and planning for health care services and treatment in school
3. Medical evaluation and treatment
4. Other: \_\_\_\_\_

### Authorization

This authorization is valid for one calendar year. It will expire on \_\_\_\_\_ [insert date]. I understand that I may revoke this authorization at any time by submitting written notice of the withdrawal of my consent. I recognize that health records, once received by the school district, may not be protected by the HIPAA Privacy Rule, but will become education records protected by the Family Educational Rights and Privacy Act. I also understand that if I refuse to sign, such refusal will not interfere with my child's ability to obtain health care.

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student Signature\*

\_\_\_\_\_  
Date

\*If a minor student is authorized to consent to health care without parental consent under federal or state law, only the student shall sign this authorization form.

Copies: Parent or student\*

Physician or other health care provider releasing the protected health information  
School official requesting/receiving the protected health information

**Exhibit 4 - Sample Form**

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EMERGENCY ADMINISTRATION OF EPINEPHRINE

Dear \_\_\_\_\_,  
Parent/Guardian

The \_\_\_\_\_ Board of Education hereby informs you that if board-approved procedures are followed, the district and its employees shall incur no liability whatsoever for any and all claims, damages, losses and expenses of any kind, including reasonable attorney's fees as a result of any injury arising from the emergency administration of epinephrine.

I, \_\_\_\_\_, hereby acknowledge that, if the district procedures are followed, the district shall incur no liability whatsoever for any and all claims, damages, losses and expenses of any kind, including reasonable attorney's fees as a result of any injury arising from the emergency administration of epinephrine.

I, \_\_\_\_\_, hereby indemnify and hold harmless the district and its employees, officers or agents against any and all claims arising from the emergency administration of epinephrine.

I, \_\_\_\_\_, hereby acknowledge that if epinephrine is administered to my child, district policy and procedure require that he/she receive immediate medical care following the administration of epinephrine.

I, \_\_\_\_\_, hereby further agree to assume full financial responsibility for any and all costs in connection with the medical care provided to my child, including but not limited to, transportation expenses to and from a medical facility.

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Date

**Board policy and regulation: 5141.21 Administration of Epinephrine**

**ADMINISTERING MEDICATION**

**GENERAL STATEMENT**

The administration of medication to students during the school day or at a school function or activity shall be governed by board policy and regulations and only when the student's attendance is contingent on such arrangement. The regulations apply to both prescription and nonprescription medicines, including aspirin, hay fever tablets, and cough preparations.

All medicines shall be kept by the school nurse, except in specific, required and approved instances of self-medication.

**STAFF RESPONSIBLE**

The following chart lists the staff members responsible for the implementation of the regulation and summarizes their responsibilities:

<b>Position</b>	<b>Summary of Main Responsibilities</b>
Chief school administrator	<ul style="list-style-type: none"><li>• General policy procedure oversight within the district</li></ul>
Building principal	<ul style="list-style-type: none"><li>• General procedure oversight within the school</li></ul>
School Nurse	<ul style="list-style-type: none"><li>• Oversight of the student's physical wellbeing</li><li>• Receive and maintain all parent and physician authorization documentation and verify annually</li><li>• Administer medication</li><li>• Ensure the safe storage of medication</li><li>• Ensured the safe disposal of medication</li><li>• Maintain the school health records</li><li>• Appoint and train designees to administer epinephrine in an emergency</li></ul>
Designated Teaching and support staff	<ul style="list-style-type: none"><li>• Receive training from the school nurse as needed for the safe supervision of students with potentially life threatening conditions</li></ul>

**DEFINITIONS**

"Individualized health care plan" means a document developed by the school nurse, in consultation with the parent or guardian of a student and other appropriate medical professionals setting out the health services needed by the student at school and is signed by the parent or guardian and the school nurse.

"Individualized emergency health care plan" means a document, developed by the school nurse in consultation with the parents, which is consistent with the recommendations of the student's health care providers and which outlines a set of procedural guidelines that provide specific directions about what to do in a particular emergency situation and is signed by the parent and school nurse.

"Asthma treatment plan" means a form approved by the Commissioner and completed by the medical home that is specifically designed to indicate differentiated symptoms and appropriate action to be taken by school staff to manage the care of a student who suffers from asthma-related illnesses. The asthma treatment plan shall serve as an accompaniment to the student's Individualized Healthcare Plan.

"Medication" means a drug approved by the Federal Food and Drug Administration for preventing, caring for,

**ADMINISTERING MEDICATION** (regulation continued)

and assisting in the cure of disease and injury that has a written order from a physician licensed in medicine, dentistry or osteopathy, or from an advanced practice nurse. Medication does not include herbal remedies.

"Parent" means the natural parent(s), adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a student. When parents are separated or divorced, "parent" means the person or agency that has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided parental rights have not been terminated by a court of appropriate jurisdiction.

"School grounds" means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider. School grounds also includes school buses, school-sponsored functions, structures that support the buildings, such as school district wastewater treatment facilities; generating facilities; and other central service facilities including, but not limited to, kitchens and maintenance shops. School grounds also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and recreational places owned by municipalities, private entities or other individuals during times when the school district has exclusive use of a portion of the land.

"School function" means any activity, event or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized and approved by the school building principal and the board of education.

"Standing orders" means directives and protocols written by the school physician to carry out medical procedures for all students and staff.

"Written order" means a directive and protocol written by the student's medical home to address a healthcare need or provide a medical service for a specific student.

**PROCEDURES****Administration of Medication - Generally**

- A. Except as otherwise authorized by state statute, state code, board policy or regulation, the school nurse shall oversee the administration of epinephrine and other medication in the schools or at a school function. Authority for any person other than the school nurse to administer medication to a student in school or at a school function shall only be granted in compliance with this policy/regulation. The administration of medication to students at school or a school function is authorized for the following individuals:
  1. School physician;
  2. Certified school nurse;
  3. Noncertified nurse under the supervision of the certified school nurse;
  4. Substitute school nurse employed by the school district;
  5. Parent of the student;
  6. Student approved to self-administer medication;
  7. School employees who volunteer to be trained to administer epinephrine in an emergency; and
  8. School employees who volunteer to be trained to administer glucagon.
- B. The school nurse may, in compliance with state statute, regulation, and professional nursing practice standards, delegate the administration of medication to individuals who are properly licensed and/or certified to administer medication. In all cases of delegation, the school nurse shall direct and supervise the health services activities of any school staff to whom the certified school nurse has delegated a nursing task;
- C. In consultation with the board of education, the school nurse shall designate additional employees who volunteer to administer epinephrine, via a pre-filled auto-injector mechanism, to a pupil for anaphylaxis when the school nurse is not physically present at the scene or in the event of an emergency. In all

ADMINISTERING MEDICATION (regulation continued)

cases, the school nurse shall document the administration of epinephrine and any other medication, including obtaining all necessary signatures, regardless of the individual who actually administered the medication. In the event that a licensed athletic trainer volunteers to administer epinephrine, it shall not constitute a violation of the "Athletic Training Licensure Act;"

D. In all cases of volunteers, the school nurse shall:

1. Ensure the designees have been properly trained in the administration of the epinephrine via a pre-filled auto-injector mechanism using standardized training protocols established by the Department of Education in consultation with the Department of Health and maintain appropriate documentation of such training;
2. Obtain written parental consent to the administration of the epinephrine via a pre-filled auto-injector mechanism by the designees;
3. Inform the parents, in writing, that the district and its employees or agents or the nonpublic school and its employees and agents shall have no liability as a result of any injury arising from the administration of the epinephrine to the pupil;
4. Obtain written acknowledgment from the parents confirming their understanding that the district or nonpublic school shall have no liability as a result of any injury arising from the administration of the epinephrine via a pre-filled auto-injector mechanism to the pupil and that the parents or guardians shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the administration of the epinephrine via a pre-filled auto-injector mechanism to the pupil;
5. Inform the parents, in writing, that consent is valid and effective only for the school year (including any extended school year program) in which it is granted, and must be renewed for each successive school year;
6. In the event of an emergency, the lack of parental consent shall not be deemed to prohibit the administration of epinephrine via a pre-filled auto-injector mechanism to a pupil for anaphylaxis by the school nurse or other designated employees when the pupil is authorized to self-administer epinephrine, or when there is a coexisting diagnosis of asthma, or when a prescription is received from a licensed health care professional for epinephrine coupled with another form of medication.

E. In the absence of an emergency, in order for the school nurse to administer medication to a student at school or during a school function, a parent must both submit a request and provide authorization to the district. The school nurse shall maintain appropriate confidentiality of all documentation related to any request to administer medication. A parent's request and authorization for administration of medication during the school day or during a school function shall be made in writing to the school nurse. The request/authorization must be signed and dated by the parent. The request shall include a written statement by the student's physician certifying the need for the administration of the medication and including the following:

1. Name of student;
2. Date;
3. Name of the medication;
4. Dosage;
5. Diagnosis;
6. Purpose of medication;
7. Time medication should be administered and dosage;
8. Duration of medication administration;
9. Possible side effects;
10. Statement that medication must be administered during school day or during school activity or function in order for student to be able to attend or benefit from the instruction or services being provided by the school district (see Exhibit 1, Physician Authorization Form).

F. Where the parent request and authorization for administration of medication has been reviewed and approved by the nurse, it must then be submitted to the building principal for his/her written approval prior to the initial administration of the medication;

ADMINISTERING MEDICATION (regulation continued)

- G. In the event of a school function which the school nurse or appropriately certified and authorized designee cannot attend, a student's parent shall be notified reasonably in advance of the activity and may be permitted to attend and administer the medication if the student will require medication that is not subject to the self-administration provisions of these regulations. If a parent is unavailable to attend, the district shall not exclude the student from the activity solely due to the student's medication needs and shall obtain consent from the parent to arrange for a suitable accommodation. In seeking to arrange a suitable accommodation, parental consent is required prior to speaking to the student's physician or any other healthcare provider;
- H. In the event of an emergency requiring an unscheduled administration of the student's medication, the school nurse shall implement procedures from the student's individual emergency health care plan, as applicable;
- I. The school nurse shall maintain complete and accurate records of all parent and physician requests and authorization documentation;
- J. The school nurse shall maintain complete and accurate records regarding all instances of administration of medication to students. Such records shall include all requests, authorizations and certifications referred to in these regulations; all necessary approvals for administration; a record of all instances of administration of medication and reported side effects; and the precise circumstances of disposal of unused medication;
- K. No school employee, officer, or other agent of the board of education, who administers a prescription under a standing protocol for school epinephrine, in compliance with all applicable standards, shall be held liable for any good faith act or omission, nor shall an action before the New Jersey State Board of Nursing lie against a school nurse for any such action taken by a person designated in good faith by the school nurse. Good faith shall not include willful misconduct, gross negligence or recklessness.

Administration of Medication by Student

- A. Self-administration of medication by a student may only be permitted for asthma, a life-threatening allergic reaction, or potentially life-threatening illnesses. A parent request to allow a student to self-administer medication, during the school day or during a school function or activity, must be made in writing in accordance with the rules for administration as listed above. In addition, the written request must include the following:
  - 1. Authorization by the parent for the self-administration of medication;
  - 2. Written certification from the student's physician that the student has asthma, a life-threatening allergic reaction, or potentially life-threatening illnesses and is capable of, and has been instructed in, the proper method of self-administration of medication;
  - 3. The requesting parent shall be advised that:
    - a. The district shall incur no liability as a result of any injury arising from the student's self-administration of medication; and
    - b. That the parents shall indemnify and hold harmless the district, its employees or agents against any claims arising out of the student's self-administration of medication.
    - c. The school nurse shall obtain written confirmation of parental receipt of the above notice (see Exhibit 2, Self-Administration of Medication Release Form).
- B. Permission to self-administer medication shall be effective only for the school year for which it is granted and may only be renewed for each subsequent year upon fulfillment of the district's requirements set forth above;
- C. No student may possess medication for self-administration without having the written permission of the parent and the authorization of their physician to self-administer. A copy of such permission and authorization shall be maintained in the school nurse's office;

ADMINISTERING MEDICATION (regulation continued)

- D. Students who have permission to self-administer medication shall keep the medication, in its original container, in their possession. The student must secure the medication in a manner which ensures it will not be available to others and must properly dispose of spoiled or partially dispensed portions of the medication and the tools or instruments used to dispense same;
- E. If reasonably possible, the student shall self-administer medication in the nurse's presence. The student must promptly make a report of such administration and any side effects to the teaching staff member who is supervising the school activity. It shall be that individual's duty to promptly report the self-administration and any side effects to the school nurse;
- F. The chief school administrator after consultation with the school physician and school nurse may revoke medication self-administration authorization should the student be observed to improperly use or dispose of said medication(s). The school nurse shall advise the parent and prescribing physician of such revocation.
- G. The possession and use of syringes consistent with the purposes of this policy and regulation shall not be considered a violation of applicable code of student conduct provisions that may otherwise restrict or prohibit such possession and use.
- H. A student's school choice shall not be restricted because that student has diabetes.

Nebulizers

- A. There will be a nebulizer in the main office of the school, the nurse's office or similar accessible location, in accordance with the school physician's standing orders;
- B. Each school nurse shall be authorized to administer asthma medication through the nebulizer upon receipt of written authorization of the parent and physician certification authorizing the use, prescribing the dosage, time intervals and duration of use of nebulizer;
- C. Each school nurse shall have training in airway management and in the use of nebulizers and inhalers in accordance with national standards including, but not limited to, those of the National Institutes of Health and the American Academy of Allergy, Asthma and Immunology;
- D. The school nurse shall ensure that each student authorized to use asthma medication through a nebulizer shall:
  - 1. Meet all the requirements enumerated in the Administration of Medication section of this regulation;
  - 2. Have an asthma treatment plan developed by the student's physician or medical home that identifies the student's asthma triggers and the course of treatment. The asthma treatment plan must be submitted to the certified school who shall retain such plan in the student's medical records.
  - 3. Have an individualized health care plan developed by the school nurse that meets the student's medical needs while at school or a school function. The treatment plan shall also be included in the student's individualized emergency healthcare plan;
- E. The school nurse shall ensure that each student authorized to self-administer asthma medication through a nebulizer shall:
  - 1. Meet all the requirements enumerated in the Self-Administration of Medication section of this regulation;
  - 2. Have an asthma treatment plan developed by the student's physician that identifies the student's asthma triggers.
  - 3. Have an individualized health care plan developed and annually updated, by the school nurse that meets the student's medical needs while at school or a school sponsored event. The school nurse shall also update appropriate school staff as needed.

ADMINISTERING MEDICATION (regulation continued)

4. Have an individualized emergency health care plan, developed and annually updated by the school nurse, that meets the student's medical needs while at school or a school function. The school nurse shall also update school staff who have supervisory authority over the student as needed.

Diabetes

- A. Each school nurse shall develop an individual health care plan and an individualized emergency health care plan for students whose parents inform the school nurse of the student's need for diabetic care while at school or a school function.
- B. The school nurse is authorized to administer medication to student with diabetes upon annual receipt of written authorization of the parent and the certification from the student's physician authorizing the use, prescribing the dosage, time intervals and duration of the medications administration;
- C. The school nurse shall ensure that each student who has been parentally authorized to use medication for diabetes:
  1. Has a written parental request;
  2. Meet all the requirements enumerated in the Administration of Medication section of this regulation;
  3. Has an individualized healthcare plan and an individualized emergency health care plan developed by the school nurse and have written authorization for the provision of diabetes care as outlined in those plans, including authorization for the emergency administration of glucagon;
- D. The school nurse shall ensure that each student authorized to self-administer insulin through the insulin delivery system set forth in the student's individualized healthcare plan for diabetes shall:
  1. Meet all the requirements enumerated in the Self-Administration of Medication section of this procedure;
  2. Have written parental authorization for the student's self-management and care of his or her diabetes;
  3. Have an individualized healthcare plan and an individualized emergency health care plan developed by the school nurse and updated annually, and have written authorization for the provision of diabetes care as outlined in the plans, including authorization for the emergency administration of glucagon. These plans shall be updated prior to the beginning of each school year.
- D. The individualized health care plan and an individualized emergency health care plan may have elements specified in board policy and in N.J.S.A. 18A:40-12.13, including but not limited to:
  1. The symptoms of hypoglycemia for that particular student and the recommended treatment;
  2. The symptoms of hyperglycemia for that particular student and the recommended treatment;
  3. The frequency of blood glucose testing;
  4. Written orders from the student's physician or advanced practice nurse outlining the dosage and indications for insulin administration and the administration of glucagon, if needed;
  5. Times of meals and snacks and indications for additional snacks for exercise;
  6. Full participation in exercise and sports, and any contraindications to exercise, or accommodations that must be made for that particular student;
  7. Accommodations for school trips, after-school activities, class parties, and other school-related activities;
  8. Education of all school personnel who may have supervisory authority over the student about diabetes, how to recognize and treat hypoglycemia, how to recognize hyperglycemia, and when to call for assistance;
  9. Medical and treatment issues that may affect the educational process of the student with diabetes; and
  10. How to maintain communications with the student, the student's parent or guardian and healthcare team, the school nurse, and the educational staff.
- E. The school nurse assigned to a particular school shall coordinate the provision of diabetes care at that

ADMINISTERING MEDICATION (regulation continued)

school and ensure that appropriate staff are trained in the care of students with diabetes, including staff working with school-sponsored programs outside of the regular school day, as provided in the individualized health care plan and the individualized emergency health care plan;

- F. The school nurse shall have the primary responsibility for the emergency administration of glucagon to a student with diabetes who is experiencing severe hypoglycemia. The school nurse shall designate, in consultation with the board of education, additional employees of the school district who volunteer to administer glucagon to a student with diabetes who is experiencing severe hypoglycemia:
1. The designated employees shall only be authorized to administer glucagon, following training by the school nurse or other qualified health care professional, when a school nurse is not physically present at the scene;
  2. Pursuant to N.J.S.A. 18A:40-12.14, the emergency administration of glucagon shall not constitute the practice of nursing and shall be exempted from all applicable statutory or regulatory provisions that restrict the activities that may be delegated to a person who is not a licensed health care professional;
  3. In the event that a licensed athletic trainer volunteers to administer glucagon to a student with diabetes in accordance with this regulation, it shall not constitute a violation of the Athletic Training Licensure Act;
  4. The school nurse shall also notify the student's school bus driver of the student's condition, how to treat hypoglycemia, who to contact in an emergency, and parent contact information.
- G. The school nurse shall also ensure that designated areas of the school building shall have posted, in plain view, a reference sheet identifying signs and symptoms of hypoglycemia in students with diabetes:
1. Main office;
  2. Nurse's office;
  3. Other designated location(s) as appropriate\_\_\_\_\_.
- H. The school nurse shall obtain a written release from the parent of a diabetic student authorizing the sharing of medical information between the student's physician or advanced practice nurse and other health care providers. The release shall also authorize the school nurse to share medical information with other staff members of the school district as necessary (see Exhibit 3, HIPPA Exchange of Information Form).

Emergency Administration of Epinephrine via a Pre-Filled Auto-Injector Mechanism

- A. The school nurse shall have the primary responsibility for the emergency administration of epinephrine via a pre-filled auto-injector mechanism to students suffering from anaphylaxis. The school nurse may designate, in consultation with the board, employee(s) to administer the epinephrine via a pre-filled auto-injector mechanism when the nurse is not physically present at the scene. Such individuals shall be properly trained in the administration of epinephrine via a pre-filled auto-injector mechanism using standardized training protocols established by the Department of Education in consultation with the Department of Health.

Epinephrine via a pre-filled auto-injector mechanism may be administered to students provided that the parent provides the following to the school nurse:

1. Written authorization for administration of a pre-filled auto-injector mechanism by the school nurse and by a designated employee(s) when the school nurse is not present at the scene;
2. Written orders from the student's physician or advanced practical nurse that the student requires the administration of epinephrine for anaphylaxis;
3. Written notice to the parent advising that the district and its employees or agents or the nonpublic school and its employees or agents shall have no liability as a result of any injury arising from the administration of the epinephrine via a pre-filled auto-injector mechanism;
4. A signed statement acknowledging the parent's understanding that the district and its employees shall have no liability as a result of any injury arising from the administration of a pre-filled auto-

ADMINISTERING MEDICATION (regulation continued)

injector mechanism to the student and that the parents shall indemnify and hold harmless the district, its employees or agents, against any claims arising out of administration of the a pre-filled auto-injector mechanism (see Exhibit 4, Emergency Administration of Epinephrine Form).

- B. Permission for administration of epinephrine is effective for the school year for which it is granted and may only be renewed for each subsequent year upon fulfillment of the district's requirements set forth in this section.
- C. The pre-filled auto injector for the emergency administration of epinephrine shall be maintained in a secure, but unlocked location, easily accessible to the school nurse and designees in the event of an emergency at school or a school function. The location of the epinephrine shall be indicated on the pupil's emergency care plan. Back-up epinephrine via a pre-filled auto-injector mechanism shall also be available in the nurse's office if needed.
- D. The school nurse/designee shall be promptly available at school and at school functions in the event of an allergic reaction in order to administer epinephrine via a pre-filled auto-injector mechanism to a student.
- E. The nurse shall ensure that each student how has been administered epinephrine is promptly transported the a hospital emergency room by emergency services personnel after the administration of epinephrine, even if the pupil's symptoms appear to have resolved.
- F. Nothing in this section shall be construed to prohibit the emergency administration of epinephrine via a pre-filled auto-injector mechanism to a student for anaphylaxis by the school nurse or other employees designated pursuant to this section when the student is authorized to self-administer epinephrine pursuant to N.J.S.A. 18A:10-12.3, or when there is a co-existing diagnosis of asthma, or when a prescription is received from licensed health care professional for epinephrine coupled with another form of medication.

Emergency Administration of Epinephrine for First Time Allergic Reactions at School

- A. The school nurse or the nurse's trained designee shall be permitted to administer epinephrine via a pre-filled auto-injector mechanism to any student, without a known history of anaphylaxis or parent authorization for the administration of medication, when the school nurse/designee in good faith believes that the pupil is having an anaphylactic reaction;
- B. The district shall maintain a supply of epinephrine auto-injectors that is prescribed under a standing protocol from a licensed physician or an advanced practice nurse in a secure but unlocked and easily accessible location. The following locations are designated (**\*note: district should designate locations below that are accurate to each school**):
  - 1. The nurse's office;
  - 2. The cafeteria office;
  - 3. *(designate a location)*
  - 4. *(designate a location)*

Delivery, Storage and Disposal of Student Medication

- A. All medication (in its original container with the prescription information attached) must be delivered by the parent to the school nurse;
- B. Except for medication to be self-administered by the student, the school nurse shall maintain all medication in a secure, locked cabinet. Medication that has been approved for self-administration, may be carried by the student so long as the student presents no danger to himself or others through misuse;
- C. Student prescribed epinephrine shall be maintained in a secure but unlocked location easily accessible by

**ADMINISTERING MEDICATION** (regulation continued)

the school nurse and designees to ensure prompt availability in the event of an allergic reaction at school or at a school-sponsored function. The location of the epinephrine shall be indicated on the students' emergency health care plans;

- D. No student shall have access to the cabinet under any circumstances;
- E. Parents shall be notified by the school nurse when additional medication is needed. The parents must deliver that medication to the nurse immediately;
- F. The school nurse shall maintain a system by which parents are informed of their obligation to retrieve unused medication. If unused medication is not retrieved within two (2) weeks of notice, the nurse shall dispose of the medication in accordance with proper medical controls, unless otherwise specified in the student's individualized health care plan or individualized emergency health care plan.
- G. Annually, the school nurse shall oversee and ensure the distribution of the Commissioner's educational fact sheet regarding meningococcal meningitis to parents of students in the sixth grade (see Primary Resource 1, Meningococcal Factsheet).

**REGULATION HISTORY**

Effective Date:

Date of Review/Revision:

**CROSS REFERENCES**

6153	Field Trips
5141	Health
5141.1	Accidents
5141.2	Illness

**EXHIBITS**

Exhibit 1	Consent Form for the Nurse to Administer Medication
Exhibit 2	Consent Form for Self-Administration of Medication
Exhibit 3	HIPAA (Health Insurance Portability and Accountability Act) Exchange of Information Form
Exhibit 4	Consent Form for the Emergency Administration of Epinephrine

**PRIMARY RESOURCE**

PR 1	Meningococcal Factsheet
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**Policy**

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**STUDENT RIGHTS**

The Rahway Board of Education recognizes that students possess both the right to a free public education and the rights of citizenship. In granting students the educational opportunities to which they are entitled, the board shall provide them with the support, counsel, and custodial care appropriate to students' ages and maturity. At the same time, the board will respect the right of each student to equal treatment and equal access to the educational program, the due process of law, freedom of expression and association, and the privacy of his or her own thoughts.

Attendant to the rights guaranteed to each student are certain responsibilities, which include respect for the rights of others, obedience to school authorities, and compliance with the policies and regulations of this district.

As students differ in age and maturity, so they differ in the ability to assume both the rights and the concomitant responsibilities of citizenship. Accordingly, the exercise of each right will be granted with due regard for the degree of responsibility possessed by the student and the student's need for continuing guidance and control.

A student who has reached the age of majority or is emancipated possesses the full rights of an adult and may issue authorizations previously delegated to his or her parents/guardians. The adult student is fully responsible for his or her educational performance, attendance, compliance with district regulations, and care of school property. The parents/guardians of each adult student will be informed of the rights of the student and will continue to be informed of the student's progress in school.

Adopted: March 30, 2015  
NJSBA Review/Update: August 2019  
Readopted:

**Key Words**

Student Rights, Age of Majority, Eighteen (18)

**Legal References:**    N.J.S.A. 9:17B-1            legal Capacity of Minors Eighteen Years and Older  
                              N.J.S.A. 18A:36-20        Discrimination; prohibition

**Possible**

<b><u>Cross References:</u></b>	*5113	Absences and excuses
	*5114	Suspension and expulsion
	*5120	Assessment of individual needs
	*5124	Reporting to parents/guardians
	*5125	Pupil records
	*6146	Graduation requirements
	*6146.2	Promotion/retention
	*6147.1	Evaluation of individual student performance
	*6171.3	At-risk and Title 1
	*6171.4	Special education

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

**EQUAL EDUCATIONAL OPPORTUNITY**

The district shall provide equal and bias-free access for all students 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, gender identity or expression, marital status, liability for service in the Armed Forces of the United States, nationality, place of residence within the district, socioeconomic status, disability, or pregnancy. 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 education 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.

**Service Animals**

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the school facilities where members of the community, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

**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, 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

EQUAL EDUCATIONAL OPPORTUNITY (continued)

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:

- 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.

All reported incidents of harassment, intimidation or bullying shall be handled according to law and board policy 5131.1 Harassment, Intimidation and Bullying. Harassment may be claimed by a third party. That is, individuals who are not directly involved in the behavior may 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 school anti-bullying specialist 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. If the victim is from a protected class, the affirmative action officer will be included in the investigation. 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 education 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 identity or expression, religion, disability, nationality 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. Exact appointment is not required. The ultimate goal shall be to achieve the greatest degree of racial balance that is feasible and consistent with sound educational values and procedures;
- C. Utilizing on an annual basis a State-approved English language proficiency measure for determining the special needs of English language learners and their progress in learning English;
- D. Utilizing bias-free multiple measures for determining the special needs of students with disabilities;
- E. The district curriculum will be aligned with the New Jersey Student Learning Standards and address the

EQUAL EDUCATIONAL OPPORTUNITY (continued)

elimination of discrimination by narrowing the achievement gap by:

1. Providing equity in educational programs and by providing opportunities for students to interact with others proactively regardless of status;
  2. Ensuring there are no differential requirements for completion of course offerings or programs of study solely on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status;
  3. Ensuring courses shall not be offered separately on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status;
  4. Reducing or preventing the underrepresentation of minority, female, and male students in all classes and programs, including gifted and talented, accelerated, and advanced classes;
  5. Ensuring schools demonstrate the inclusion of a multicultural curriculum in its instructional content, materials, and methods, and ensuring students understand the basic tenets of multiculturalism;
  6. Ensuring African-American history, as well as the history of other cultures, is infused into the curriculum and taught as part of U.S. history;
  7. Ensuring instruction on the Holocaust and other acts of genocide is included in the curriculum of all elementary and secondary schools, as developmentally appropriate; and
  8. Ensuring that students are not discriminated against because of a medical condition.
- F. All students shall have support services, including intervention and referral services, school health services and counseling services; and
- G. Physical education program and athletic programs shall be equitable and co-educational and do not discriminate based on protected class status.

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 superintendent. Violations of this policy or its related procedures shall be cause for appropriate disciplinary action.

Bias-Related 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 bias-related act (hate crime) or is about to commit one shall immediately inform the building principal and superintendent. All incidents of bias-related acts shall be reported whether they occur during school hours on school grounds or otherwise. The principal or his or her designee shall promptly notify the local police department and the bias investigation officer for the county prosecutor's office.

The principal or his or her designee shall immediately notify the local police department and the bias investigation officer for the county prosecutor's office where there is reason to believe a bias-related act that involves an act of violence has been or is about to be physically committed against a student, or there is otherwise reason to believe a life has been or will be threatened.

All incidents shall be reported utilizing the Student Safety Data System (SSDS) according to board policy 5131.5 Violence and Vandalism.

Appeals

Grievances related to equity in school and classroom shall be submitted to the affirmative action officer. Any individual may petition the Commissioner in writing to resolve a dispute arising related to equity in school and classroom.

EQUAL EDUCATIONAL OPPORTUNITY (continued)Implementation

The superintendent shall direct development of procedures regarding the implementation of this policy to include sanctions, protection of individual rights to confidentiality and due process, and notification procedures.

The superintendent 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 superintendent 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 superintendent shall use all customary methods of information dissemination to ensure that the community is informed of its policies on educational equity.

Adopted: June 24, 1985  
 Revised: July 31, 1995  
 Revised: August 23, 1995  
 Readopted: August 14, 2007, March 30, 2015  
 NJSBA Review/Update: March 2009, August 2019  
 Revised:

(SE file codes: 5750, 5755, 8465)

Key Words

Nondiscrimination, Affirmative Action, Equal Educational Opportunity, Harassment, Sexual Harassment

**Legal References:** N.J.S.A. 2C:16-1 Bias Intimidation  
 N.J.S.A. 2C:33-4 Harassment  
 N.J.S.A. 10:5-1 et seq. Law Against Discrimination  
 N.J.S.A. 18A:36-20 Discrimination; prohibition  
 N.J.S.A. 18A:37-14 Electronic communication, harassment, intimidation or bullying defined  
 N.J.S.A. 18A:38-5.1 No child to be excluded from school because of race, etc.  
 N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education  
See particularly:  
 N.J.A.C. 6A:7-1.4,-1.7  
 N.J.A.C. 6A:16-6.3(e) Reporting students or staff members to law enforcement Authorities  
 N.J.A.C. 6A:17-1.1 et seq. Education of Homeless Children and Students in State Facilities  
 N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)  
State v. Mortimer, 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 et seq. - Section 504 of the Rehabilitation Act of 1973  
 20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act (formerly Education

EQUAL EDUCATIONAL OPPORTUNITY (continued)

for All Handicapped Children Act) -Part B

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

28 C.F.R. 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services (covers service animals)

Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988, (Pub. L. No. 100-297) amending Elementary and Secondary Education Act of 1965.

Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)

Every Student Succeeds Act of 2015, Pub. L. 114-95, 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.

Comprehensive Equity Plan, New Jersey State Department of Education

**Possible**

<b><u>Cross References:</u></b>	*2224	Nondiscrimination/affirmative action
	*4111.1/4211.1	Nondiscrimination/affirmative action
	*5131.1	Harassment, intimidation and bullying
	*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**

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**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 superintendent 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.

Adopted: June 24, 1985  
Revised: August 23, 1995  
Readopted: August 14, 2007, March 30, 2015  
NJSBA Review/Update: March 2009, August 2019  
Revised:

(SE file code: 5710)

**Key Words**

Grievances, Pupil Grievances, Student Grievances

**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 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  
\*5131.1 Harassment, intimidation and bullying  
5131.4 Campus disturbances  
\*5145.4 Equal educational opportunity

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

**Policy**

**GENDER IDENTITY AND EXPRESSION**

The Camden City Board of Education believes that a school culture that supports student achievement, respects the values of all students and fosters understanding of gender identity and expression within the school community is a safe learning environment. New Jersey law and district policy require that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, gender identity or gender expression. Therefore, in keeping with these mandates the board is committed to creating a safe learning environment for all students and to ensuring that every student has equal access to all school programs and activities.

The board believes that fostering this understanding successfully requires cooperation and good communication between the parents/guardians, school administration, school staff and the school community. The superintendent shall ensure that students with gender identity or expression concerns and their parents/guardians shall be given the opportunity to discuss these issues and participate in the educational planning and programming for their student. The superintendent may consult the experiences and expertise of qualified school staff as well as external resources where appropriate.

To proactively plan for a safe learning environment free of discrimination and harassment, students and parents/guardians of students with gender identity and expression concerns are encouraged to alert the school district and schedule a meeting with the superintendent. Upon request, the superintendent shall schedule a meeting with the parent/guardian and the student for the purpose of evaluating the needs of the student and planning any accommodations that may be considered to facilitate a respectful and comfortable school program that supports the student's achievement.

**Definitions:**

- A. "Gender identity" is a person's internal, deeply held sense of gender. All people have a gender identity, not just transgender people. For transgender people, the individual's internal gender identity is not the same as the gender assigned at birth.
- B. "Transgender" is a term which describes an individual whose gender identity and/or gender expression differs from those typically associated with the sex and gender assigned at birth.
- C. "Gender expression" means external manifestations of gender, expressed through a person's name, pronouns, clothing, haircut, behavior, voice, and/or body characteristics. Society identifies these cues as masculine and feminine, although what is considered masculine or feminine changes over time and varies by culture.
- D. "Assigned sex at birth (ASAB)" refers to the biological sex designation recorded on a person's birth certificate upon the initial issuance of that certificate, should such a record be provided at birth.
- E. "Gender assigned at birth" refers to the gender a child is assigned at birth or assumed to be, based on their biological sex assigned at birth.
- F. "Sexual orientation" describes a person's enduring physical, romantic, and/or emotional attraction to another person. Gender identity and sexual orientation are not the same. A transgender person may be straight, lesbian, gay, bisexual, or asexual. For example, a person who transitions from male to female and is attracted solely to men may identify as a straight woman.
- G. "Gender non-conforming" describes a person whose gender expression does not conform to the gender expectations of their family or community. Gender nonconformity is not necessarily an indication that a youth is transgender; many non-transgender youth do not conform to stereotypical expectations.

GENDER IDENTITY OR EXPRESSION (continued)

- H. "Transition" is the process by which a transgender person recognizes that their authentic gender identity is not the same as the gender assigned at birth, and develops a more affirming gender expression that feels authentic. Some individuals socially transition, for example, through dress, use of names and/or pronouns. Some individuals may undergo a physical transition, which might include hormone treatments and surgery. School district personnel should avoid the phrase "sex change," as it is an inaccurate description of the transition process; the process is more accurately described as "gender-confirming."
- I. "LGBTQ" is an acronym for "lesbian, gay, bisexual, transgender, and queer/questioning."
- J. "Gender expansive/gender diverse/gender fluid/gender non-binary/agender/gender queer" are terms that convey a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. For example, students who identify as gender queer or gender fluid might not identify as boys or girls; for these students, the non-binary gender identity functions as the student's gender identity.
- K. "Cisgender" refers to individuals whose gender identity, expression, or behavior conforms with those typically associated with their sex assigned at birth.

Harassment, Intimidation and Bullying

The board shall make every effort to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation, and/or bullying and free from discrimination on account of actual or perceived race, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, nationality, atypical hereditary cellular or blood trait of any individual, genetic information, or refusal to submit to a genetic test or make the results of a genetic test known, disabilities, social or economic status, pregnancy, childbirth, pregnancy-related disabilities, actual or potential parenthood, family status or other distinguishing characteristic.

Complaints alleging discrimination shall be reported to the school affirmative action officer according to board policies (2224, 4111.1/4211.1 and 6121 Nondiscrimination/Affirmative Action).

Any student experiencing or observing harassment, intimidation and bullying is encouraged to report the incident to a member of school staff. Any staff member observing or receiving a report of harassment, intimidation or bullying shall report the incident to the principal the same day the incident is observed or the report received according to board policy 5131.1 Harassment, Intimidation and Bullying. All reported incidents of discrimination, harassment, intimidation, and bullying shall be promptly investigated and resolved according to law and board policy.

During a harassment, intimidation, or bullying investigation the district is obligated to implement procedures, pursuant to law (N.J.A.C. 6A:16-7.7(a)2viii) to report, verbally and in writing, an act of harassment, intimidation, and bullying (HIB) committed by an adult or youth against a student. The anti-bullying specialist shall inform the student of the school's obligation to report the findings of the HIB investigation pursuant to law (N.J.S.A. 18A:37-15(d)) and board policy 5131.1 Harassment, Intimidation and Bullying. In accordance with law and board policy the parents or guardians of the students who are parties to the investigation are permitted to receive information about the investigation limited to the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether disciplinary action was imposed or services provided to address the incident of harassment, intimidation, or bullying.

The anti-bullying specialist shall take into account the circumstances of the incident when providing notification to parents or guardians of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense, pursuant to law (N.J.A.C. 6A:16-7.7(a)2viii(2)).

Confidentiality and Privacy

School personnel may not disclose information that may reveal a student's transgender or gender non-conforming status, except as allowed by law. Under the Family Education Rights and Privacy Act (FERPA), only those school employees with a legitimate educational need may have access to a student's records or

GENDER IDENTITY OR EXPRESSION (continued)

the information contained within those records. Disclosing confidential student information to other employees, students, parents, or other third parties may violate privacy laws, including but not limited to FERPA. Transgender students have the ability, as do all students, to discuss and express their gender identity and expression openly and decide when, with whom, and how much of their private information to share with others. The school counselor shall work with the student to create an appropriate confidentiality plan regarding the student's transgender or transitioning status.

The board shall not be responsible for the disclosure of information that may reveal a student's transgender or gender non-conforming status made by community members or any other party that are not under the employment or direction of the board. The board directs the counseling staff to address the limitations of confidentiality with the student as it pertains to community members and other parties that are not under the employment or direction of the board.

Due to a specific and compelling need, such as the health and safety of a student or an incident of bias-related crime, a school district may be obligated to disclose a student's status. The school district should inform the student that the school intends to disclose the student's transgender status for the student's protection and well-being. Prior to disclosure, the student should be given the opportunity to personally disclose that information. School districts should make every effort to ensure that any disclosure is made in a way that reduces or eliminates the risk of re-disclosure and protects the transgender student from further harassment. Those measures may include the facilitation of counseling for the student and the student's family to facilitate the family's acceptance and support of the student's transgender status.

School personnel shall keep confidential a current, new, or prospective student's transgender status. When a student uses a chosen name, the student's birth name shall be kept confidential by school and district staff.

Students who do not want their parents/guardians to know about their transgender status shall be addressed on a case-by-case basis. In some cases, notifying parents/guardians carries risks for the student, such as being kicked out of the home. Prior to notification of any parent or guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the parents/guardians will be involved in the process and must consider the health, well-being, and safety of the transitioning student. The school counselor shall balance the rights of the student needing support and the requirement that parents/guardians be kept informed about their child. In accordance with law, parents/guardians and/or the appropriate local officials shall be informed when there is any suspicion of injury or harm to the student or other students.

Coordination of School Accommodations

In planning appropriate accommodations for a student who is transitioning, the superintendent, parents/guardians and the student and other qualified staff or consultants as necessary shall meet to discuss actions that the district and school personnel may take to create safe learning environment, including:

**A. Names/Pronouns**

School staff shall be directed to address the student by the name and pronoun corresponding to their gender identity that is consistently asserted at school. Students are not required to obtain a court ordered name and/or gender change or to change their pupil personnel records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity. To the extent possible and consistent with these guidelines, school personnel shall make efforts to maintain the confidentiality of the student's transgender status.

School documentation such as student IDs shall be issued in the name that reflects a student's gender identity that is consistently asserted at school.

**B. Sports and Physical Education**

Transgender students shall be provided the same opportunities to participate in physical education as are all other students. Generally, students may be permitted to participate in physical education and sports in accordance with the student's gender identity that is consistently asserted at school. Participation in

GENDER IDENTITY OR EXPRESSION (continued)

competitive interscholastic athletic activities will be resolved on a case-by-case basis and according to the standards established by the New Jersey State Interscholastic Athletic Association (NJSIAA).

**C. Restroom and Locker Room Accessibility**

The district aims to support transgender students while also ensuring the safety and comfort of all students. The superintendent together with the parents/guardians, student and other qualified staff or consultants shall evaluate options for the use of restrooms and locker rooms by the transgender students and consider the following factors, including, but not limited to:

1. The transgender student's preference;
2. Protecting student privacy;
3. Maximizing social integration of the transgender student;
4. Minimizing stigmatization of the student;
5. Ensuring equal opportunity to participate;
6. The student's age; and
7. Protecting the safety of the students involved.

Generally students may have access to the restroom or locker room that corresponds to the gender identity or expression that they consistently assert at school and no student shall be forced to accept an accommodation with which he/she disagrees. A transgender or transitioning student who expresses a need or desire for increased privacy may be provided with reasonable alternative arrangements. Reasonable alternative arrangements may include the use of a private area, or a separate changing schedule, or use of a single stall, gender neutral restroom. Any alternative arrangement shall be provided to the extent possible in a way that protects the student's ability to keep his or her transgender status confidential.

A transgender student should not be required to use a locker room or restroom that conflicts with the student's gender identity or expression consistently asserted at school.

**D. Gender Segregation in Other Areas**

As a general rule, in any other circumstances where students are separated by gender in school activities (i.e. overnight field trips), students may be permitted to participate in accordance with the gender identity or expression consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis considering the factors set forth above.

**E. Dress Code**

Students have the right to dress in accordance with their gender identity or expression that is consistently asserted at school, within the constraints of the school policy for student dress (5132 Student Dress). School staff shall not enforce a school's dress code more strictly against transgender and gender nonconforming students than other students.

**F. Privacy**

The superintendent and/or his or her designees are expected to work closely with the student and his or her parents/guardians in formulating an appropriate plan regarding the confidentiality of the student's transgender or transitioning status that works for both the student and the school. Privacy considerations may also vary with the age of the student.

Where the transgender or transitioning student feels more supported and safe when other students are aware that they are transgender or transitioning, school staff shall be given guidance and training appropriate for facilitating a respectful school climate. School personnel may be directed to work closely with the student, parents/guardians, other family members and other staff members on a plan to inform and educate the student's peers. It may also be appropriate to engage external resources to assist with educational efforts.

GENDER IDENTITY OR EXPRESSION (continued)Resources for Transgender or Transitioning Students

If a school staff member observes that a gender identity issue is creating challenges for a student at school or if a student indicates an intention to transition, the staff member shall alert the school counselor and encourage the student to meet with the school counselor if appropriate. School staff shall make every effort to support the student and encourage the support and respect of student peers and staff during school.

When a student indicates an intention to transition, the school counselor, as appropriate, shall offer assistance and provide the student, and/or their parents/guardians as appropriate, with information, resources and referral services regarding the issues associated with gender identity and expression and/or formal gender transition. The school counselor shall also provide information regarding gender transition planning at school. The counselor shall coordinate the measures planned and taken at school for supporting the student and creating a sensitive supportive environment at school. These measures may include:

- A. Making resources available to parents/guardians who have additional questions or concerns;
- B. Developing age-appropriate lessons for students about gender diversity and acceptance; and
- C. Staff training surrounding vigilance to prevent possible harassment, intimidation and bullying issues that may arise for transgender or transitioning students.

Reports of harassment, intimidation and bullying shall be promptly investigated and resolved according to board policy 5131.1 Harassment, Intimidation and Bullying.

Official Records

When a student has expressed a preference to be called by a name other than their birth name, the permanent student records containing the student's birth name shall be kept in a separate, confidential file. This file shall only be shared with appropriate school staff after consultation with a student. A separate file containing records bearing the student's chosen name may also be kept.

If the student has previously been known at school or in school records by a birth name, the principal shall direct school personnel to use the student's chosen name and not the student's birth name. To ensure consistency among teachers, school administrators, substitute teachers and other staff, every effort shall be made to immediately update student education records (for example, attendance records, transcripts, individualized education programs, etc.) with the student's chosen name and gender pronouns, consistent with the student's gender identity and expression, and not circulate records with the student's birth name, unless directed by the student:

- A. The district shall report to the New Jersey Department of Education through NJ SMART a student's name or gender based upon that student's chosen name and corresponding gender identity. Changing the name or gender identity from what was reported in previous years will not affect the reliability of the data reported;
- B. If a district changes a student's name or gender identity, it must also maintain locally a separate record reflecting the student's legal name and sex assigned at birth until receipt of documentation of a legal change of name or gender.

The separate record reflecting the student's legal name and sex assigned at birth may be changed to reflect a change in legal name or gender only upon receipt of documentation that such legal name and/or gender have been changed pursuant to applicable law. The following documentation may be provided:

- A. A court order or birth certificate demonstrating the student's new name;
- B. For a legal change of gender, the student must provide a birth certificate indicating the student's legal gender, or a valid passport indicating the student's legal gender.

**GENDER IDENTITY OR EXPRESSION (continued)**

NJSBA Review/Update: August 2019  
 Adopted:

**Key Words**

Gender Identity, Transgender, Gender Expression, Gender Non-conforming

<b>Legal References:</b>	<u>N.J.S.A. 2C:16-1</u>	Bias intimidation
	<u>N.J.S.A. 2C:33-4</u>	Harassment
	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	<u>N.J.S.A. 18A:6-5</u>	Inquiry as to religion and religious tests prohibited
	<u>N.J.S.A. 18A:6-6</u>	No sex discrimination
	<u>N.J.S.A. 18A:26-1</u>	Citizenship of teachers, etc.
	<u>N.J.S.A. 18A:26-1.1</u>	Residence requirements prohibited
	<u>N.J.S.A. 18A:29-2</u>	Equality of compensation for male and female teachers
	<u>N.J.S.A. 18A:37-14</u> through -19	Harassment, intimidation, and bullying defined; definitions
	<u>N.J.S.A. 18A:36-20</u>	Discrimination; prohibition
	<u>N.J.S.A. 18A:36-41</u>	Development, distribution of guidelines concerning transgender students
	<u>N.J.A.C. 6A:7-1.1 et seq.</u>	Managing for Equality and Equity in Education
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts

Executive Order 11246 as amended

29 U.S.C.A. 201 - Equal Pay Act of 1963 as amended

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

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

Comprehensive Equity Plan, New Jersey Department of Education

Doe v. Regional School Unit 26, No. 12-582 (Me. Jan. 30, 2014)

New Jersey Department of Education, Transgender Student Guidance for School Districts, September 2018.

<https://nj.gov/education/students/safety/sandp/transgender/Guidance.pdf>.

NJSIAA, Constitution, Bylaws, Rules and Regulations, Transgender Policy (pg. 75), <http://www.njsiaa.org/resources/njsiaa-handbook>

**Possible**

<b>Cross References:</b>	*2224	Nondiscrimination/affirmative action
	*4111	Recruitment, selection and hiring
	*4111.1	Nondiscrimination/affirmative action
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4211.1	Nondiscrimination/affirmative action
	*4231/4231.1	Staff development; inservice education/visitations/conferences
	*5131	Conduct/discipline
	*5131.1	Harassment, intimidation and bullying
	*5145.4	Equal educational opportunity
	*6121	Nondiscrimination/affirmative action
	*6145	Extracurricular activities

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

**GENDER IDENTITY OR EXPRESSION** (continued)

The following organizations provide support to transgender individuals:

- [GLSEN](#) model policy. GLSEN is a prominent organization supporting GLBT youth. They have resources about creating safe and supportive environments for students.
- [The Trevor Project](#) is the leading national organization focused on crisis and suicide prevention efforts among lesbian, gay, bisexual, transgender and questioning youth.

**Resources For Parents, Educators, And Service Providers:**

Founded in 1972 with the simple act of a mother publicly supporting her gay son, PFLAG is the nation's largest family and ally organization.

**PFLAG Resources**

- [Welcoming our Trans Families and Friends](#)

Download this free guide (PDF) to get the basics on what being transgender means, how to talk about it, and how to find the resources that can support you.

- [Find a PFLAG Chapter.](#)

There are more than 350 chapters of Parents, Families and Friends of Lesbians and Gays (PFLAG) across the U.S. Find one near you right now.

**Partner Organizations Resources**

- [National Center for Transgender Equality](#)

Knowing and using correct language can be very important to transgender and gender non-conforming people, just like everyone else. Here is a handy terminology guide regarding gender identity.

- [American Psychological Association](#)

This downloadable pamphlet from the APA answers questions about transgender people, gender identity and gender expression.

**Parent and Educator Resources**

- [Gender Spectrum](#)

Raising children who don't fit neatly into male or female boxes brings a wealth of questions and uncertainties. Here you will find information and support to assist you in your search for answers.

- [Trans Youth Equality Foundation](#)

The Trans Youth Equality Foundation is based in Maine, but offers education, advocacy and support for transgender and gender non-conforming children and youth and their families everywhere by sharing information about the unique needs of this community and partnering with families, educators and service providers to help foster a healthy, caring, and safe environment for all transgender children.

- [Families in TRANSition: A Resource Guide for Parents of Trans Youth](#)

Families in TRANSition: A Resource Guide for Parents of Trans Youth is the first comprehensive Canadian publication (created by Central Toronto Youth Services) to address the needs of parents and families supporting their trans children. It summarizes the experiences, strategies, and successes of a working group of community consultants – researchers, counselors, parents, advocates as well as trans youth themselves.

- [Matt Kailey, author of My Child is Transgender: 10 Tips for Parents of Adult Trans Children](#)

This gentle and easy-to-use FAQ gives people an accessible set of guidelines that can be used in everyday life.

- [Working with Transgender Youth \(Lambda Legal & Child Welfare League of America\)](#)

Like all young people in care, transgender youth are entitled to bias-free attention to their unique needs and to

GENDER IDENTITY OR EXPRESSION (continued)

be safe in their placements and services. This guide, created by Lambda Legal and the Child Welfare League of America, provides child welfare professionals who work with transgender young people with education about transgender issues and tools to help prepare them to work sensitively with these clients.

- Trans Youth Family Allies (TYFA)

TYFA works to empower children and families by partnering with educators, service providers and communities, to develop supportive environments in which gender may be expressed and respected. They envision a society free of suicide and violence in which all children are respected and celebrated.

**GOALS AND OBJECTIVES**

The Camden City Board of Education accepts the responsibility for coordinating the available resources of home, school and community in a mutual effort to guide every pupil's growth towards becoming a self-respecting individual who can effectively function politically, economically and socially in a democratic society. In addition, the board believes that by providing diverse and relevant educational choices supported by research-based practices in the use of technology, students will be prepared for successful participation in higher education programs and/or the careers of the 21<sup>st</sup> century.

The board is dedicated to ensuring that all students in the district are provided with the necessary skills and competencies for achievement of the New Jersey Student Learning Standards.

**A. All children should start school ready to learn:**

1. Quality preschool opportunities shall be provided for all children, through collaboration between public schools and community agencies;
2. Parent education programs shall be designed and implemented by the district to assist parents in providing readiness experiences for their preschool children.

**B. The district shall strive to achieve the maximum score during state monitoring (NJQSAC) for high school graduation to be at least 95 percent:**

1. The superintendent shall oversee the development of strategies for improving the graduation rate when necessary and appropriate;
2. The district shall educate students with disabilities in the regular education programs to the maximum extent possible;
3. The district shall provide least restrictive, alternative programs for pupils who cannot succeed in the regular high school environment, including those students with disabilities;
4. The district shall provide dropout prevention programs for pupils at risk.

**C. Pupils shall leave grades three through eight and 11 having demonstrated competency in challenging subject matter including English language arts; mathematics; science; social studies; visual and performing arts; comprehensive health and physical education; world languages; technology; and 21st Century Life and Career Standards:**

1. The district shall implement the state-approved New Jersey Student Learning Standards and appropriate assessments to support student achievement and to evaluate school, district and individual student performance;
2. The district shall provide staff development opportunities to ensure that teachers are adequately equipped to teach challenging and up-to-date subject matter and to implement effective teaching techniques. It shall monitor teaching staff members progress toward achievement of the required 20 hours of continuing education annually to ensure that they are obtaining and maintaining the skills to help all students achieve the New Jersey Student Learning Standards.

**D. Pupils shall learn to use their minds well, so that they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy:**

1. Students shall be given the opportunity to improve self-direction and self-sufficiency in the areas of critical thinking, problem solving, reasoning, analysis, interpretation, and synthesizing information;
2. Students shall become responsible digital citizens of the global internet community with ethical, safe and responsible habits, actions, and consumption patterns;

GOALS AND OBJECTIVES (continued)

3. All pupils shall demonstrate competency in the skills identified in the 21<sup>st</sup> Century Life and Careers Standards;
  4. All pupils shall demonstrate respect for racial, cultural, ethnic and religious diversity.
- E. All students shall increase their achievement levels in science and mathematics to contribute to our country's ability to compete academically with all other countries of the world:
1. The district shall revise its curriculum offerings in science and mathematics according to state standards;
  2. The district shall provide staff training in the teaching of mathematics and science at grades K-8 to increase teachers' understanding of and ability to teach these subjects.
- F. The board of education 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 identity or expression, religion, disability, nationality or socioeconomic status. The district shall:
1. Provide schools and facilities that are barrier free;
  2. Provide effective programs that support a safe and respectful school climate and culture and provide effective prevention of and intervention for incidents of harassment, intimidation and bullying;
  3. Ensure that the requirements for the completion of courses are nondiscriminatory;
  4. Ensure that courses are not offered separately on the basis of race, creed, color, national origin, ancestry, age, marital status, pregnancy, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status;
  5. Ensure that minority, female, and male students are not underrepresented in all classes and programs, including gifted and talented, accelerated, and advanced classes.
- G. Every adult shall be literate and possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship:
1. Adult education programs shall be increased in conjunction with other local districts, community colleges and other educational agencies, to provide greater opportunities for adults to continue learning for work skills, leisure pursuits, intellectual and cultural growth and to assist their children in learning;
  2. Business and industry shall be encouraged to collaborate with educational agencies to design and increase access to educational programs for adults, such as flex time, distance learning and interactive technology.
- H. District schools shall be free of drugs and violence and offer a safe, disciplined environment conducive to learning:
1. The district shall develop partnerships with parents to establish the responsibilities of each to create and maintain safe and healthy educational environments for all pupils;
  2. The district shall provide programs and staffing to deal with pupils at risk;
  3. The school and community shall expand their cooperative efforts to create drug and violence-free environments;
  4. All students shall develop a positive view of self and learn to use effective interpersonal skills.

The board shall develop, in consultation with the superintendent and teaching staff members, a written educational plan for the district. This plan shall be reviewed and adopted annually and shall include:

- A. Written educational goals;

GOALS AND OBJECTIVES (continued)

- B. An assessment of pupil needs;
- C. Specific annual objectives based on identified needs and action plans to implement them;
- D. Standards for assessing and evaluating the achievement of objectives;
- E. The establishment of reasonable pupil minimum proficiency levels in the areas addressed in the New Jersey Student Learning Standards;
- F. An educational program consistent with these goals, objectives, standards and needs;
- G. Evaluation of pupil progress.

Adopted: June 24, 1985  
 Revised: August 23, 1995  
 Revised: May 31, 1996  
 Readopted: August 14, 2007  
 NJSBA Review/Update: March 2009, August 2019  
 Revised: March 30, 2015

(SE file codes: 2110, 2132)

Readopted:

Key Words

Instructional Goals and Objectives, Goals and Objectives in Instruction

**Legal References:** N.J.S.A. 18A:7A-10 NJQSAC for evaluating school performance  
N.J.S.A. 18A:7C-2 Boards of education; establishment of standards  
N.J.S.A. 18A:7F-43 Comprehensive Education Improvement and Financing Act  
N.J.S.A. 18A:33-1 District to furnish suitable facilities; adoption of courses of study  
N.J.S.A. 18A:35-1 et seq. Curriculum and Courses  
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessment  
See particularly:  
N.J.A.C. 6A:8-1.2  
 through -1.3, -2.1, -3.1, -4.4  
N.J.A.C. 6A:9C-2.1 et seq. Professional development for teaching staff member and school leader  
N.J.A.C. 6A:23A-1.1 et seq. Fiscal accountability, efficiency and budgeting procedures  
See particularly:  
N.J.A.C. 6A:23A-22.1 et seq.  
N.J.A.C. 6A:26-1.1 et seq. Educational Facilities  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

**Cross References:** \*1100 Communicating with the public  
 \*1120 Board of education meetings  
 \*1230 School-connected organizations

GOALS AND OBJECTIVES (continued)

*1600	Relations between other entities and the district
*2131	Chief school administrator
*2240	Research, evaluation and planning
*3542	Food service
4010	Goals and objectives
*4111	Recruitment, selection and hiring
*4116	Evaluation
*4131/4131.1	Staff development; inservice education/visitations/conferences
*4211	Recruitment, selection and hiring
*4231/4231.1	Staff development; inservice education/visitations/conferences
*5113	Absences and excuses
*5120	Assessment of individual needs
*5124	Reporting to parents/guardians
6000	Concepts and roles in instruction
6011	Thorough and efficient/QEA
*6140	Curriculum adoption
*6141	Curriculum design/development
*6142	Subject fields
*6145	Extracurricular activities
*6147	Standards of proficiency
6152	Grouping
*6156	Instructional planning/scheduling
*6160	Instructional services and resources
*6162.4	Community resources
*6164.2	Guidance services
*6164.4	Child study team
*6171.1	Remedial instruction
*6171.2	Gifted and talented
*6171.4	Special education
*6300	Evaluation of the instructional program

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

**Policy**

**NONDISCRIMINATION/AFFIRMATIVE ACTION**

No pupil enrolled in the district schools shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in any educational program or activity of this district on the basis of race, color, creed, national origin, ancestry, age, marital status, domestic partnership status, affectional or sexual orientation, gender identity or expression, genetic information, sex, disability or atypical hereditary cellular or blood trait of any individual, or because of liability for service in the armed forces of the United States, nationality, place of residence in the district, social or economic condition, nonapplicable disability or because of genetic information or refusal to submit to or make available the results of a genetic test, or pregnancy. The affirmative action team as led by the affirmative action officer shall be responsible for planning, implementing and monitoring the district's affirmative action program with respect to school and classroom practices.

Reporting to the chief school administrator, the affirmative action team shall monitor the following areas for compliance with State Department of Education regulations and make suggestions and/or recommendations when necessary.

**A. Access**

The district provides equal and bias-free access to all school facilities, courses, programs, activities, and services by:

1. Ensuring equal and barrier-free access to all school and classroom facilities;
2. Implementing a reasonable plan for achieving the greatest degree of racial balance that is feasible and consistent with sound educational values and procedures. The goal of the plan shall be to attain within each school, minority representation that approximates the school district's overall minority representation. Exact apportionment is not required;
3. Utilizing on an annual basis a State-approved English language proficiency measure for determining the special needs of English language learners and their progress in learning English;
4. Utilizing bias-free multiple measures for determining the special needs of students with disabilities;
5. Ensuring support services, including intervention and referral services and school health services are available to all students;
6. Ensuring a student is not discriminated against because of a medical condition. A student shall not be excluded from any education program or activity because of a long-term medical condition unless a physician certifies such exclusion is necessary. If excluded, the student shall be provided with equivalent and timely instruction that may include home instruction, without prejudice or penalty (see board policy 6173 Home instruction); and
7. Ensuring that pregnant students are not excluded from access to the educational programs, activities and services.

**B. Curriculum**

The district's curriculum and instruction shall be aligned to the New Jersey Student Learning Standards. The curriculum and instruction shall address the elimination of discrimination by narrowing the achievement gap, by providing equity in educational programs, and by providing opportunities for students to interact positively with others regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status. The district shall:

1. Ensure there are no differential requirements for completion of course offerings or programs of study solely on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

- sexual orientation, gender, religion, disability, or socioeconomic status;
2. Ensure courses shall not be offered separately on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status. Portions of classes that deal exclusively with human sexuality may be conducted in separate developmentally appropriate sessions for male and female students, provided the course content for such separately conducted sessions is the same;
  3. Reduce or prevent the underrepresentation of minority, female, and male students in all classes and programs, including gifted and talented, accelerated, and advanced classes;
  4. Ensure schools demonstrate the inclusion of a multicultural curriculum in its instructional content, materials, and methods, and ensuring students understand the basic tenets of multiculturalism;
  5. Ensure African-American history, as well as the history of other cultures, is infused into the curriculum and taught as part of U.S. history;
  6. Ensure instruction on the Holocaust and other acts of genocide is included in the curriculum of all elementary and secondary schools, as developmentally appropriate.

## C. Counseling Services

Students shall have access to adequate and appropriate counseling services:

1. When informing students about possible careers or professional or vocational opportunities options presented shall not be restricted or limited on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status;
2. Tests or guidance or counseling materials that are biased or stereotyped shall not be used.

## D. Physical Education, Athletic Programs, Extracurricular Activities

The district's physical education and athletic programs shall be equitable and co-educational and shall not discriminate on the basis of protected class status including:

1. Separate restroom, locker room, and shower facilities on the basis of gender, but such facilities provided for students of each gender shall be provided and shall be comparable;
2. Separate teams for the two sexes may be operated in one or more sports or single teams open competitively to members of both sexes, as long as the athletic program as a whole provides equal opportunities for students of both sexes to participate in sports at comparable levels of difficulty and competency; and
3. The activities comprising the school athletic programs shall receive equitable treatment, including, but not limited to, staff salaries, purchase and maintenance of equipment, quality and availability of facilities, scheduling of practice and game time, length of season, and all other related areas or matters.

## E. Staff training

The affirmative action officer shall suggest a program of inservice training for school personnel designed to identify and solve problems of bias in all aspects of the school program. An equity inservice program shall be held on a continuing basis for all staff and for parents and community members as needed to facilitate participation and support.

Appeals

Grievances related to equity in school and classroom shall be submitted to the affirmative action officer. Any individual may petition the Commissioner in writing to resolve a dispute arising related to equity in school and classroom.

**NONDISCRIMINATION/AFFIRMATIVE ACTION** (continued)

Adopted: June 24, 1985  
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 Readopted:

(SE file codes: 2260, 5751)

**Key Words**

Affirmative Action, Nondiscrimination, Curriculum, Instructional Materials, Textbooks

**Legal References:** N.J.S.A. 10:5-1 et seq. Law Against Discrimination  
N.J.S.A. 18A:4A-1 et seq. New Jersey Commission on Holocaust Education  
N.J.S.A. 18A:18A-17 Facilities for handicapped persons  
N.J.S.A. 18A:35-1 Course in history of the United States in high school  
N.J.S.A. 18A:36-20 Discrimination; prohibition  
N.J.S.A. 18A:37-14.19 Harassment, Intimidation, Bullying  
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education  
See particularly:  
N.J.A.C. 6A:7-1.1,-1.4,-1.7,-1.9  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

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

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act, of 1973

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act (IDEA)

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Gebser v. Lago Vista Indep. School Dist. 524 U.S. 274 (1998)

Davis v. Monroe County Bd. of Ed. 526 U.S. 629 (1999)

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.

The Comprehensive Equity Plan, New Jersey State Department of Education

**Possible**

**Cross References:** \*2224 Nondiscrimination/affirmative action  
 \*4111.1/4211.1 Nondiscrimination/affirmative action  
 \*4131/4131.1 Staff development; inservice education/visitations/conferences  
 \*4231/4231.1 Staff development; inservice education/visitations/conferences

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

*5131.1	Harassment, intimidation and bullying
*5134	Married/pregnant pupils
*5145.4	Equal educational opportunity
*6140	Curriculum adoption
*6141	Curriculum design/development
*6142.4	Physical education and health
*6145	Extracurricular activities
*6161.1	Guidelines for evaluation and selection of instructional materials
*6163.1	Media center/library
*6164.2	Guidance services
*6171.4	Special education

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

**Policy**

**CURRICULUM ADOPTION**

The Camden City Board of Education shall provide a comprehensive instructional program to serve the needs of the children of this district. In furtherance of this goal and pursuant to law, the board shall annually adopt the existing courses of study. Adoption includes both content and credit allocation. The board's policy in this respect is to:

- A. Adopt those courses of study mandated by the state in a form acceptable to the State Department of Education. Such courses must include the New Jersey Student Learning Standards adopted by the State Board of Education;
- B. Adopt additional courses of study recommended by the teaching staff and administration in a form acceptable to the State Department of Education and within the financial means of the district;
- C. Adapt and revise existing courses of study to meet the changing needs of pupils and the community.

Existing courses shall be reviewed at regular intervals and revised as necessary. No course of study shall be eliminated, revised or implemented without the approval of the board.

The board directs that the curriculum of this district:

- A. Be consistent with written goals, objectives and identified pupil needs;
- B. Develop individual talents and interests and serve diverse learning styles to motivate pupil achievement;
- C. Provide for continuous learning through effective articulation;
- D. Provide all pupils continuous access to sufficient programs and services of a library/media facility, classroom collection, or both, to support the educational program;
- E. Provide all pupils guidance and counseling to assist in career and academic planning;
- F. Provide a continuum of educational programs and services for pupils with disabilities, pursuant to law and regulation;
- G. Provide bilingual programs for pupils whose dominant language is not English, pursuant to law and regulation;
- H. Provide all pupils equal educational opportunity, pursuant to law and regulation;
- I. Provide instruction in African-American History, including the Amistad, and the history of other cultures taught as part of the history of the United States (N.J.S.A. 18A:35-1);
- J. Provide instruction on the Holocaust and other genocide curricula at all grade levels (N.J.S.A. 18A:35-28);
- K. Provide career awareness and vocational education, pursuant to law and regulation;
- L. Provide educational opportunities for exceptionally gifted and talented pupils.

The superintendent shall maintain a current list of all courses of study offered by this district; shall furnish each

**CURRICULUM ADOPTION** (continued)

member of the board of education with a copy upon request; and shall provide a copy in the district office for public perusal.

Adoption of courses shall be by a recorded roll call majority vote of the full membership of the board. This includes the courses in the special education and ESL/bilingual programs, and those for the adult high school.

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(SE file code: 2220)

**Key Words**

Curriculum Adoption, Adoption of Curriculum, Core Proficiencies, Curriculum

**Legal References:** N.J.S.A. 18A:4-25 Prescribing minimum courses of study for public schools; approval of courses of study  
N.J.S.A. 18A:29A-1 et seq. Teacher recognition  
N.J.S.A. 18A:33-1 District to furnish suitable facilities; adoption of courses of study  
N.J.S.A. 18A:35-1 et seq. Curriculum and courses  
N.J.S.A. 52:16A-88 Responsibilities and duties of the Amistad Commission  
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessment  
See particularly:  
N.J.A.C. 6A:8-3.1, -5.1  
N.J.A.C. 6A:14-4.1 General requirements  
N.J.A.C. 6A:15-1.1 et seq. Bilingual education  
See particularly:  
N.J.A.C. 6A:15-1.3, -1.4, -1.5  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

The Comprehensive Equity Plan, New Jersey State Department of Education

**Possible**

**Cross References:** \*6141 Curriculum design/development  
 6141.1 Experimental/innovative programs  
 \*6142 Subject fields  
 \*6142.2 English as a second language; bilingual/bicultural  
 \*6143 Curriculum guides  
 \*9325.4 Voting method

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

**CURRICULUM DESIGN/DEVELOPMENT**

The superintendent shall be responsible to the board for the development of curriculum to meet identified pupil needs. The board shall ensure that curriculum and instruction are content-rich and aligned to the most recent revision of the New Jersey Student Learning Standards (NJSLS). In addition, the board shall ensure that appropriate instructional adaptations are designed and delivered to English language learners, gifted and talented students and for pupils with disabilities. Instruction shall be designed to engage all students and modified based on student performance. The curriculum shall include:

- A. Interdisciplinary connections throughout;
- B. Integration of 21st century skills;
- C. A pacing guide;
- D. A list of instructional materials, including various levels of text at each grade;
- E. Benchmark assessments; and
- F. Modifications for special education students, for English language learners and for gifted students.

Professional development plans shall support the implementation of the curriculum. Professional development opportunities shall be offered that further the improvement of teachers' understanding of the content and pedagogy related to their teaching assignment. Professional development shall also promote individual and collaborative professional learning with adequate and consistent time for teachers to work together in and across content areas and grade levels to review student work, analyze classroom assessments and other achievement data, critique lesson plans, and solve instructional problems.

The superintendent shall establish procedures for curriculum development that ensure the effective participation of teaching staff members; pupils, as appropriate to their age and grade; parents/guardians; the community; members of the board; and the use of all available resources. Care shall be taken that certified staff shall not be assigned to teach material outside the limits of their certification and endorsements.

The superintendent shall report to the board the objectives, evaluative criteria and costs of each proposed program before seeking board adoption. New programs and courses of study shall not be acted upon by the board until the meeting following their presentation, in order for board members to have an opportunity to review the proposed program.

**Criteria for Curriculum Approval**

Criteria by which the board will judge the acceptability of new course offerings include:

- A. Does it address an identified pupil need?
- B. Is it relevant to the board's philosophy and goals and does it offer real possibilities for progress toward these goals?
- C. Does it satisfy the requirements of the board's school and classroom practices prohibiting bias and stereotyping?

CURRICULUM DESIGN/DEVELOPMENT (continued)

- D. If the proposed course replaces an existing program, what defect in the previous program is it designed to overcome?
- E. Does it include measures for determining progress?
- F. Does it address the necessary study skills?
- G. Has it been thoroughly studied and/or tested by district staff or by another district? What were the results?
- H. Has a curriculum guide been completed? If not, when can it be expected?
- I. Have the accompanying textbooks, electronic textbooks and other materials been recommended to the board?
- J. Have the costs and time of implementation been reviewed, including inservice training?

A five-year plan for updating curriculum shall be developed and implemented. The superintendent shall report annually on all progress in curriculum development and the implementation of the five-year curriculum plan at the time of the board's annual adoption of curriculum.

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 Revised: August 23, 1995  
 Revised: May 31, 1996  
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 Readopted:

(SE file codes: 2200, 2210)

Key Words

Curriculum, Curriculum Design/Development

**Legal References:** N.J.S.A. 18A:34-1 Textbooks; selection; furnished free with supplies; appropriations  
N.J.A.C. 6A:8-3.1 et seq. Implementation of the New Jersey Student Learning Standards  
N.J.A.C. 6A:13-2.1 Standards based instruction  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Old Bridge Education Association v. Board of Education of the Township of Old Bridge, Middlesex County

The Comprehensive Equity Plan, New Jersey State Department of Education

**Possible**

**Cross References:** \*2131 Superintendent  
 \*5120 Assessment of individual needs  
 \*6140 Curriculum adoption  
 \*6142 Subject fields  
 \*6143 Curriculum guides  
 \*6147 Standards of proficiency

CURRICULUM DESIGN/DEVELOPMENT (continued)

\*6171 Special instructional programs

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

**Policy**

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**ENGLISH AS A SECOND LANGUAGE; BILINGUAL PROGRAMS**

The board shall provide bilingual, English as a second language (ESL), English language services and/or bilingual programs of instruction for pupils who:

- A. Do not speak English and need instruction toward mastery of the English language;
- B. Speak English but reside in a home where English is not the primary language spoken, and need instruction toward mastery of the English language;
- C. Speak a language other than English, are more capable of performing school work in that language, and need their basic educational program taught in that language.

**Definitions**

"Bilingual education program" means a full-time program of instruction in all courses or subjects that a child is required by law or rule to receive, given in the native language of ELLs enrolled in the program and also in English; in the aural comprehension, speaking, reading, and writing of the native language of ELLs enrolled in the program, and in the aural comprehension, speaking, reading, and writing of English; and in the history and culture of the country, territory, or geographic area that is the native land of the parents of ELLs enrolled in the program, and in the history and culture of the United States.

"English as a second language (ESL) program" means a daily developmental second-language program of at least one period of instruction based on student language proficiency that teaches aural comprehension, speaking, reading, and writing in English using second language teaching techniques, and incorporates the cultural aspects of the students' experiences in their ESL instruction. A period is the time allocated in the school schedule for instruction in core subjects.

"English language learner" or "ELL" means a student whose native language is other than English. The term refers to students with varying degrees of English language proficiency in any one of the domains of speaking, reading, writing, or listening and is synonymous with limited English speaking ability.

"English language services" means services designed to improve the English language skills of ELLs. The services, provided in school districts with less than 10 ELLs, are in addition to the regular school program and are designed to develop aural comprehension, speaking, reading, and writing skills in English.

**Identification of Eligible English Language Learners**

The board shall determine the native language of each English language learner at the time of the student's enrollment in the district and maintain a census indicating all identified students whose native language is other than English.

The board of education shall develop and the superintendent or his or her designee shall implement a screening process, initiated by a home-language survey, to determine which students whose native language is other than English in grades kindergarten to 12 must be tested to determine English language proficiency. The screening shall be conducted by a bilingual/ESL or other certified teacher, and shall be designed to distinguish students who are proficient English speakers and need no further testing.

The board shall ensure that the English proficiency of students who are not screened out by the home-language survey shall be determined by:

ENGLISH AS A SECOND LANGUAGE;  
BILINGUAL PROGRAMS (continued)

- A. Administering a Department-approved English language proficiency test;
- B. Assessing the level of reading in English;
- C. Reviewing the previous academic performance of students, including their performance on standardized tests in English; and
- D. Reviewing the input of teaching staff members responsible for the educational program for ELLs;
- E. Students who do not meet the Department standard on a Department-approved language proficiency test and who have at least one other indicator shall be considered ELLs.

The board, through the superintendent or his or her designee shall also implement age-appropriate methodologies to identify preschool ELLs to determine their individual language development needs.

Programs and Services

The goal of English as a second language and English language services programs are to assist pupils to achieve fluency (including listening, comprehension, speaking, reading, and writing skills) in English and incorporates the cultural aspects of the students' experiences in their ESL instruction. The goal of the bilingual program is to permit pupils to learn subject matter in their primary language while developing English language skills. The goal of all such programs shall be achievement of the New Jersey Student Learning Standards.

Students enrolled in bilingual, ESL, and English language services programs shall have full access to educational services available to other students in the district. To the extent that is administratively feasible, supportive services to ELLs, such as counseling, tutoring, and career guidance, should be provided by bilingual personnel who are familiar with and knowledgeable of the unique needs and background of the ELLs and their parents.

All district high school English language learners (ELLs) shall satisfy both state and district requirements for graduation, except that any English language learners may demonstrate attainment of state minimum levels of proficiency through passage of the State approved alternative high school assessment process in his/her native language and an English fluency assessment approved by the Department of Education or passage of the alternative high school assessment in English with appropriate accommodations.

Parents/guardians of English language learners shall be notified by mail of the fact that their child has been identified as eligible for enrollment in a bilingual, ESL or English language services education program. This notification shall be issued within 30 days of the child's identification and shall include the information that the parents may choose to decline to enroll their child into the bilingual program. The notice shall be in writing and in the language in which the parent/guardian possesses a primary speaking ability, and in English, and shall include the following information:

- A. Why the student was identified as an ELL;
- B. Why the student needs to be placed in a language instructional educational program that will help him or her develop and attain English proficiency and meet State academic standards;
- C. The student's level of English proficiency, how the level of English proficiency was assessed, and the student's academic level;
- D. The method of instruction the school will use to serve the student, including a description of other

ENGLISH AS A SECOND LANGUAGE;  
BILINGUAL PROGRAMS (continued)

instruction methods available and how those methods differ in content, instructional goals, and the use of English and a native language, if applicable;

- E. How the program will meet the student's specific needs in attaining English and meeting State standards;
- F. The program's exit requirements, the expected rate of transition into a classroom not tailored for ELLs, and, in the case of high school students, the expected rate of graduation; and
- G. How the instructional program will meet the objectives of the individualized education program of a student with a disability.

Progress reports for students in in bilingual, ESL, or English language services programs shall be made to parents/guardians on the same schedule as the reports of all pupils enrolled in the district. Progress reports shall be in writing and in both English and their primary speaking language unless doing so places unreasonable burden on the board.

Exiting the Program

Students shall be placed in a monolingual English program when they have demonstrated readiness to function successfully in an English-only program. The process to determine the readiness or inability of the individual student to function successfully in the English-only program shall be initiated by the student's level of English proficiency as measured by a Department-established standard on an English language proficiency test. The readiness of the student shall be further assessed on the basis of multiple indicators that shall include, at a minimum:

- A. Classroom performance;
- B. The student's reading level in English;
- C. The judgment of the teaching staff member or members responsible for the educational program of the student; and
- D. Performance on achievement tests in English.

When the review process for exiting a student from a bilingual, ESL, or English language services program has been completed, the parent/guardian shall be notified by mail of the placement determination. The notice shall be in English and in the language in which the parents/guardian possesses a primary speaking ability. If the parent(s), guardian, or teaching staff member disagrees with the placement, he or she may appeal the placement to the Commissioner, after appealing the decision to the board.

Removal from the Program

Parents/guardians may remove a pupil who is enrolled in a bilingual, ESL or English language services program at any time; except that during the first three years of the pupil's participation in a bilingual education program, he/she may only be removed at the end of each school year. Removal prior to the end of the school year shall be approved by the executive county superintendent. If the executive county superintendent determines that the pupil should remain in the bilingual education program until the end of the school year, the parents/guardians may appeal that decision to the commissioner of education/designee pursuant to law. The commissioner shall render a decision within 30 days of the filing of the appeal.

Parent Involvement

ENGLISH AS A SECOND LANGUAGE;  
BILINGUAL PROGRAMS (continued)

The board is committed to providing the maximum practicable involvement of parents/guardians of ELLs in the development and review of program objectives and dissemination of information to and from the board and communities served by the bilingual, ESL, or English language services education programs. The board directs the superintendent or his or her designee to shall establish a parent advisory committee on bilingual education of which the majority membership shall be parent(s) of ELLs.

Inservice Training

The board shall ensure that the superintendent oversees the development of a plan for inservice training for bilingual, ESL, and mainstream teachers; administrators who supervise bilingual/ESL programs; and administrators and any personnel who observe and evaluate teachers of ELLs. The plan shall include instructional strategies and appropriate assessments to help ELLs meet the New Jersey Student Learning Standards and the World-class Instructional Design and Assessment (WIDA) English language development standards. All bilingual and ESL teachers shall receive training in the use of the ESL curriculum. The professional development plan of the school district shall include the needs of bilingual and ESL teachers, which shall be addressed through inservice training (see board policy 4131/4131.1 Staff Development, Inservice Education).

Implementation

The superintendent shall direct development of a plan for bilingual program, ESL program, or English language services that is in compliance with state guidelines. The plan shall be submitted every three years to the Department of Education for approval. The plan shall include information on the following:

- A. Identification of students;
- B. Program description;
- C. The number of certified staff hired for the program;
- D. Bilingual and ESL curriculum development;
- E. Evaluation design;
- F. Review process for exit; and
- G. A budget for the bilingual and ESL program or English language services.

The board may request a waiver of the requirement for a full-time bilingual or ESL program when there are 20 or more students eligible for the bilingual education program in grades kindergarten through 12, to establish annually an instructional program alternative. The request must be approved by the Department of Education, and the school district must be able to demonstrate that it would be impractical to provide a full-time bilingual program due to the age range, grade span, and/or geographic location of eligible students.

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**ENGLISH AS A SECOND LANGUAGE;  
BILINGUAL PROGRAMS** (continued)

**Key Words**

English as a Second Language, Bilingual Programs, ESL

**Legal References:** N.J.S.A. 18A:35-15 et seq. Bilingual education programs  
 N.J.A.C. 6A:5-1.1 et seq. Regulatory Equivalency and Waiver  
 N.J.A.C. 6A:8-1.3 Definitions  
 N.J.A.C. 6A:8-4.1 Statewide assessment system  
 N.J.A.C. 6A:8-5.1 Graduation requirements  
 N.J.A.C. 6A:9B-3.1 et seq. Professional Licensure and Standards  
 See particularly:  
 N.J.A.C. 6A:9B-11.5, -11.6  
 N.J.A.C. 6A:15-1.1 et seq. Bilingual Education  
 See particularly:  
 N.J.A.C. 6A:15-1.4  
 N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Every Student Succeeds Act, Pub. L. 114-95, Title 1 and Title 3, 20 U.S.C.A. 6301 et seq.

**Possible**

**Cross References:** \*5120 Assessment of individual needs  
 \*5124 Reporting to parents/guardians  
 \*6121 Nondiscrimination/affirmative action  
 \*6146 Graduation requirements  
 \*6147 Standards of proficiency  
 \*6147.1 Evaluation of individual student performance  
 \*6171.2 Gifted and talented  
 \*6171.3 At-risk and Title 1

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

**PHYSICAL EDUCATION AND HEALTH**

The board directs that the district's curricular and extracurricular programs of physical education and activities comply with the district's affirmative action resolution and equity plan for school and classroom practices as stipulated in policies 2224, 5145.4, 6121 and 6145 in this manual. The board shall ensure that the comprehensive health and physical education curriculum addresses all elements required by the New Jersey Student Learning Standards.

In general, physical education classes shall not be divided on the basis of sex. The quality and quantity of teachers, equipment and facilities shall be equivalent among the schools and comparable from level to level, taking into account the needs of the pupils.

Members of district interscholastic athletic teams may be excused from participation in the physical activities part of their physical education program without loss of graduation credit on the request of their coach on any day on which they are designated to participate in a regularly scheduled game. The superintendent shall approve procedures by which coaches will inform the physical education department, on the day in question, of the specific pupils to be excused. Such pupils shall be scheduled for a study hall period instead.

The board will consider on a case-by-case basis requests from pupils or their parents/guardians in the case of minors for permission to satisfy the physical education requirement through an alternative program of athletics or physical education activities that meets the requirements of law and is consistent with the district's physical education program goals and instructional objectives.

The district physical education programs and instructional activities shall be equitable. All physical education programs shall be co-educational unless otherwise indicated by law. All high school offerings in physical education shall be examined for balance and equitable facilities and resources.

**Suicide Prevention**

Students at all grade levels shall receive instruction in suicide prevention as part of the district health and physical education curriculum and consistent with the New Jersey Student Learning Standards for Comprehensive Health and Physical Education.

**Dating Violence**

For students in grades 7 through 12, physical education and health curriculum will include the topic of dating violence. "Dating violence" means a pattern of behavior where one person threatens to use, or actually uses physical, sexual, verbal, or emotional abuse to control a dating partner.

Dating violence education shall include information on the definition of dating violence, recognizing dating violence warning signs, and the characteristics of healthy relationships.

Upon written request to the school principal, a parent/legal guardian of a student less than 18 years of age shall be permitted within a reasonable period of time after the request is made, to examine the dating violence education program instruction materials developed by the school district.

The purpose of the dating violence information is to help prevent dating situations from becoming unsafe and to help educate students on constructive ways to resolve conflicts in personal relationship.

PHYSICAL EDUCATION AND HEALTH (continued)

To be consistent with law (N.J.S.A. 18A:35-4.23a), the superintendent shall ensure that district procedures and curriculum shall include the following information:

- A. Information that dating violence will not be tolerated;
- B. Dating violence reporting procedures;
- C. Guidelines for responding to at-school incidents of dating violence;
- D. Discipline procedures specific to at-school incidents of dating violence;
- E. Warning signs of dating violence; and
- F. Information on safe and appropriate school, family, peer, and community resources available to address dating violence shall also be included within the curriculum.

Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillator (AED)

The board of education shall provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator to each student during high school (in grades 9, 10, 11 or 12). The instruction shall be provided to each student prior to graduation as part of the district's implementation of the New Jersey Student Learning Standards in Comprehensive Health and Physical Education. The board may select a no-cost, non-certification instructional program to meet this requirement.

The instruction provided shall:

- A. Be modeled from an instructional program established by the American Heart Association, American Red Cross, or other nationally-recognized association with expertise in instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator; and
- B. Include a hands-on learning component for each participating student.

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(SE file codes: 2422, 2425, 5519)

Key Words

Nondiscrimination, Physical Education, Health, Affirmative Action

<p><b><u>Legal References:</u></b> <u>N.J.S.A. 18A:6-111 et seq.</u>  <u>See particularly:</u>  <u>N.J.S.A. 18A:6-113</u>  <u>N.J.S.A. 18A:35-4.19</u>  <u>through -4.22</u>  <u>N.J.S.A. 18A:35-4.23</u></p>	<p>Instruction in Suicide Prevention          Instruction in suicide prevention in public school curriculum  <u>AIDS Prevention Act of 1999</u>          Domestic violence, child abuse, instructions on those</p>
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PHYSICAL EDUCATION AND HEALTH (continued)

<u>N.J.S.A.</u> 18A:35-4.23a	problems
<u>N.J.S.A.</u> 18A:35-4.28	Dating violence into health education curriculum
<u>N.J.S.A.</u> 18A:35-5	Instruction in CPR and use of AED for certain students
through -9	
<u>N.J.S.A.</u> 18A:37-33	Maintenance of physical training courses; features
through -37	
<u>N.J.A.C.</u> 6A:7-1.7	Dating violence policy and education
<u>N.J.A.C.</u> 6A:8-3.1	Equality in school and classroom practices
<u>N.J.A.C.</u> 6A:8-5.1	Curriculum and instruction
<u>N.J.A.C.</u> 6A:9B-5.16	Graduation requirements
<u>N.J.A.C.</u> 6A:9B-10.3	Athletics Personnel
<u>N.J.A.C.</u> 6A:16-2.1 <u>et seq.</u>	Health and physical education
<u>See particularly:</u>	General Provisions for School Health Services
<u>N.J.A.C.</u> 6A:16-2.2	
<u>N.J.A.C.</u> 6A:32-9.1	Athletics Procedures

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

The Comprehensive Equity Plan, New Jersey State Department of Education

**Possible**

<b><u>Cross References:</u></b> *2224	Nondiscrimination/affirmative action
*5145.4	Equal educational opportunity
*6121	Nondiscrimination/affirmative action
*6142	Subject fields
*6145.1/6145.2	Intramural competition; interscholastic competition
*6146	Graduation requirements

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

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The board will consider on a case-by-case basis requests from pupils or their parents/guardians in the case of minors for permission to satisfy the physical education requirement through an alternative program of athletics or physical education activities that meets the requirements of law and is consistent with the district's physical education program goals and instructional objectives.

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PHYSICAL EDUCATION AND HEALTH (continued)

To be consistent with law (N.J.S.A. 18A:35-4.23a), the superintendent shall ensure that district procedures and curriculum shall include the following information:

- A. Information that dating violence will not be tolerated;
- B. Dating violence reporting procedures;
- C. Guidelines for responding to at-school incidents of dating violence;
- D. Discipline procedures specific to at-school incidents of dating violence;
- E. Warning signs of dating violence; and
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The instruction provided shall:

- A. Be modeled from an instructional program established by the American Heart Association, American Red Cross, or other nationally-recognized association with expertise in instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator; and
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Key Words

Nondiscrimination, Physical Education, Health, Affirmative Action

<p><b><u>Legal References:</u></b> <u>N.J.S.A. 18A:6-111 et seq.</u>  <u>See particularly:</u>  <u>N.J.S.A. 18A:6-113</u>  <u>N.J.S.A. 18A:35-4.19</u>  <u>through -4.22</u>  <u>N.J.S.A. 18A:35-4.23</u></p>	<p>Instruction in Suicide Prevention          Instruction in suicide prevention in public school curriculum  <u>AIDS Prevention Act of 1999</u>          Domestic violence, child abuse, instructions on those</p>
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PHYSICAL EDUCATION AND HEALTH (continued)

<u>N.J.S.A.</u> 18A:35-4.23a	problems
<u>N.J.S.A.</u> 18A:35-4.28	Dating violence into health education curriculum
<u>N.J.S.A.</u> 18A:35-5	Instruction in CPR and use of AED for certain students
through -9	
<u>N.J.S.A.</u> 18A:37-33	Maintenance of physical training courses; features
through -37	
<u>N.J.A.C.</u> 6A:7-1.7	Dating violence policy and education
<u>N.J.A.C.</u> 6A:8-3.1	Equality in school and classroom practices
<u>N.J.A.C.</u> 6A:8-5.1	Curriculum and instruction
<u>N.J.A.C.</u> 6A:9B-5.16	Graduation requirements
<u>N.J.A.C.</u> 6A:9B-10.3	Athletics Personnel
<u>N.J.A.C.</u> 6A:16-2.1 <u>et seq.</u>	Health and physical education
<u>See particularly:</u>	General Provisions for School Health Services
<u>N.J.A.C.</u> 6A:16-2.2	
<u>N.J.A.C.</u> 6A:32-9.1	Athletics Procedures

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

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<b><u>Cross References:</u></b>	*2224	Nondiscrimination/affirmative action
	*5145.4	Equal educational opportunity
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	*6142	Subject fields
	*6145.1/6145.2	Intramural competition; interscholastic competition
	*6146	Graduation requirements

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

**INTERNET SAFETY AND TECHNOLOGY**

The board shall develop a technology plan that effectively uses electronic communication to advance and promote learning and teaching. This system of technology shall be used to provide local, statewide, national and global communications opportunities for staff and students. Educational technology shall be infused into the district curriculum to maximize student achievement of New Jersey Student Learning Standards.

It is the policy of the district to establish safe and effective methods for student and staff users of the district's technological resources and to:

- A. Prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications;
- B. Prevent unauthorized access and other unlawful online activity;
- C. Prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and
- D. Comply with the Children's Internet Protection Act (CIPA).

The district shall ensure equal and bias-free access for all students to computers, computer classes, career and technical education programs, and technologically-advanced instructional assistance, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional/sexual orientation, gender, religion, disability, English proficiency, immigration status, housing status or socioeconomic status.

**COMPLIANCE WITH CIPA**

**Filters Blocking Access to Inappropriate Material**

To the extent practical, technology protection measures (or "Internet filters") shall be used to block or filter Internet, or other forms of electronic communications, access to inappropriate information.

Specifically, as required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors. Subject to staff supervision, technology protection measures may be disabled or, in the case of minors, minimized only for bona fide research or other lawful purposes.

**Inappropriate Network Usage**

To the extent practical, steps shall be taken to promote the safety and security of users of the school district online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications.

Specifically, as required by the Children's Internet Protection Act, prevention of inappropriate network usage includes:

- A. Unauthorized access, including so-called "hacking," and other unlawful activities; and
- B. Unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

**Education, Supervision and Monitoring**

## INTERNET SAFETY TECHNOLOGY (continued)

It shall be the responsibility of all members of the school district staff to educate, supervise and monitor usage of the online computer network and access to the Internet in accordance with this policy and the Children's Internet Protection Act. Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of the superintendent or his or her designee.

The superintendent or his or her designee shall ensure that students and staff who use the school internet facilities receive appropriate training including the following:

- A. The district established standards for the acceptable use of the internet;
- B. Internet safety rules;
- C. Rules for limited supervised access to and appropriate behavioral expectations for use of online resources, social network websites, and chat rooms;
- D. Cyberbullying (board policy 5131.1 Harassment, Intimidation and Bullying) awareness and response.

Student use of the Internet shall be supervised by qualified staff.

### Policy Development

The district Internet Safety and Technology policy shall be adopted and revised through a procedure that includes reasonable public notice and at least one public hearing.

## **ACCEPTABLE USE OF THE INTERNET**

### Purpose

To support its commitment to providing avenues of access to the universe of information available, the district's system of electronic communication shall include access to the Internet for students and staff.

### Limitation of Liability

The Internet constitutes an unregulated collection of resources that changes constantly, so it is not possible to totally predict or control the resources that users may locate. The board cannot guarantee the accuracy of the information or the appropriateness of materials that a user may encounter. Furthermore, the board shall not be responsible for any damage users may suffer, including but not limited to, loss of data or interruptions of service. Nor shall the board be responsible for financial obligations arising through the unauthorized use of the system.

### District Rights and Responsibilities

The computer system is the property of the district, and all computer software and hardware belong to it. Therefore, the district retains the right to monitor all access to and use of the Internet.

The board designates the superintendent as the coordinator of the district system. He/she shall recommend to the board of education qualified staff persons to ensure provision of individual and class accounts necessary for access to the Internet, designation of quotas for disk usage on the system, establishment of a document retention schedule, establishment of a virus protection process and coordination of other activities as required to maintain the system.

Each principal shall coordinate the district system in his/her building by approving all activities for that building; ensuring that teachers receive proper training in the use of the system; ensuring that students are adequately supervised when using the system; maintaining executed user agreements; and interpreting this acceptable use policy at the building level.

## INTERNET SAFETY TECHNOLOGY (continued)

### Access to the System

This acceptable use policy shall govern all use of the system. Sanctions for student misuse of the system shall be included in the disciplinary code for students, as set out in regulations for policy 5131 Conduct/Discipline. Employee misuse may result in appropriate discipline in accord with the collective bargaining agreement and applicable laws and regulations.

The board shall ensure the acquisition and installation of blocking/filtering software to deny access to certain areas of the Internet.

### World Wide Web

All students and employees of the board shall have access to the Web through the district's networked or stand alone computers. An agreement may be required. To deny a child access, parents/ guardians must notify the building principal in writing.

### Classroom E-mail Accounts

Students in grades K-8 shall be granted e-mail access through classroom accounts only. To deny a child access to a classroom account, parents/guardians must notify the building principal in writing.

### Individual E-mail Accounts for Students

Students in grades K-8 may have individual accounts at the request of teachers and with the consent of parents/guardians. An individual account for any such student shall require an agreement signed by the student and his/her parent/guardian.

Students in grades 9-12 may be granted individual e-mail accounts and dial-up access to the system. An agreement shall be required for an individual e-mail account and must be signed by the student and his/her parent/guardian.

### Individual E-mail Accounts for District Employees

District employees shall be provided with email access. Access to the system will be provided for staff members who have signed the acceptable use policy agreement. Email will be monitored and archived for three years. Employee email is discoverable and will be released if subpoenaed within the archival period set forth in this policy.

### District Web Site

The board authorizes the superintendent to establish and maintain a district web site. The purpose of the web site will be to inform the district educational community of district programs, policies and practices.

Individual schools and classes may also establish web sites that include information on the activities of that school or class. The building principal shall oversee these web sites.

The superintendent shall publish and disseminate guidelines on acceptable material for these web sites. The superintendent shall also ensure that district and school web sites do not disclose personally identifiable information about students without prior written consent from parents/guardians. Consent shall be obtained on the form developed by the state department of education. "Personally identifiable information" refers to student names, photos, addresses, e-mail addresses, phone numbers and locations and times of class trips.

### Parental Notification and Responsibility

## INTERNET SAFETY TECHNOLOGY (continued)

The superintendent shall ensure that parents/guardians are notified about the district network and the rules governing its use. Parents/guardians shall sign an agreement to allow their child(ren) to have an individual account. Parents/guardians who do not wish their child(ren) to have access to the Internet must notify the principal in writing.

### Acceptable Use

#### Student Safety Practices

Students shall not post personal contact information about themselves or others. Nor shall students engage in any kind of personal contact with individuals they meet online. Attempts at contact from such individuals shall be reported immediately to the staff person monitoring that child's access to the Internet. Personal contact information includes but is not limited to names, home/school/work addresses, telephone numbers, or personal photographs.

#### Prohibited Activities

Users shall not attempt to gain unauthorized access (hacking) to the district system or to any other computer system through the district system, nor shall they go beyond their authorized access. This includes attempting to log in through another individual's account or accessing another's files.

Users shall not deliberately attempt to disrupt the district's computer system performance or destroy data by spreading computer viruses, worms, "Trojan Horses," trap door program codes or any similar product that can damage computer systems, firewalls, servers or network systems.

Users shall not use the district system to engage in illegal activities.

Users shall not access material that is profane or obscene, that advocates illegal acts, or that advocates violence or hate. Inadvertent access to such material should be reported immediately to the supervising staff person.

Users shall not plagiarize material that is available on the Internet. Plagiarism is presenting another's ideas/words as one's own.

Users shall not infringe on copyrighted material and shall follow all dictates of copyright law and the applicable policies of this district.

#### Prohibited Language

Prohibited language applies to public messages, private messages, and material posted on web pages.

Users shall not send or receive messages that contain obscene, profane, lewd, vulgar, rude, inflammatory, or threatening language.

Users shall not use the system to spread messages that can reasonably be interpreted as harassing, discriminatory or defamatory.

### System Security

Users are responsible for their accounts and should take all reasonable precautions to prevent unauthorized access to them. In no case should a user provide his/her password to another individual.

Users shall immediately notify the supervising staff person or data processing department if they detect a possible security problem. Users shall not access the system solely for the purpose of searching for security problems.

INTERNET SAFETY TECHNOLOGY (continued)

Users shall not install or download software or other applications without permission of the supervising staff person.

Users shall follow all district virus protection procedures when installing or downloading approved software.

System Limits

Users shall access the system only for educational, professional or career development activities. This applies to discussion group mail lists, instant message services and participation in Internet "chat room" conversations.

Users shall check e-mail frequently and delete messages promptly.

Privacy Rights

Users shall respect the privacy of messages that they receive and refrain from reposting messages without the approval of the sender.

Users shall not publish private information about another individual.

School Furnished Electronic Devices

The district may furnish students electronic devices such as laptop computers, tablets, notebooks, cellular telephones, or other electronic devices. When a student is furnished with an electronic device the district shall provide the student with written or electronic notification that the electronic device may record or collect information on the student's activity or the student's use of the device if the electronic device is equipped with a camera, global positioning system, or other feature capable of recording or collecting information on the student's activity or use of the device. The notification shall also include a statement that the district shall not use any of the capabilities in a manner that would violate the privacy rights of the student or any individual residing with the student. The parent or guardian of the student furnished an electronic device shall acknowledge receipt of the notification. The district shall retain the acknowledgement as long as the student retains the use of the electronic device.

Failure to provide the required notification shall be subject to a fine of \$250 per student, per incident. If imposed, the fine shall be remitted to the Department of Education, and shall be deposited in a fund that shall be used to provide laptop or other portable computer equipment to at-risk pupils.

Implementation

The superintendent may prepare regulations to implement this policy.

Adopted:	June 24, 1985
Revised:	April 27, 1994
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Revised:	August 23, 1995
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Revised:	December 15, 1997
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(SE file codes: 2360, 2361, 3321, 4321, 5516, 6141, 7522)

INTERNET SAFETY TECHNOLOGY (continued)Key Words

Acceptable Use, Blocking/Filtering Software, E-mail, Internet, Internet Safety, Technology, Web Site, World Wide Web, CIPA

**Legal References:** N.J.S.A. 2A:38A-1 et seq. Actions for computer related offenses  
N.J.S.A. 2C:20-25 Computer criminal activity; degree of crime; sentencing  
N.J.S.A. 18A:7A-10 NJQSAC  
N.J.S.A. 18A:36-35 School Internet websites; disclosure of certain student information prohibited  
N.J.S.A. 18A:36-39 Notification by school to certain persons using certain electronic devices; fine  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

17 U.S.C. 101 - United States Copyright Law

47 CFR 54.503(d) - Competitive Bidding; Gift Restrictions

47 U.S.C. 254(h) - Children's Internet Protection Act

State in re T.L.O., 94 N.J. 331 (1983), reversed on other grounds, New Jersey v. T.L.O., 569 U.S. 325 (1985).

O'Connor v. Ortega 480 U.S. 709 (1987)

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

**Possible**

**Cross References:** \*1111 District publications  
 \*3514 Equipment  
 3543 Office services  
 \*3570 District records and reports  
 4118.2/4218.2 Freedom of speech (staff)  
 \*5114 Suspension and expulsion  
 \*5124 Reporting to parents/guardians  
 \*5131 Conduct/discipline  
 \*5131.1 Harassment, intimidation and bullying  
 \*5131.5 Vandalism/violence  
 \*5142 Pupil safety  
 5145.2 Freedom of speech/expressions (students)  
 \*6144 Controversial issues  
 \*6145.3 Publications  
 6161 Equipment, books and materials

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

**CAREER AND TECHNICAL EDUCATION**

The Camden City Board of Education believes that constructive attitudes and concepts involving the dignity of all kinds of work belong in the curriculum from the beginning grades. Therefore, in fulfillment of the New Jersey Student Learning Standards, the board shall develop and implement a comprehensive guidance and counseling system that is designed to provide students opportunities to enhance career awareness, exploration, preparation, and decision-making skills necessary for success in the workplace. The board shall ensure that educational programs shall continuously expose pupils to the nature of the wide variety of careers available. The 21st Century Life and Careers Student Learning Standard shall be infused into the curriculum throughout the grades in age appropriate activities. When any hands-on experience requires use of power tools, etc., all eye protection and other appropriate safety regulations shall be observed.

**Career Education and Counseling**

The board shall develop and implement a comprehensive guidance and academic counseling program for all students to facilitate career awareness, exploration, and preparation in accordance with N.J.A.C. 6A:8-3.2. This program shall:

- A. Be linked to the New Jersey Student Learning Standards;
- B. Be infused throughout the K-12 curriculum;
- C. Be supported by professional development programs;
- D. Take into consideration the American School Counselor Association's National Standards for School Counseling Programs;
- E. Provide developmental career guidance and academic counseling linked to the New Jersey Student Learning Standards designed to:
  - 1. Assist students in making and implementing informed educational and career choices, including opportunities to change career focus;
  - 2. Support students' academic attainment, career development, and personal/social development;
  - 3. Develop the student's understanding of the relationship between academic attainment, career development, and personal/social development;
  - 4. Encourage students to create and maintain portfolios consisting of student accomplishments in academic and career oriented work;
- F. The board shall ensure that students with disabilities (age 14 or younger), if determined appropriate by IEP, have career and academic counseling coordinated with transitional services in accordance with N.J.A.C. 6A:14-3.7;
- G. The board shall develop and implement curriculum and instructional methods that:
  - 1. Are integrated with technological literacy;
  - 2. Provide all students with an understanding of the career application of knowledge and skills learned in the classroom; and
  - 3. Provide all students with the opportunity to apply knowledge and skills learned in the classroom to real or simulated career challenges.
- H. The board will develop and implement for all students a system of career development activities that:

CAREER AND TECHNICAL EDUCATION (continued)

1. Offers the opportunity to explore career interests within, one or more of the Career Clusters (listed below) that are linked to the New Jersey Student Learning Standards;
  2. Allows district boards of education to select the appropriate format for offering career-development activities based on district resources, community needs and student interest;
  3. Allows the board to select an appropriate delivery format that may include an integrated curriculum based on the New Jersey Student Learning Standards or specialized programs that reflect the needs of students and the community; and
  4. Instills the concept of the need for continuous learning throughout one's life.
- I. The board shall offer all high school students the opportunity to actively explore career interests by participation in structured learning experiences that are linked to the New Jersey Student Learning Standards:
1. Structured learning experiences should give students opportunities to demonstrate and apply a high level of academic attainment and to develop career and personal/social goals;
  2. Interested students may voluntarily select structured learning experiences that are co-curricular or extra-curricular activities and taking place within the school district, at a work site, or in the community;
  3. The board shall ensure students participating in school-sponsored, paid, or unpaid external structured learning experiences are supervised by school personnel and conform to federal and state law.

The board directs the chief school administrator or his or her designee to take reasonable measures to expand student awareness of and encourage participation in fields that are non-traditional for their sex, and to expand both access to and success in high-growth fields for both men and women.

Career and Technical Education Programs

For purposes of this policy, "career and technical education" means organized educational activities that: offer a sequence of courses that provide individuals with the coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions; provide technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree; may include prerequisite courses (other than a remedial course) that meet the requirements of this definition; and include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry. To ensure that all students have access to career and technical instruction:

- A. The existence of the same career and technical education program at this district shall not negate a student's right to apply to and, if accepted, attend a county vocational school, subject to the following limitations:
1. The board shall not be responsible for the tuition and transportation costs of any resident student admitted to the vocational school within this county, when the district's vocational school (pursuant to N.J.S.A. 18A:54-5 et seq.), offers the same program as the county vocational school where the student has been admitted. A program shall be deemed the same if it is approved by the Department Education and is assigned the same Classification of Instructional Programs (CIP) code, and meets or exceeds all applicable program performance standards; and
  2. The board shall not be responsible for the tuition, transportation costs, and nonresident fee (where applicable) of any resident student admitted to a county vocational school outside this county when the district's vocational school (pursuant to N.J.S.A. 18A:54-5 et seq.), or the local county vocational school, offers the same program as the non-resident county vocational school where the student has been admitted. A program shall be deemed the same, for purposes of this section, if it is approved by the Department in accordance with N.J.A.C. 6A:19-3.1 and 3.2, is assigned the same Classification of Instructional Programs (CIP) code, and meets or exceeds all applicable program performance standards.

CAREER AND TECHNICAL EDUCATION (continued)

- B. The chief school administrator shall allow county vocational schools and their designated representatives' reasonable opportunity, during school hours, to present information about the county vocational schools' programs to students in local districts in grades six through 12. The district may not in any manner inhibit student access to such information.

Career and Technical Instruction

Career and technical instruction shall be designed to prepare individuals:

- A. For life skills and paid employment as skilled workers or technicians or paraprofessionals in recognized occupations and in new or emerging job markets;
- B. For enrollment in advanced or highly skilled career and technical education programs;
- C. For making informed and meaningful occupational choices; and
- D. To achieve and combination of the above objectives.

District Career and Vocational Programs

The board shall provide secondary and postsecondary students with career and technical education programs and programs of study in Department-recognized Career Clusters that, in fulfillment of the New Jersey Student Learning Standards, shall:

- A. Include implementation of curriculum and instructional methods that incorporate academic and technical standards;
- B. Include structured learning experiences (SLE) that are supervised, in-depth learning experiences aligned to the New Jersey Student Learning Standards that are designed to offer students the opportunity to more fully explore career interests within one or more of the Career Clusters. SLEs are designed as rigorous activities that are integrated into the curriculum and that provide students with opportunities to demonstrate and apply a high level of academic and/or technical skills, and develop personal, academic, and career goals;
- C. Address industry standards, where available;
- D. Provide a variety of learning experiences to best serve the multiple learning styles of students;
- E. Provide for multiple pathways to prepare for careers and gainful employment, and/or continuing education, such as college, postsecondary career and technical education, specialized certification, and/or registered apprenticeships;
- F. Encourage life-long learning and productive citizenship.

The chief school administrator shall seek and use all available state, federal and private sources of revenue for the financial support of career and technical education in this district. The chief school administrator will develop regulations by which the career and technical education program shall be annually evaluated.

Levels of Performance

The board of education shall meet the levels of performance prescribed by the Department of Education in accordance with N.J.A.C. 6A:19-5.1, in the following areas:

- A. For secondary students, and postsecondary students in two- and four-year institutions of higher education:
  - 1. Academic attainment in reading/language arts;
  - 2. Technical skill attainment;

**CAREER AND TECHNICAL EDUCATION** (continued)

3. Student graduation rates;
4. Academic attainment in mathematics;
5. Placement-employment, postsecondary education, or advanced training, or military service;
6. Non-traditional student participation; and
7. Non-traditional student completion.

**B. For postsecondary students in county vocational school districts:**

1. Technical attainment;
2. Credential, certificate, or degree attainment;
3. Placement-employment, further education, or military service;
4. Retention-education, employment, or military service;
5. Non-traditional student participation; and
6. Non-traditional student completion.

All students shall have equal and bias-free access to career and technical education programs and a full range of possible occupational, professional, and career and technical education choices including careers in the science and technology industries and nontraditional careers, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional/sexual orientation, gender, gender identity or expression, religion, pregnancy, disability, English proficiency, immigration status, housing status or socioeconomic status.

The board of education shall strive to make continuous and significant improvement in career and technical achievement of career and technical education students, and levels of performance shall be objective, quantifiable, and measurable. The board shall also identify in the local plans the level of performance targeted for each of the core indicators of performance.

All pupils participating in career and technical education programs supervised by this board or in shared-time programs are considered to be regularly enrolled in the schools of this district, and subject to the policies and rules of this board, including rules regarding attendance for those periods when they are not assigned to outside work projects or other classes.

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**Key Words**

Career Education, Vocational-technical Education

**New Jersey Career Clusters:**

Agriculture, Food and Natural Resources  
 Architecture and Construction  
 Arts, A/V Technology and Communications  
 Business Management and Administration  
 Education and Training  
 Finance  
 Government and Public Administration  
 Health Science  
 Hospitality and Tourism

**CAREER AND TECHNICAL EDUCATION** (continued)

Human Services  
 Information Technology  
 Law, Public Safety, Corrections and Security  
 Manufacturing  
 Marketing  
 Science, Technology, Engineering and Mathematics  
 Transportation, Distribution and Logistics

<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:38-36	Employment certificates to part-time pupils; revocation
	<u>N.J.S.A.</u> 18A:40-12.1, -12.2	Protective eye devices required for teachers, pupils and visitors in certain cases
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 18A:54E-1 through -5	Business and school partnerships
	<u>N.J.A.C.</u> 6A:7-1.7	Equality in school and classroom practices
	<u>N.J.A.C.</u> 6A:8-2.2	Authority for the state plan for vocational education
	<u>N.J.A.C.</u> 6A:8-3.2	Career education and counseling
	<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
	<u>N.J.A.C.</u> 6A:9B-1.1 <u>et seq.</u>	State board of examiners and certification
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:9B-9.4, -11.3, -14.19 through -14.21	
	<u>N.J.A.C.</u> 6A:19-1.1 <u>et seq.</u>	Career and technical education programs and standards
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:19-1.2, -2.1, -2.3, -3.1, -5.1, -5.2, -6.1, -6.5, -6.7, -6.8	
	<u>N.J.A.C.</u> 6A:23A-17.4	Method of determining tuition rates for county vocational schools
	<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:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Carl D. Perkins Career and Technical Education Act of 2006, P.L.109-270

**Possible**

<b><u>Cross References:</u></b>	*3220/3230	State funds; federal funds
	*3516	Safety
	*5142	Pupil safety
	*5145.4	Equal educational opportunity
	*6010	Goals and objectives
	*6121	Nondiscrimination/affirmative action
	*6141	Curriculum design/development
	*6142.2	English as a second language; bilingual/bicultural

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

**Policy**

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**CURRICULUM GUIDES**

The superintendent shall oversee development of curriculum guides for every course and area of study for every grade level. Each guide shall contain objectives for concepts and skills to be taught and attitudes to be developed; necessary study skills; suggested materials and activities designed to achieve all of these; and evaluation criteria intended to test the extent to which learning objectives have been met. Curriculum guides shall include all requirements of the New Jersey Student Learning Standards.

Teachers shall use the guides as the core of their instructional planning. It shall be the responsibility of the building principal to ensure that curriculum guides are being followed.

A copy of each guide in use shall be kept on file in each school office. Such guides shall be available for public inspection.

Because curriculum guides are the means of implementing instruction in courses adopted by the board as the curriculum of the district, the board shall approve any new curriculum guides or any revision to an existing guide before they are put into effect.

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**Key Words**

Curriculum, Curriculum Guides, Subject Fields

<u><b>Legal References:</b></u>	<u>N.J.A.C. 6A:8-1.3</u>	Definitions
	<u>N.J.A.C. 6A:8-2.1 et seq.</u>	The New Jersey Student Learning Standards
	<u>N.J.A.C. 6A:8-3.1 et seq.</u>	Implementation of the New Jersey Student Learning Standards
	<u>N.J.A.C. 6A:8-5.1</u>	Graduation requirements
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts

**Possible**

<u><b>Cross References:</b></u>	*6122	Articulation
	*6140	Curriculum adoption
	*6141	Curriculum design/development
	*6142	Subject fields
	*6142.2	English as a second language; bilingual/bicultural
	*6147	Standards of proficiency

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

**EXTRACURRICULAR ACTIVITIES**

The Camden City Board of Education believes that the educational goals and objectives of the district are best achieved by a diversity of learning experiences, some of which are more appropriately conducted outside the regular classroom program.

The purpose of extracurricular activities shall be:

- A. To develop useful new capabilities in pupils that can lead to extension of career opportunities;
- B. To develop pupil initiative and provide for the exercise of responsibility;
- C. To develop leadership capabilities and good organizational skills;
- D. To aid pupils in the social skills;
- E. To enable pupils to explore a wider range of individual interests than might be available in the regular program.

For purposes of this policy, "extracurricular activities" shall be those activities that are sponsored or approved by the board but are not offered for credit toward graduation. Such activities shall generally be conducted outside the regular school day, available to pupils who voluntarily elect to participate, marked by pupil participation in the processes of initiation, planning, organizing and execution and shall ordinarily include band, clubs, dramatic or musical presentations, and intramural and interscholastic sports.

Equal access to school facilities shall be granted to all activities that meet this definition.

The superintendent shall prepare procedures to implement an extracurricular program which shall:

- A. Assess the needs and interests of the pupils of this district;
- B. Ensure the provision of competent guidance and supervision by staff;
- C. Guard against the exploitation of pupils;
- D. Provide for a variety of experiences and a diversity of organizational models;
- E. Provide for the continuing evaluation of the extracurricular program and staff;
- F. Ensure that all extracurricular activities are open to all eligible pupils and that all pupils are fully informed of the opportunities open to them.

The guidance goal for each pupil shall be a balanced program of appropriate academic studies and activities to be determined by the school, the parents/guardians and the pupil. Guidance is necessary to encourage nonparticipants, and to prevent the overenthusiastic from emphasizing activities at the cost of their academic performance.

Only persons in the employ of a board of education shall be permitted to organize district pupils during school time or during any recess in the school day for purposes of instruction or coaching or for conducting games, events, or contests in physical education or athletics.

## EXTRACURRICULAR ACTIVITIES (continued)

No activity shall be considered to be under the sponsorship of this board unless it has been approved by the board on recommendation of the superintendent . Fund-raising activities of extracurricular groups must be approved by the board.

All pupils in good disciplinary and academic standing shall have equal access to all extracurricular activities regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity and expression, religion, disability, immigration status, English proficiency, housing status or socioeconomic status. The district shall ensure equity in educational programs including extracurricular activities and provide opportunities for students to interact positively with others on a nondiscriminatory basis.

### Good Disciplinary Standing

Good disciplinary standing shall mean that a pupil is not eligible to participate while serving a detention or suspension. Pupils who serve more than three (3) detentions, suspensions or a combination of the two during one term may be found not eligible to participate the following term.

- A. When a pupil already participating in an extracurricular activity is reported for an infraction of the rules for pupil conduct, the principal shall appoint a staff committee to consider whether the pupil shall be removed from any or all extracurricular activities.
- B. If a pupil was in bad disciplinary standing the previous term, the principal shall refer the matter to a staff committee to determine whether the pupil shall be permitted to participate during the current term.

### Good Academic Standing

Good academic standing at the beginning of the school year for all grades, seven through 12, means successful completion of the previous year's requirements, with no failures. In addition, the previous year's requirements are:

- A. For grade 10, completion in grade nine of at least 1/4 of the credits required to receive a Camden School District state-endorsed high school diploma, with a minimum grade point average of "C";
- B. For grade 11, completion in grade 10 of the same requirements as in A above;
- C. For grade 12, completion in grade 11 of the same requirements as in A above.

Continuing good academic standing requires maintenance of passing grades in all subjects during the current year, and in grade 12 taking enough course credits to complete the high school graduation requirement by the end of the academic year.

A pupil who begins the year not in good academic standing, who maintains a passing grade in every subject and a minimum grade point average of "C", may request consideration to participate in extracurricular activities at the beginning of the second semester.

### Attendance

The district's attendance policy shall also apply.

### Implementation

The superintendent shall direct development of detailed regulations to ensure equitable implementation of this

**EXTRACURRICULAR ACTIVITIES** (continued)

policy. Particular care shall be taken to ensure that all extra-curricular programs and their operation comply with district equity requirements. Participation in academically related coaching or tutoring groups may be exempt from the eligibility requirement at the superintendent's discretion.

Adopted: June 24, 1985  
 Revised: August 23, 1995  
 Revised: May 31, 1996  
 Readopted: August 14, 2007  
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 Revised: March 30, 2015  
 Readopted:

(SE file codes: 2430, 5842)

**Key Words**

Extracurricular Activities, Cocurricular Activities, Student Activities, Pupil Activities

**Legal References:** N.J.S.A. 10:5-1 et seq. Law Against Discrimination  
N.J.S.A. 18A:11-3 Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals  
N.J.S.A. 18A:19-14 Funds derived from pupil activities  
N.J.S.A. 18A:35-20 Participation in courses in which verbalization unessential to understanding of subject matter; location of and children in bilingual programs  
N.J.S.A. 18A:42-5, -6 Certain student organizations declared harmful ...  
N.J.S.A. 34:13A-1 et seq. New Jersey Employer-Employee Relations Act  
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education  
N.J.A.C. 6A:8-3.2 Career education and counseling  
N.J.A.C. 6A:9B-5.16 Athletics personnel  
N.J.A.C. 6A:16-2.2 Required health services  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
N.J.A.C. 6A:32-9.1 et seq. Athletics Procedures

20 U.S.C.A. 4071-4074 - Equal Access Act

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

Krupp v. Bd. of Ed. of Union County Reg. H.S. Dist. #1, 278 N.J. Super. 31 (App. Div. 1994) cert. den. 140 N.J. 277 (1994)

Good News Club v. Milford Central School, 121 U.S. 2093 (2001)

The Comprehensive Equity Plan, New Jersey Department of Education

NJSIAA Constitution, Bylaws, Rules and Regulations

**Possible**

**Cross References:** 1210 Community organizations  
 1320 Participation in out of school community activities  
 \*1322 Contests for pupils  
 \*2224 Nondiscrimination/affirmative action  
 \*3453 School activity funds

EXTRACURRICULAR ACTIVITIES (continued)

4143/4243	Extra pay for extra work
*5113	Absences and excuses
*5126	Awards for achievement
*5131	Conduct/discipline
*5136	Fund-raising activities
5143	Insurance
*5145.4	Equal educational opportunity
*6010	Goals and objectives
*6142	Subject fields
6142.5	Travel and exchange programs
*6142.12	Career and technical education
*6145.1/6145.2	Intramural competition; interscholastic competition
6145.4	Public performances and exhibitions
6145.5	Student organizations
6145.7	Social events/meetings
*6146	Graduation requirements
*6153	Field trips

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

**INTRAMURAL COMPETITION; INTERSCHOLASTIC COMPETITION**

The Camden City Board of Education considers all competitive extracurricular activities--academic, artistic and athletic--an integral part of the total educational program. Competitive activities shall be under the same administration and control as the rest of the school program and closely articulated with it.

Competitive activities and artistic expression can provide pupils with valuable experiences and opportunities. In this district, the emphasis in any competition or artistic expression shall be on providing inclusion in such experiences and opportunities rather than on producing winning teams or providing entertainment. Practice for or performance in any competitive event shall not interfere with the regular educational program.

The board shall approve all proposed interscholastic competitions, either via schedule or as a discrete event, whichever is appropriate. The board must approve membership in any leagues, associations and conferences, and any agreements with other schools for a series of games or events. Contests of any kind between and among the schools of the district shall be approved by the superintendent .

The board shall appoint coaches, advisors, physicians and other necessary supervisory personnel upon recommendation of the superintendent . The superintendent shall also ensure that training programs/regulations are developed for all extracurricular athletic activities and that all physical facilities involved in any competition in which district schools take part shall be adequate, safe and sanitary.

Public recognition shall be given to participants in academic or artistic competitions in the same measure as to athletic competitors. The district's affirmative action resolution and plan for equity in school and classroom practices shall apply to determining eligibility for competition, approval of each competitive activity in which pupils officially represent the district, and district expenditure to provide facilities and coaches.

**Parental Consent**

No pupil may participate in a school-sponsored physical or artistic activity outside the general education curriculum without a signed consent form from a parent/guardian naming the activity and acknowledging that the activity may be hazardous.

**Academic Eligibility**

Academic standards for eligibility shall be those established by policy 6145 Extracurricular Activities.

**Attendance Standards**

Attendance standards shall be those set in policy 5113 Attendance, Absences and Excuses. In particular, a pupil shall not participate in a performance, exhibition, practice or athletic event unless he/she has been present in school that day or has been absent for an excused reason other than for sickness.

**Disciplinary Standards**

Disciplinary standards are based on board policies 5114 Suspension and Expulsion and 5131 Conduct/Discipline. Pupils on disciplinary probation or serving a detention or suspension may not practice, perform or compete. The superintendent and the building principal shall decide at the end of a probation or suspension whether the pupil may return to practice and competition.

INTRAMURAL COMPETITION;  
INTERSCHOLASTIC COMPETITION (continued)

Special Education Pupils

To participate in interscholastic competition, special education students must meet the same requirements listed above and the physical eligibility requirements. Reasonable modifications must be provided to each qualified student seeking to participate in an extra-curricular activity. However, a modification may be denied if, based on an individualized assessment, the modification presents an objective health or safety risk to the student or to others, or where the modification would result in a fundamental alteration to the nature of the program. A fundamental alteration is a modification that provides an objective advantage or disadvantage or requires a change in the rules of competition.

Charter School Students

A district resident student enrolled as a full-time student in grades 9-12 at a charter school who wishes to participate in a particular sport that is not offered by the charter school may participate in the sport if offered by this district upon agreement of both principals. The number of sports programs offered at the charter school shall not factor into the agreement to allow the student to participate.

Charter school students shall be subject to the eligibility requirements and rules for participation for the sport and the district code of student conduct.

Equality and Equity in Athletic Programs

The district athletic programs shall be operated equitably with regard to the male and female teams including:

- A. Relatively equal numbers of varsity and sub-varsity teams for male and female students;
- B. Equitable scheduling of night games, practice times, locations and number of games for male and female teams;
- C. Equitable treatment that includes staff salaries, purchase and maintenance of equipment and supplies;
- D. Comparable facilities for male and female teams.

Physical Eligibility

All pupils in grades six through 12 participating in intramural or interscholastic athletics must be given a medical examination within 365 days prior to the first practice session, with a health history update if the examination was completed more than 60 days prior to the first practice session of the first sport participated in. The medical examination shall be given at the student's medical home, as defined in file code 5141.3 Health Examinations and Immunizations. If a student does not have a medical home, the school physician shall conduct the medical examination. Examinations shall be made available throughout the school year consistent with the district athletic schedule. The examination shall be documented on the form approved by the commissioner of education and include, as a minimum, the components listed in the administrative code. In the event a private physician is used, the medical examination shall not be at the expense of the board of education.

The parents/guardians shall be sent written notification signed by the examining physician testifying to the pupil's physical fitness to participate in athletics. The reason for the physician's disapproval of the pupil's participation shall be included in the notification. The health findings of the medical examination for participation in athletics shall be made part of the general health examination record.

The superintendent shall present to the board for adoption procedures for administration of the required

INTRAMURAL COMPETITION;  
INTERSCHOLASTIC COMPETITION (continued)

medical examination. The procedures for the medical examination to determine the fitness of a pupil to participate in athletics shall include a form for a medical history to be filled out and returned by a parent/guardian and a form to be filled out by the examining physician.

The medical examination to determine the fitness of a pupil to participate in athletics shall include, as a minimum, the following:

A. A medical history questionnaire, completed by the parent/guardian of the pupil, to determine if the pupil:

1. Has been medically advised not to participate in any sport, and the reason for such advice;
2. Is under a physician's care and the reasons for such care;
3. Has experienced loss of consciousness after an injury;
4. Has experienced a fracture or dislocation;
5. Has undergone any surgery;
6. Takes any medication on a regular basis, the names of such medication and the reasons for such medication;
7. Has allergies including hives, asthma and reaction to bee stings;
8. Has experienced frequent chest pains or palpitations;
9. Has a recent history of fatigue and undue tiredness;
10. Has a history of fainting with exercise;
11. Has a history of family members dying suddenly.

B. A physical examination which shall include, as a minimum, no less than:

1. Measurement of weight, height, and blood pressure;
2. Examination of the skin to determine the presence of infection, scars of previous surgery or trauma, jaundice, and purpura;
3. Examination of the eyes to determine visual acuity, use of eyeglasses or contact lenses, and examination of the sclera for the presence of jaundice;
4. Examination of the ears to determine the presence of acute or chronic infection, perforation of the eardrum and gross hearing loss;
5. Examination of the nose to assess the presence of deformity which may affect endurance;
6. Assessment of the neck to determine range of motion and the presence of pain associated with such motion;
7. Examination of chest contour;
8. Auscultation and percussion of the lungs;
9. Assessment of the heart with attention to the presence of murmurs, noting rhythm and rate;
10. Assessment of the abdomen with attention to the possible presence of hepatomegaly, splenomegaly, or abnormal masses;
11. Assessment of the back to determine range of motion and abnormal curvature of the spine;
12. Examination of extremities to determine abnormal mobility or immobility, deformity, instability, muscle weakness or atrophy, surgical scars and varicosities;
13. Examination of the testes to determine the presence and descent of both testes, abnormal masses or configurations, or hernia;
14. Assessment of physiological maturation;
15. Neurological examination to assess balance and coordination and the presence of abnormal reflexes.

Varsity Letters

A student enrolled in grades 9-12 who participates in any school-sponsored, interscholastic extracurricular activity that includes competitions in which the student competes against students enrolled in schools outside of the district may be eligible to earn a varsity letter awarded by the district. The activity leader or athletic

INTRAMURAL COMPETITION;  
INTERSCHOLASTIC COMPETITION (continued)

coach may as he or she deems appropriate, submit criteria for awarding varsity letters to the superintendent or his or her designee for approval. The superintendent or his or her designee shall approve the criteria for each school-sponsored, interscholastic extracurricular activity that includes competitions prior to varsity letters being awarded.

The activity leader or the athletic coach shall be responsible for development of the criteria for determining outstanding performance that qualifies a student to earn a varsity letter in the activity. The criteria shall apply to all participants in the activity and may include but are not limited to:

- A. The number of participants in the activity;
- B. The length of time the student has participated;
- C. The percentage of competitions the student has participated in;
- D. Attendance at practices and competitions;
- E. Indicators of outstanding effort, performance and teamwork.

The district shall not be required to award a varsity letter or to establish any school-sponsored, interscholastic extracurricular activity.

Insurance

The board may cover each participant in an extracurricular activity with insurance coverage in consultation with the current insurance carrier.

Parents/guardians shall be strongly encouraged to participate in the supplemental pupil accident insurance program offered by the board.

Pamphlet on Sudden Cardiac Arrest

Once each school year, the superintendent or designee shall distribute to parents/guardians of students participating in school sports, the New Jersey Department of Education's pamphlet on sudden cardiac death. The pamphlet includes a description of early warning signs and privately available screening options.

Fact Sheet on the Use and Misuse of Opioid Drugs

Once each school year, the superintendent or designee shall distribute to parents/guardians of students participating in the interscholastic sports program or cheerleading program the educational fact sheet developed by the Commissioner of Education in consultation with the Commissioner of Health that provides information concerning the use and misuse of opioid drugs in the event that a student-athlete or cheerleader is prescribed an opioid for a sports-related injury. The district shall obtain a signed acknowledgment of the receipt of the fact sheet by the student-athlete or cheerleader and his/her parent or guardian.

Good Sportsmanship

The board believes that instilling habits of good sportsmanship should be one of the primary goals of athletic endeavors and that all district employees should model good behaviors in this area.

It is especially important that the athletic director and coaches accept the responsibility for encouraging young athletes to handle themselves in a sportsmanlike way and be models of self-control and dignity for players and

**INTRAMURAL COMPETITION;**  
**INTERSCHOLASTIC COMPETITION** (continued)

spectators. Coaches shall include discussions on courtesy and sportsmanlike behavior as part of pre-game activities. Student fans shall be reminded that their conduct reflects on the schools of this district and that poor sportsmanship will be disciplined.

Parents/guardians and other adult spectators shall also be encouraged to act as models for young people by demonstrating self-control and dignity at all athletic events.

Unsportsmanlike behavior as exhibited through verbal abuse, rude gestures, taunts, obscenities, thrown objects, etc., shall not be tolerated in students, staff or any persons in attendance at district athletic competitions. Discipline may include, but not be limited to, eviction from the competition and prevention from attending further competitions.

The superintendent shall prepare regulations on good sportsmanship and ensure their dissemination to students, parents/guardians and the community.

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 Revised: August 23, 1995  
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 Readopted:

(SE file codes: 2431, 2431.1, 5570)

**Key Words**

Extracurricular Activities, Cocurricular Activities, Competition, Intramural Competition, Interscholastic Competition

**Legal References:** N.J.S.A. 5:17-1 et seq.

N.J.S.A. 18A:11-3

N.J.S.A. 18A:26-2.1 et al.

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

N.J.S.A. 18A:40-41

N.J.S.A. 18A:40-41.10

N.J.S.A. 18A:40A-1 et seq.

See particularly:

N.J.S.A. 18A:40A-9, -10, -11

N.J.S.A. 18A:42-2

N.J.S.A. 18A:42-7

N.J.S.A. 18A:43-1

N.J.A.C. 6A:7-1.4

N.J.A.C. 6A:7-1.7

N.J.A.C. 6A:9B-5.15

Athletic code of conduct permitted; "youth sports event" defined...

Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals

Certification of director of athletics

Discrimination; prohibition

Pamphlet on sudden cardiac death

Educational fact sheet relative to use, misuse of opioid drugs for sports-related injuries

Substance abuse

School orchestra not to compete with civilian musicians; exceptions

Participants in certain interscholastic extracurricular activities may earn varsity letter

Accident insurance for pupils authorized

Responsibilities of the district board of education

Equality in school and classroom practices

Persons employed to coach for swimming or diving programs

INTRAMURAL COMPETITION;  
INTERSCHOLASTIC COMPETITION (continued)

<u>N.J.A.C.</u> 6A:9B-5.16	Athletics personnel
<u>N.J.A.C.</u> 6A:11-4.14	Sports programs
<u>N.J.A.C.</u> 6A:16-2.1 <u>et seq.</u>	General Provisions for School Health Services
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-2.2	
<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:32-9.1 <u>et seq.</u>	Athletic Procedures
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:32-9.1(c), -9.1(d-e)	

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

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

Krupp v. Bd. of Ed. of Union County Reg. H.S. Dist. #1, 278 N.J. Super. 31 (App. Div. 1994) cert. den. 140 N.J. 277 (1994)

NJSIAA Constitution, Bylaws, Rules and Regulations

The Comprehensive Equity Plan, New Jersey State Department of Education

**Possible**

<b><u>Cross References:</u></b>	
*1322	Contests for pupils
1500	Relations between area, county, state, regional and national associations and the district
*3250	Income from fees, fines, charges
*3453	School activity funds
3530	Insurance management
*3541.31	Privately owned vehicles
4143	Extra pay for extra work
*5125	Pupil records
*5126	Awards for achievement
*5131	Conduct/discipline
*5131.1	Harassment, intimidation and bullying
*5141.1	Accidents
*5141.3	Health examinations and immunizations
*5141.8	Sports related concussion and head injury
5143	Insurance
*5145.4	Equal educational opportunity
*6121	Nondiscrimination/affirmative action
*6142.4	Physical education and health
*6145	Extracurricular activities
6145.4	Public performances and exhibitions
*6146	Graduation requirements
*6147.1	Evaluation of individual student performance

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

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

**Exhibit**

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INTRAMURAL COMPETITION; INTERSCHOLASTIC COMPETITION

USE AND MISUSE OF OPIOID DRUGS FACT SHEET  
STUDENT-ATHLETE AND PARENT/GUARDIAN SIGN-OFF

*[The New Jersey Department of Education developed this template Student-Athlete Sign-Off Form in January 2018 to assist schools with adhering to state statute requiring student-athletes (and their parents/guardians, if the student is a minor) to confirm they have received an Opioid Fact Sheet from the school. School districts, approved private schools for students with disabilities, and nonpublic schools that participate in an interscholastic sports or cheerleading program should insert their district or school letterhead here.]*

In accordance with N.J.S.A. 18A:40-41.10, public school districts, approved private schools for students with disabilities, and nonpublic schools participating in an interscholastic sports program must distribute this Opioid Use and Misuse Educational Fact Sheet to all student-athletes and cheerleaders. In addition, schools and districts must obtain a signed acknowledgement of receipt of the fact sheet from each student-athlete and cheerleader, and for students under age 18, the parent or guardian must also sign.

This sign-off sheet is due to the appropriate school personnel as determined by your district prior to the first official practice session of the spring season annually and prior to the student-athlete's or cheerleader's first official practice of the school year.

Name of School:

Name of School District (if applicable):

I/We acknowledge that we received and reviewed the Educational Fact Sheet on the Use and Misuse of Opioid Drugs.

Student Signature:

Parent/Guardian Signature (also needed if student is under age 18):

Date:

\*Does not include athletic clubs or intramural events.

Fact Sheet: <http://www.nj.gov/education/students/safety/behavior/atd/opioid/FactSheet.pdf>

**CAMDEN CITY PUBLIC SCHOOLS**  
**Camden, New Jersey**

**FILE CODE: 6146.2**  
**Monitored**  
**X Mandated**  
**X Other Reasons**

**Policy**

**PROMOTION/RETENTION**

The Camden City Board of Education recognizes that personal, social, physical and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

The superintendent shall direct development of and the board shall adopt detailed regulations to govern progress of pupils through levels K-12. The regulations shall include:

- A. Standards of proficiency related to district goals and objectives and student proficiency;
- B. Standards of attendance, and provision for review of mastery;
- C. Timely efforts to help all pupils achieve acceptable levels of proficiency;
- D. Notification to parents and pupils, at appropriate times during the school year, of the pupil's progress in meeting the promotion and remediation standards;
- E. Immediate consultation with the pupil's parent or guardian if, in the teacher's judgment, there is any indication that the pupil's progress may not be sufficient to meet these standards;
- F. Procedures for parents/guardians and adult pupils to appeal promotion/retention decisions;
- G. Procedures for involving parents/guardians, teachers and students, where appropriate, to participate in the development of the policy.

Progress reports for students in in bilingual, ESL, or English language services programs shall be made to parents/guardians on the same schedule as the reports of all pupils enrolled in the district. Progress reports shall be in writing and in both English and their primary speaking language unless doing so places unreasonable burden on the board.

Parents/guardians will be notified whenever exceptions are contemplated in a pupil's normal progression from level to level. The final decision in all cases will rest with school authorities.

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Revised: August 28, 1989  
Revised: April 29, 1991  
Revised: September 25, 1995  
Revised: October 23, 1995  
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**Key Words**

PROMOTION/RETENTION (continued)

## Promotion, Retention, Bilingual

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:4-24	Determining efficiency of schools; report to state board
	<u>N.J.S.A.</u> 18A:7C-2	Boards of education; establishment of standards
	<u>N.J.S.A.</u> 18A:35-4.9	Pupil promotion and remediation; policies and procedures
	<u>N.J.A.C.</u> 6A:8-4.1	Statewide assessment system
	<u>N.J.A.C.</u> 6A:8-4.2	Documentation of student achievement
	<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

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

Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

**Possible**

<b><u>Cross References:</u></b>	*5113	Attendance, absences and excuses
	*5120	Assessment of individual needs
	*5124	Reporting to parents/guardians
	*6142	Subject fields
	*6142.2	English as a second language; bilingual/bicultural
	*6143	Curriculum guides
	*6145	Extracurricular activities
	*6146	Graduation requirements
	6146.1	Acceleration
	*6147	Standards of proficiency
	*6147.1	Evaluation of individual student performance
	*6171.1	Remedial instruction
	*6171.3	At-risk and Title 1

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

**STANDARDS OF PROFICIENCY**

The superintendent , in consultation with teaching staff, shall develop criteria for evaluation, indicators of achievement of the criteria, and acceptable standards of achievement for all grade levels, courses and programs offered by the district. The criteria, indicators and standards must be related to district goals and objectives. Parents/guardians shall be notified in a timely manner whenever their child appears in danger of failing to meet required proficiency levels. Parents/guardians shall be strongly encouraged to participate in designing remedial plans for their children.

These standards of proficiency shall include but not be limited to those New Jersey Student Learning Standards identified by the State Department of Education and shall form the basis for the district's grading system. The specific indicators of achievement and standards of proficiency developed for all courses and programs accepted for credit toward high school graduation shall be given to pupils and parents/guardians, in writing, at the time the pupil registers for the course.

By the date required by law, the superintendent shall annually report to the board and the community at a regularly scheduled meeting an evaluation of pupil achievement toward meeting district and school goals and objectives.

The superintendent shall consider additional factors contributing to student achievement such as indicators of student and educator engagement, school climate and/or safety. The superintendent may consult with the appropriate staff member in the development and assessment of indicators of engagement, school climate and/or safety, such as teaching staff, the affirmative action officer and the anti-bullying coordinator and/or specialist.

The board shall administer the applicable Statewide assessments, including the six major components: the elementary assessment component for grades three through five; the middle school assessment component for grades six through eight, the Department of Education approved statewide proficiency assessment, alternative high school assessment and the alternate proficiency assessment for students with severe cognitive disabilities. The Statewide assessments shall be administered according to a schedule prescribed by the Commissioner.

All district high school English language learners (ELLs) shall satisfy both state and district requirements for graduation, except that any English language learners may demonstrate attainment of State minimum levels of proficiency through passage of a state approved alternative high school assessment in his/her native language and an English fluency assessment approved by the Department of Education or passage of the Department of Education approved alternative high school proficiency assessment process in English with appropriate accommodations.

Through the individualized education program (IEP) process the board may specify alternative requirements for a state-endorsed diploma for individual students with disabilities.

Low pupil achievement shall be regarded by the board as an indication that revisions are needed in educational programming, general strategy, staff resource use, staff evaluation, and/or other aspects of the learning program.

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STANDARDS OF PROFICIENCY (continued)

Revised: March 30, 2015  
 Readopted:

(SE file codes: 2415.01, 2622)

Key Words

Proficiencies, Standards of Proficiency

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:7C-1	Commissioner of Education to develop a program of standards and guidelines
	<u>N.J.S.A.</u> 18A:7C-2	Establishment of standards for graduation from secondary schools for graduation from secondary schools
	<u>N.J.S.A.</u> 18A:7E-2 through -5	School report card program
	<u>N.J.S.A.</u> 18A:7F-46	Review, update of the New Jersey Student Learning Standards; Educational Adequacy Report
	<u>N.J.S.A.</u> 18A:35-4.9	Pupil promotion and remediation; policies and procedures
	<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessment
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:8-1.1, -1.3,-2.1, -4.1, -4.4, -5.1	
	<u>N.J.A.C.</u> 6A:14-4.10,11	Statewide assessment
	<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:15-1.11	
	<u>N.J.A.C.</u> 6A:23A-9.5	Commissioner to ensure achievement of the New Jersey Student Learning Standards
	<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:32-12.1 <u>et seq.</u>	Student Behavior
	<u>Abbott v. Burke</u> , 149 <u>N.J.</u> 145 (1997) (Abbott IV)	
	<u>Abbott v. Burke</u> , 153 <u>N.J.</u> 480 (1998) (Abbott V)	
	<u>Abbott v. Burke</u> , 163 <u>N.J.</u> 95 (2000) (Abbott VI)	
	<u>Every Student Succeeds Act</u> , <u>Pub. L. 114-95</u> , 20 <u>U.S.C.A.</u> 6301 <u>et seq.</u>	

**Possible**

<b><u>Cross References:</u></b>	*1120	Board of education meetings
	*5113	Attendance, absences and excuses
	*5120	Assessment of individual needs
	*5124	Reporting to parents/guardians
	*5125	Pupil records
	6000	Concepts and roles in instruction
	*6010	Goals and objectives
	*6140	Curriculum adoption
	*6141	Curriculum design/development
	*6146	Graduation requirements
	*6146.2	Promotion/retention
	*6171.1	Remedial instruction

STANDARDS OF PROFICIENCY (continued)

- \*6171.3 At-risk and Title 1
- \*6300 Evaluation of the instructional program

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

**Policy**

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**EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE**

**Grading**

The superintendent, in consultation with the teaching staff, shall develop a marking system to be used uniformly in the same grade level throughout the schools. The system should be clear, easily understood by parents/guardians and pupils, and able to be applied with consistency of interpretation. Computation of grade-point average and rank in class shall be uniform throughout the district. Evaluation and grading symbols shall be intended to appraise the pupil's progress toward established goals, and shall be a factor in promotion/graduation decisions.

The board encourages the certified staff, under the direction of the superintendent, to employ a comprehensive approach to the use of appraisal and evaluative techniques in monitoring pupil progress, including, but not limited to, written and oral teacher-made tests, performance observation, parent/guardian interviews, formal and informal evaluation techniques, use of cumulative pupil records, and medical examinations. Recognized standardized achievement tests may also be used in grades designated by the board.

The superintendent shall have the right to review disputed grades and with board approval to adjust them.

**Testing**

In addition to testing procedures established in policy 5120 Assessment of Individual Needs, the school district shall establish and maintain a general testing program to:

- A. Improve the instructional program to assist pupils in achieving the New Jersey Student Learning Standards;
- B. Measure the needs and progress of individual pupils;
- C. Measure the achievement of grade levels;
- D. Allow comparison of district pupils with national or other norms;
- E. Aid in evaluation of programs.

The district testing program shall embody at least the tests required by state and federal law. The administration shall continually scrutinize the applicability and effectiveness of tests being used in the district.

School personnel shall not use tests, procedures or other guidance and counseling materials that are differentiated or stereotyped on the basis of race, color, creed, religion, gender, gender identity or expression, affectional or sexual orientation, ancestry, national origin, nationality, disability, marital status, familial status, pregnancy or social or economic status.

Any requests for surveys, pupil observations, or pupil questionnaires must be forwarded through the principal's office to the superintendent's office for approval before any survey or observation can be conducted. If the survey concerns any of the topics described in statute, the superintendent shall obtain written consent from parents/guardians or the students being surveyed at least two weeks prior to its administration.

Individual results of standardized tests, including intelligence tests, shall be made available to

EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE (continued)

parents/guardians upon their request, but shall be considered confidential information to be available only to authorized persons. School and district test results shall be discussed in a public meeting.

Determining Class Rank

The superintendent shall develop procedures for determining class ranking that take into account:

- A. Records of transfer pupils;
- B. Honors and advanced courses.

Adopted: June 24, 1985  
 Revised: August 23, 1995  
 Readopted: August 14, 2007, March 30, 2015  
 NJSBA Review/Update: March 2009, August 2019  
 Revised:

(SE file code: 2624)

Key Words

Evaluation, Pupil Evaluation, Student Evaluation, Class Rank, Grading, Testing, Examinations

**Legal References:** N.J.S.A. 18A:7C-3, -4, -6, -6.2 Remedial instruction for students not meeting graduation standards  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:35-4.9 Pupil promotion and remediation, policies and procedures  
N.J.S.A. 18A:36-34 Written approval required prior to acquisition of certain survey information from students  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:7-1.7 Equality in school and classroom practice  
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessments  
See particularly:  
N.J.A.C. 6A:8-1.3, -4.1, -5.1  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
N.J.A.C. 6A:32-2.1 Definitions  
N.J.A.C. 6A:32-7.1 Student Records

34 CFR 98 - Protection of Pupil Rights

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Talarsky v. Edison Township Board of Education, 1977 S.L.D. 862

**Possible**

**Cross References:** \*1000/1010 Concepts and roles in community relations; goals and objectives  
 \*1120 Board of education meetings  
 \*5113 Attendance, absences and excuses  
 \*5120 Assessment of individual needs  
 \*5124 Reporting to parents/guardians  
 \*5125 Pupil records

EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE (continued)

*5141.3	Health examinations and immunizations
*6142.6	Basic skills
*6146	Graduation requirements
*6146.2	Promotion/retention
*6147	Standards of proficiency

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

**Policy**

**INSTRUCTIONAL SERVICES AND RESOURCES**

The Camden City Board of Education believes that personnel and materials appropriate to the needs of the school program must be available to each pupil and teacher.

To be in compliance with the requirements of federal law, the board of education directs the superintendent to distribute curriculum materials and instructional supplies to the schools in such a way that equivalence of such materials is ensured among the schools. Staff assignments shall comply with this directive.

When a school fails to achieve adequate yearly progress as defined by the state for two consecutive years, all provisions in federal law shall be followed.

The board will endeavor to provide the supportive resources and personnel necessary for teachers to implement the approved curriculum in their classrooms and work effectively with children.

It will be the administration's responsibility to set up and maintain such central services for curriculum materials, including audiovisual materials, as are needed, and appropriate channels through which teachers and pupils will be supplied with these resources.

In addition, there will be a media resource center and media specialist to offer children instruction and teachers assistance in selecting and using learning resources.

Adopted: June 24, 1985  
Revised: August 28, 1989  
Revised: August 23, 1995  
Readopted: August 14, 2007  
NJSBA Review/Update: March 2009, August 2019  
Readopted:

**Key Words**

Instructional Services, Instructional Resources

**Legal References:** N.J.S.A. 18A:34-1 Textbooks; selection; furnish free with supplies; appropriations  
N.J.A.C. 6A:7-1.4 et seq. Responsibilities of the district board of education  
N.J.A.C. 6A:8-2.1 Authority for educational goals and standards  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

**Possible**

**Cross References:** \*3220/3230 State funds; federal funds  
\*4113/4213 Assignment; transfer  
\*5145.4 Equal educational opportunity  
\*6121 Nondiscrimination/affirmative action  
\*6141 Curriculum design/development  
\*6142.2 English as a second language; bilingual/bicultural

INSTRUCTIONAL SERVICES AND RESOURCES (continued)

- \*6161.1 Guidelines for evaluation and selection of instructional materials
- \*6171.3 At-risk and Title 1
- \*6171.4 Special education

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

**INTERVENTION AND REFERRAL SERVICES FOR GENERAL EDUCATION PUPILS**

The Camden City Board of Education shall provide a program of intervention and referral services for general education pupils who are experiencing personal, interpersonal or academic difficulties to help them function productively and develop positively in the classroom environment.

The superintendent shall prepare procedures to:

- A. Identify learning, behavior and health difficulties of students;
- B. Collect thorough information on the identified learning, behavior and health difficulties;
- C. Identify the roles and responsibilities of the building staff who participate in planning and providing intervention and referral plan and services;
- D. Develop and implement action plans which provide for appropriate school or community interventions or referrals to school and community resources, based on the collected data and desired outcomes for the identified learning, behavior and health difficulties;
- E. Provide support, guidance and professional development to school staff who identify learning, behavior and health difficulties and refer pupils to school staff who participate in planning and providing intervention and referral services;
- F. Actively involve parents/guardians in the development and implementation of intervention and referral plans;
- G. Coordinate the access to and delivery of school resources and services for achieving the outcomes identified in the intervention and referral services action plan;
- H. Coordinate the services of community-based social and health provider agencies and other community resources for achieving the outcomes identified in the intervention and referral services action plans;
- I. Maintain records of all requests for assistance and all intervention and referral services plans in accordance with federal and state law and regulation;
- J. Review and assess the effectiveness of the services provided in achieving the outcomes identified in the intervention and referral plan and modify each plan to achieve the outcomes as appropriate; and
- K. At a minimum, annually review the intervention and referral services action plans and the actions taken as a result of the building's system of intervention and referral services and make recommendations to the principal for improving school programs and services, as appropriate.

The board shall review and adopt these procedures, and the superintendent shall report to the board on their implementation.

Adopted:	August 23, 1995
Readopted:	August 14, 2007, March 30, 2015
NJSBA Review/Update:	March 2009, August 2019
Revised:	

INTERVENTION AND REFERRAL SERVICES FOR GENERAL  
EDUCATION PUPILS (continued)

(SE file code: 2417)

Key Words

Pupil Assistance Committee, Intervention and Referral Services for General Education Pupils

**Legal Reference:** N.J.A.C. 6A:16-8.1 et seq. Intervention and Referral Services

**Possible**

**Cross References:** \*6164.4 Child study team  
\*6172 Alternative educational programs

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

**GUIDANCE SERVICES**

A guidance program shall be incorporated into the district's educational program to aid pupils in making informed and responsible decisions and in using effective decision-making processes. The guidance program shall be developed and coordinated by the superintendent in consultation with teaching staff members he/she has identified as possessing necessary skills and abilities, to help pupils acquire the insights and knowledge they need to become autonomous, mature members of adult society in a democratic nation.

The board of education shall ensure all students have access to adequate and appropriate counseling services. When informing students about possible careers or professional or vocational opportunities, the options presented to students shall not be restricted or limited on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status. No biased or stereotyped tests or guidance or counseling materials shall be used.

The purpose of the guidance program shall be to help pupils in learning to make their own decisions concerning life's many choices--personal, educational, and career/vocational.

The guidance program shall provide, as fully as possible, the information needed to make the best decisions concerning the pupil's educational program. Such information shall include facts such as test scores, grades and educational history. Pupil records may also include anecdotes, but shall not carry judgments, opinions and other advice.

Pupils shall be encouraged to avail themselves of the help of the guidance department's personnel.

The guidance department in the high school shall encourage the visits of educational and occupational representatives, including military recruiters. The administration shall have a positive attitude toward granting permission to seniors to visit schools, colleges and places of employment during school time. Pupils must have prior approval of the guidance department for the scheduled visit.

Pupils shall be aided in finding part-time jobs when in school, and permanent employment upon graduation.

Guidance services shall include establishment of a referral system that guards the privacy of the pupil and monitors the efficacy of such referrals, when district resources are not sufficient, as in drug or alcohol counseling.

Adopted:	June 24, 1985
Revised:	August 23, 1995
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009, August 2019
Revised:	March 30, 2015
Readopted:	

(SE file code: 2411)

**Key Words**

Guidance Services

**Legal References:** N.J.S.A. 18A:35-4.2 Career development program

GUIDANCE SERVICES (continued)

<u>N.J.S.A.</u> 18A:36-19	Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
<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:38-36	Employment certificates to part-time pupils; revocation
<u>N.J.S.A.</u> 18A:46-5.1	Basic child study team services; provision by boards of education and state operated programs
<u>N.J.A.C.</u> 6A:7-1.7	Equality in school and classroom practices
<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessment
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:8-3.2	
<u>N.J.A.C.</u> 6A:9B-14.2	Substance awareness coordinator
<u>N.J.A.C.</u> 6A:9B-14.7	Director of school counseling services
<u>N.J.A.C.</u> 6A:9B-14.8	School counselor
<u>N.J.A.C.</u> 6A:14-3.4	Evaluation
<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:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-7.1 <u>et seq.</u>	Student Records
<u>N.J.A.C.</u> 6A:32-12.2	Guidance and counseling

**Possible**

<b><u>Cross References:</u></b>	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
	*5120	Assessment of individual needs
	*5124	Reporting to parents/guardians
	*5125	Pupil records
	*5131	Conduct/discipline
	*5131.1	Harassment, intimidation and bullying
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*6142.12	Career education
	*6145	Extracurricular activities
	*6146	Graduation requirements
	*6164.4	Child study team
	*6171.1	Remedial instruction
	*6171.2	Gifted and talented
	*6171.4	Special education
	*6172	Alternative educational programs
	*6173	Home instruction

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

**CHILD STUDY TEAM**

The Camden City Board of Education shall provide the services of child study team personnel in numbers sufficient to ensure implementation of pertinent law and regulation. The superintendent shall present to the board for approval job descriptions, qualifications and evaluation criteria for positions required, and shall present to the board for hiring the best qualified applicants. The child study team shall consist of a school psychologist, a learning disability teacher consultant and a school social worker, and for the purposes of evaluation and classification shall include pertinent information from certified school personnel making the referral.

When complete evaluations of students are necessary, the superintendent shall recommend for board approval qualified persons or agencies to supplement the district team. Appropriate staff members, such as the nurse and teachers assigned to the student, shall also be involved.

Students who have been identified by any professional staff member, the parents/guardians of the child, a child welfare agency or by the health services staff as possibly having an educational disability shall be considered for evaluation.

Teachers and administrators shall provide intervention resources (e.g., adaptive teaching methods and materials, schedule changes, modified workloads, corrective or remedial instruction, etc.) in order to discover whether an observed difficulty is the result of problems within the educational delivery system. Parents/guardians shall be notified of such interventions. The members of the child study team shall be available to discuss problems informally with teachers and parents/guardians.

If the problems persist despite these intervention techniques, a formal referral, requiring due process procedures, shall be initiated. The examination of each such student shall proceed promptly in strict accordance with law. The board shall review and adopt the regulations governing the referral process.

Examination of each identified child shall consist of a physical examination, a psychological examination, an educational examination, a social case study, and such other examinations as may be deemed necessary by the child study team.

Any decision by the basic child study team concerning the evaluation, classification and placement of a student shall include the full participation of that student's parents or guardian.

**Students at Risk**

In addition to the students with disabilities, the child study team shall consider and recommend appropriate remedies and/or programs for students at risk for school failure. Child study team members may participate as part of the multidisciplinary team in making decisions regarding a student's placement in an alternative education program.

All staff members shall be familiar with and implement the discipline policies and procedures adopted by the board (see board policy 5131 Conduct and Discipline). This implementation of the student code of conduct combined with consistent documentation shall provide data that may be used to identify students that are at risk for school failure due to emotional and behavior issues. Staff members shall report the names of students who disrupt the educational program to the appropriate administrator who shall initiate actions that will ensure the involvement of the student's family and the provision of counseling and assessment services, so as to determine the causes of the student's disruptive behavior. A request for pre-referral intervention or for referral for evaluation may be made to the child study team. Throughout this process, administrators, support staff,

CHILD STUDY TEAM (continued)

teachers, parents/guardians, and if prudent, the student shall be involved. If all strategies prove unsuccessful, referral to the appropriate outside agency may be made.

Students whose continuing attendance interrupts the educational program and/or threatens harm to themselves and others may be suspended and considered for expulsion.

Adopted: June 24, 1985  
 Revised: August 23, 1995  
 Readopted: August 14, 2007  
 NJSBA Review/Update: March 2009, August 2019  
 Revised: March 30, 2015  
 Readopted:

(SE file codes: 5550, 5560)

Key Words

Child Study Team, Referrals, At-Risk, Disaffected Students, Disruptive Students,

**Legal References:** N.J.S.A. 18A:46-3.1 Regional consultants for hearing impaired; appointment; duties  
N.J.S.A. 18A:46-5.1 Basic child study team services; provision by boards of education and state operated programs  
N.J.S.A. 18A:46-5.2 Participation by parent or guardian  
N.J.A.C. 6A:9B-14.5 School social worker  
N.J.A.C. 6A:9B-14.6 Speech-language specialist  
N.J.A.C. 6A:9B-14.7 Director of school counseling services  
N.J.A.C. 6A:9B-14.8 School counselor  
N.J.A.C. 6A:9B-14.9 School psychologist  
N.J.A.C. 6A:9B-14.10 Learning disabilities teacher-consultant  
N.J.A.C. 6A:14-1.1 et seq. Special Education  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

20 U.S.C.A. 1400 et seq. - 1990 Individuals with Disabilities Education Act, P.L. 101-476

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

**Possible**

**Cross References:** \*4111 Recruitment, selection and hiring  
 \*5114 Suspension and expulsion  
 \*5120 Assessment of individual needs  
 \*5131 Conduct/discipline  
 \*5200 Nonpublic school students  
 \*6010 Goals and objectives  
 \*6146.2 Promotion/retention  
 \*6164.2 Guidance services  
 \*6171.4 Special education  
 \*6172 Alternative educational programs

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

**Policy**

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**REMEDIAL INSTRUCTION**

Pupils who perform below acceptable levels on statewide assessments of the New Jersey Student Learning Standards shall participate in remedial programs. Proficiency shall also be evaluated through multiskills assessment, standardized tests, diagnostic instruments, teacher observation and pupil progress reports.

The programs shall include procedures to evaluate pupil achievement related to the remedial program objectives and standards. Continuous communication between teaching staff members and parents/guardians of pupils participating in remedial educational programs shall be coordinated by the superintendent. These programs shall be supplemental to the regular program and designed to assist students who have academic, social, economic or environmental needs that prevent them from succeeding in regular school programs.

All parents/guardians shall be notified in writing of a pupil's need for a remedial/skill maintenance program and shall be encouraged to participate in its design.

Parents/guardians shall be notified at appropriate times during the course of remediation, of the pupil's progress in meeting the remediation standards. The parent/guardian shall be immediately consulted if, in the teacher's judgment, there is any indication that the pupil's progress may not be sufficient to meet these standards.

Board policies shall be developed with the participation of parents, teachers and students, where appropriate and reviewed and adopted by the board as required by law.

The superintendent shall evaluate the remedial education programs each school year and report to the board of education as to their effectiveness in achieving and maintaining acceptable levels of pupil proficiency.

The superintendent shall develop and the board shall adopt procedures for pupil promotion and remediation, related to district goals, objectives and pupil proficiency.

Adopted: August 14, 2007  
NJSBA Review/Update: March 2009, August 2019  
Readopted:

**Key Words**

Remedial Instruction, Compensatory Instruction, Supplemental Instruction, Remedial Education

**Legal References:** N.J.S.A. 18A:7C-1 et seq. High School Graduation Standards  
See particularly:  
N.J.S.A. 18A:7C-2,  
-3, -4, -6  
N.J.S.A. 18A:35-4.9 Pupil promotion and remediation; policies and procedures  
N.J.A.C. 6A:8-4.3 Accountability  
N.J.A.C. 6A:8-4.4 Annual review and evaluation of school districts  
N.J.A.C. 6A:8-5.1 Graduation  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

**Possible**

**Cross References:** \*4138.2 Private tutoring

REMEDIAL INSTRUCTION (continued)

*5120	Assessment of individual needs
*6141	Curriculum design/development
*6142	Subject fields
*6142.6	Basic skills
*6146	Graduation requirements
*6146.2	Promotion/retention
*6147	Standards of proficiency
*6171.3	At-risk and Title 1

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

**Policy**

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**GIFTED AND TALENTED**

The superintendent shall develop and the board shall approve criteria for identifying all gifted and talented students in kindergarten through grade 12. Gifted and talented students shall be provided with appropriate instructional adaptations and services to encourage development of their special abilities in achieving the New Jersey Student Learning Standards. Programs shall provide educational challenges to students identified as gifted and talented and shall be reviewed regularly.

It is the policy of the board not to discriminate on the basis of race, color, creed, national origin, ancestry, age, affectional or sexual orientation, gender identity or expression, genetic information, sex, disability or atypical hereditary cellular or blood trait of any individual, nationality, place of residence in the district, social or economic condition, nonapplicable disability or because of genetic information or refusal to submit to or make available the results of a genetic test. The superintendent shall take the appropriate measures to ensure that minority and female students are not underrepresented in gifted and talented or accelerated/advanced courses.

Such programs shall be designed in terms of the individual learning styles of each student as well as the capacity of a gifted student to create concepts, respond to stimuli in a unique and creative manner, develop higher levels of thinking and influence the behavior of others.

"Gifted and talented students" shall mean those students who possess or demonstrate higher levels of ability in one or more content areas, when compared to their chronological peers in the district and who require modifications of their educational program if they are to achieve in accordance with their capabilities.

Because early discovery of a gift or talent is important, it is essential that the identification of these students be carried on as a continuing process, since special abilities and skills appear at different times in the development of many children.

The superintendent shall coordinate development of appropriate curricular and instructional modifications used for gifted and talented students indicating content, process, products, and learning environment. The board directs the superintendent to take into consideration the prekindergarten through grade 12 Gifted Programming Standards of the National Association for Gifted Children in developing school and district programs for gifted and talented students.

Adopted: August 14, 2007  
NJSBA Review/Update: March 2009, august 2019  
Revised: March 30, 2015  
Readopted:

(SE file code: 2464)

**Key Words**

Gifted, Talented

**Legal References:** N.J.S.A. 18A:35-4.15  
through -4.16

Legislative findings and declarations; chess instruction for second-grade pupils in gifted and talented and special education programs ...

N.J.S.A. 18A:61C-10

Dual enrollment agreement

GIFTED AND TALENTED (continued)

	increased availability of college-level instruction; scope
<u>N.J.S.A.</u> 18A:61C-11	Acceptance of course credit
<u>N.J.S.A.</u> 18A:61C-15	Eligibility to receive college credit
<u>N.J.S.A.</u> 18A:61C-16	Awarding college credit
<u>N.J.A.C.</u> 6A:8-1.3	Definitions
<u>N.J.A.C.</u> 6A:8-3.1	Curriculum and instruction
<u>N.J.A.C.</u> 6A:8-3.3	Enrollment in college courses
<u>N.J.A.C.</u> 6A:13-2.3	Standards-based instruction
<u>N.J.A.C.</u> 6A:30-1.4	Evaluation process for the annual review

National Association for Gifted and Talented, [www.nagc.org](http://www.nagc.org)

Pre-K-Grade 12 Gifted Programming Standards, <http://www.nagc.org/resources-publications/resources/national-standards-gifted-and-talented-education/pre-k-grade-12>

**Possible**

**Cross References:** \*1600 Relations between other entities and the district  
 \*6010 Goals and objectives  
 \*6121 Nondiscrimination/affirmative action  
 \*6171 Special instructional programs

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

**Policy**

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**TITLE I**  
**IMPROVING ACADEMIC ACHIEVEMENT AND PARENT AND FAMILY ENGAGEMENT**

The Camden City Public School District shall comply with all state and federal requirements in developing, implementing, administering and evaluating funded compensatory education programs and in particular programs and activities provided with Title I funds.

The purpose of Title I funding is to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.

**Definitions**

A Title I targeted assistance program provides supplemental Title I services to eligible students who are identified failing or most at risk of failing to meet the New Jersey Student Learning Standards and have the "greatest need" for academic assistance. Categorizing students with "the greatest need" is based entirely on academic need (low achievement) and poverty is not a factor. Title I, Part A funds may only be used to upgrade the educational program for the targeted group identified as academically at risk. Schools with targeted assistance programs do not meet the 40% poverty threshold required for a schoolwide program.

A Title I schoolwide program permits a school to use Title I, Part A funds to upgrade the entire educational program of the school in order to raise academic achievement for all students. A school is eligible to have a schoolwide program when the school meets the 40% or greater poverty threshold and has as a goal upgrading the entire educational program with Title I, Part A funds.

(Note: the 40% or greater poverty threshold is waived for propriety and focus schools under the approved New Jersey ESEA flexibility waiver.)

**District Educational Plan**

The district educational plan shall be developed with timely and meaningful consultation with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders, administrators, other appropriate school personnel, and with parents of children in schools receiving Title I funds. As appropriate, the district educational plan shall be coordinated with other federal programs as detailed in the Every Student Succeeds Act of 2015, the Individuals with Disabilities Education Act (20 U.S.C.A. 1400 et seq.), the Rehabilitation Act of 1973 (20 U.S.C.A. 701 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C.A. 2301 et seq.), the Workforce Innovation and Opportunity Act (29 U.S.C.A. 3101 et seq.), the Head Start Act (42 U.S.C.A. 9831 et seq.), the McKinney-Vento Homeless Assistance Act (42 U.S.C.A. 11301 et seq.), the Adult Education and Family Literacy Act (29 U.S.C.A. 3271 et seq.), and other Acts as appropriate.

The district educational plan shall describe:

- A. How student progress in meeting the New Jersey Student Learning Standards shall be monitored. To ensure that students are successful in achieving the New Jersey Student Learning Standards the district shall:
1. Develop and implement a well-rounded program of instruction that meets the academic needs of all students;
  2. Identify students who may be at risk for academic failure;
  3. Provide additional educational assistance to individual students determined to need help in meeting the New Jersey Student Learning Standards; and
  4. Identify and implement instructional and other strategies intended to strengthen academic programs

TITLE I (continued)

and improve school conditions for student learning;

- B. How the district shall identify and address any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers;
- C. How the district shall carry out its responsibilities when the district is identified as needing comprehensive support and improvement and targeted support and improvement;
- D. The poverty criteria that will be used to select school attendance areas under the federal law (section 1113);
- E. The nature of the programs to be conducted by the district schools including school-wide and targeted assistance programs (sections 1114 and 1115) and, where appropriate, educational services provided outside the schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs;
- F. The services the district will provide homeless children and youths, including services to support the enrollment, attendance, and success of homeless children and youths, in coordination with the services the district is providing under the McKinney-Vento Homeless Assistance Act (42 U.S.C.A. 11301 et seq.);
- G. The strategy the district will use to implement effective parent and family engagement;
- H. If applicable, how the district will support, coordinate, and integrate Title I services with early childhood education programs, including plans for the transition of participants in preschool programs to elementary school programs;
- I. How teachers and school leaders, in consultation with parents/guardians, administrators, paraprofessionals, and specialized instructional support personnel, in schools operating a targeted assistance school program, will identify the eligible children most in need of services;
- J. How the district will implement strategies to facilitate effective transitions for students from middle grades to high school and from high school to postsecondary education including, if applicable coordination with institutions of higher education, employers, and other local partners; and increase student access to early college high school or dual or concurrent enrollment opportunities, or career counseling to identify student interests and skills;
- K. How the district will support efforts to reduce the overuse of discipline practices that remove students from the classroom;
- L. As appropriate, how the district will support programs that coordinate and integrate academic and career and technical education content through coordinated instructional strategies; and
- M. Any other information on how the district proposes to use funds to meet the purposes of the federal Title I program including identifying and serving gifted and talented students; and developing effective school library programs to provide students an opportunity to develop digital literacy skills and improve academic achievement.

If the district educational plan is not satisfactory to the parents/guardians of participating children, the district shall submit the parent/guardian comments with the plan to the New Jersey Department of Education.

Parent and Family Engagement

TITLE I (continued)

The superintendent or his or her designees shall ensure that parents/guardians and family members are involved in developing the district Title I educational plan. The district shall provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within district in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance. In providing coordination, technical assistance, and other support, the superintendent or his or her designee may obtain meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education. To the extent feasible and appropriate, parent and family engagement strategies shall be coordinated and integrated with other relevant Federal, State, and local laws and programs. The superintendent shall ensure that an annual evaluation of the content and effectiveness of the parent and family engagement policy is conducted annually.

Parents/guardians shall be involved in the activities of the schools. These activities may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members of the district schools to adequately represent the needs of the district population for the purposes of developing, revising, and reviewing the board parent and family engagement policy.

School Level Parent and Family Engagement

Each district school served by Title I funds shall convene an annual meeting at a convenient time, to which all parents/guardians of participating children shall be invited and encouraged to attend. The purpose of this meeting shall be to inform parents/guardians of programs and activities provided with Title I funds, to explain the federal requirements for participation in the federal Title I program, and inform parents/guardians of their right to be involved.

The building principal or his or her designee shall ensure that parents/guardians are involved, in an organized, ongoing and timely way, in the planning, review, and improvement of Title I programs. Parents/guardians shall be included in the planning, review, and improvement of the school parent and family engagement effort consistent with board policy for targeted assistance programs and/or the joint development of the schoolwide program plan.

A flexible number of meetings shall be offered, such as meetings in the morning or evening. Transportation, child care, or home visits, as such services relate to parental involvement may be provided with Title I funds.

The parents/guardians and family members of all participating children shall be invited to attend and participate in district Title 1 programs. The principal or his or her designee shall ensure opportunities are provided for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports required by law in a format and, to the extent practicable, in a language parents/guardians understand.

Specifically, parents/guardians of participating children shall:

- A. Receive timely information about programs and activities provided with Title I funds;
- B. Receive a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels of the New Jersey Student Learning Standards; and
- C. If requested by parents/guardians, be provided opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible.

TITLE I (continued)

If the schoolwide program plan is not satisfactory to the parents/guardians of participating children, the principal or his or her designee shall submit any parent/guardian comments with the schoolwide plan to the superintendent and the board.

This parent and family engagement policy shall be distributed to parents and family members of participating children.

Building Capacity for Parent and Family Engagement

The superintendent shall ensure effective involvement of parents/guardians and implement appropriate measures to support a partnership among the schools, parents/guardians, and the community to improve student academic achievement. The superintendent or his or her designee shall ensure that each of the district schools shall at a minimum:

- A. Provide assistance to parents/guardians in understanding New Jersey Student Learning Standards, the New Jersey Department of Education approved statewide proficiency assessments, school administered assessments, the requirements under federal law, and how to monitor a child's progress and work with educators to improve the achievement of their children;
- B. Provide materials and training to help parents to work with their children to improve their children's achievement;
- C. Educate teachers, specialized instructional support personnel, principals, and other school leaders, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;
- D. Coordinate and integrate parent involvement programs and activities to the extent feasible, with other Federal, State, and local programs, including public preschool programs, and conduct other activities, that support involvement;
- E. Ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand; and
- F. Provide such reasonable support as requested by parents/guardians.

School-Parent Compact

High student achievement is a shared responsibility. Each school receiving Title I funds shall jointly develop a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall:

- A. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children to meet the challenging State academic standards;
- B. Describe the ways in which each parent will be responsible for supporting their children's learning; volunteering in their child's classroom; and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and
- C. Address the importance of communication between teachers and parents/guardians on an ongoing basis

TITLE I (continued)

through, at a minimum:

1. Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;
2. Frequent reports to parents on their children's progress;
3. Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities; and
4. Ensuring regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.

Annual Evaluation

An annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools shall be conducted with the meaningful involvement of parents and family members. The annual evaluation shall identify:

- A. Barriers to greater participation by parents in activities authorized with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background;
- B. The needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and
- C. Strategies to support successful school and family interactions.

The findings of the evaluation shall be used to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policy.

Comparability of Services

*\*Note: This section shall not apply to a district that has only one building for each grade span.*

As a condition of receiving Title I funds, State and local funds shall only be used in the schools to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds. When all the schools of the district are served by Title I funds, the district will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school. Comparability may be on a grade-span by grade-span basis or a school-by-school basis.

To be in compliance with the requirements of federal law the board of education shall establish a district-wide salary guide.

The board directs the superintendent to assign teachers, administrators, and other staff to the schools in such a way that equivalence of personnel is ensured among the schools. In addition, the board directs the superintendent to distribute curriculum materials and instructional supplies to the schools in such a way that equivalence is ensured among the schools.

## A. Equivalence

In order to meet the requirements for equivalence the board shall file with the New Jersey Department of Education a written assurance that the following has been established and implemented in the district:

1. A district-wide salary schedule;
2. A policy to ensure equivalence among schools in teachers, administrators, and other staff; and

TITLE I (continued)

3. A policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

B. Determination of Expenditures

In the determination of expenditures per pupil from State and local funds, or instructional salaries per pupil from State and local funds, staff salary differentials for years of employment shall not be included in such determinations.

C. Exclusion

Unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year shall be excluded in determining comparability of services.

D. Procedures and Records

The superintendent shall develop procedures for compliance with these requirements and maintain records that are updated biennially documenting the district's compliance.

Supplement not Supplant

The Camden City Public School District shall use Title I funds only to supplement and to the extent practical increase the level of funds that would, in the absence of Title I funds, be made available for the education of pupils participating in Title I or state compensatory education projects. In no case shall Title I funds be used to supplant those non-Title I or non-state compensatory education funds.

Maintenance of Effort

The board of education will maintain a combined fiscal effort per pupil or aggregate expenditures of state and local funds with respect to the provision of the public education for the preceding fiscal year that is not less than 90% of the required amount of the combined fiscal effort per pupil or the aggregate expenditures for the second preceding fiscal year.

Eligibility for State and Federal Funds

The superintendent shall ensure that all requirements for receiving state and federal funds shall be fulfilled in an accurate and timely manner.

Control over such funds and title to all equipment and supplies purchased with such funds shall remain with the board of education. Procurement, control, use and disposition of equipment and supplies purchased with state/federal funds shall be in full compliance with the law.

General

The superintendent shall direct appropriate administrative personnel to pursue vigorously all possible sources of funding, either state or federal, that support such compensatory services, and shall keep abreast of all changes in the law which restrict or expand the district's use of state or federal funds.

Programs especially designed for migrant children shall be provided as necessary.

Adopted:	June 24, 1985
Revised:	April 29, 1996
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**TITLE I** (continued)

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**Key Words**

State/Federal Funds, Federal Funds, Compensatory Instruction, Basic Skills, Maintenance of Effort, Supplement not Supplant, Comparability, At-Risk Pupils

**Legal References:** N.J.S.A. 18A:35-4.9 Pupil promotion and remediation; policies and procedures  
N.J.S.A. 18A:59-1  
 through -3 Apportionment and distribution of federal funds; exceptions  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

42 U.S.C.A. 2000d - 2000d4 - Title VI of the Civil Rights Act of 1964

Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988, (Pub. L. No. 100-297) amending Elementary and Secondary Education Act of 1965.

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

**Resources:** New Jersey Department of Education Every Student Succeeds (ESSA) Guidance Document located at:  
<http://www.state.nj.us/education/ESSA/guidance/njdoe/DistrictGuide.pdf> (Last accessed 1/2/2018.)

New Jersey Department Of Education Webinar: *An Introduction To Title I Targeted Assistance Programs*. Located at: <http://www.state.nj.us/education/title1/grants/> (Last accessed 1/2/2018.)

New Jersey Department Of Education Webinar: *Transition from a Targeted Assistance Title I Program of Schoolwide Program*. Located at:  
<http://www.state.nj.us/education/title1/grants/> (Last accessed 1/2/2018.)

**Possible**

**Cross References:** \*3220/3230 State funds; federal funds  
 \*3514 Equipment  
 \*5120 Assessment of individual needs  
 \*5200 Nonpublic school pupils  
 \*6122 Articulation  
 \*6141 Curriculum design/development  
 \*6142.2 English as a second language; bilingual/bicultural  
 \*6142.6 Basic skills  
 \*6171.1 Remedial instruction  
 \*6171.4 Special education

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

**SPECIAL EDUCATION**

In compliance with State Department of Education interpretation of the administrative code on special education, the board adopts the following policies on providing educational and related services to students identified as having educationally disabling conditions as defined in federal and state law.

**Full Educational Opportunity for Students with Disabilities**

The Camden City Board of Education is responsible for providing a free and appropriate public education for all children resident in the district including children ages three through 21 identified as having disabilities and students with disabilities who have been suspended or expelled. All reasonable efforts will be made to resolve an enrolled child's learning and adjustment difficulties prior to his/her referral to the child study team for screening and/or evaluation. When a student is found eligible for special education and related services and the board of education cannot provide required instruction and related services from its own resources and facilities, the board will seek appropriate placement outside the district, and will assume such costs of that placement as are required by law.

The board shall ensure that:

- A. Free, appropriate public education is made available to each eligible student begins no later than the student's third birthday and that an individualized education program is in effect for the student by that date;
- B. If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin;
- C. A free, appropriate public education is available to any student with a disability who needs special education and related services, even though the student is advancing from grade to grade;
- D. The services and placement to receive a free and appropriate education needed by each student with a disability are based on the student's unique needs and not on the student's disability; and
- E. The services and placement needed by each student with a disability are provided in appropriate educational settings as close to the student's home as possible, and, when the IEP does not describe specific restrictions, the student is educated in the school he or she would attend if not a student with a disability.

The goal of the board's special education program is to provide full educational opportunity to all resident students ages three through 21 with disabilities, as those terms are defined in federal and state law. The board will make available to parents/guardians of students with disabilities below the age of three information regarding services available through other state, county and local agencies.

The superintendent shall ensure that the district's special education programs comply with the law in every respect, including fiscal regulations and reports.

The superintendent shall also ensure that the district plan for special education is in compliance with administrative code and the approved state plan for special education, according to N.J.A.C. 6A:14-4.1 which sets for the requirements for programs and instruction. This plan shall consist of policies, procedures, assurances, a comprehensive system of personnel development, data collection and an application that describes the use of IDEA Part B funds.

SPECIAL EDUCATION (continued)

The superintendent shall ensure that the plan is implemented in this district and shall supervise its operation so that it will accomplish its stated goals and objectives.

Participation of and Consultation with the Parents/Guardians

In order to achieve the district's goal of providing full educational opportunity to all students with disabilities in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process, pursuant to N.J.A.C. 6A:14-2.3 and 2.4. All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the student unless it is not feasible to do so, in which case the provisions of administrative code shall be followed (see section below: Parental Consent, Notice, Participation, and Meetings). After parental consent for initial evaluation of a preschool age or school age student has been received, the evaluation, determination of eligibility for services, and, if eligible, development and implementation of the IEP for the student shall be completed within 90 calendar days.

Surrogate Parent (N.J.A.C 6A:14-2.2)

Procedures set out in the administrative code shall be followed when parent/guardian cooperation and/or participation cannot be obtained. When necessary, a surrogate parent shall be appointed to ensure the protection of a student's rights when the parents/guardians cannot be identified or located or the child is a ward of the State of New Jersey. The district shall select and train such surrogate parents in compliance with the administrative code. A surrogate shall be provided to a student in accordance with N.J.A.C. 6A:14-2.2 when:

- A. The parent of the student cannot be identified or located;
- B. An agency of the State has guardianship of the student and that agency has not taken steps to appoint a surrogate parent for the student;
- C. The student is a ward of the state and no State agency has taken steps to appoint a surrogate parent for the student;
- D. No parent can be identified for the student in accordance with N.J.A.C. 6A:14-1.3 except a foster parent, the foster parent does not agree to serve as the student's parent and no State agency has taken steps to appoint a surrogate parent for the student;
- E. The student is an unaccompanied homeless youth and no State agency has taken steps to appoint a surrogate parent for the student.
  1. The district will make reasonable efforts to appoint a surrogate parent within 30 days of its determination that a surrogate parent is required for a student;
  2. The district will appoint a person who will be responsible for appointing surrogate parents and overseeing the process. The responsible person will:
    - a. Determine whether there is a need for a surrogate parent for a student;
    - b. Contact any State agency that is involved with the student to determine whether the State has had a surrogate parent appointed for the student; and
    - c. Make reasonable efforts to select and appoint a surrogate parent for the student within 30 days of determining that there is a need for a surrogate parent for the student.
  3. The district will establish a method for training surrogate parents that includes provision of information with respect to parental rights and procedural safeguards available to parents and students in

SPECIAL EDUCATION (continued)

accordance with N.J.A.C. 6A:14:

- a. The district will appoint a person that will be responsible for training surrogate parents;
  - b. The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;
  - c. The training will be designed to make surrogate parents familiar with State and federal requirements for assessment, individualized education program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;
  - d. Surrogate parents will be provided with copies of: the Parental Rights in Special Education booklet; N.J.A.C. 6A:14; the Special Education Process; Code Training Materials from the Department of Education Website; and other relevant materials; and
  - e. Surrogate parents will be provided information to enable them to become familiar with the nature of the child's disability.
4. The district will ensure that:
- a. All persons serving as surrogate parents have no interest that conflicts with those of the student he or she represents;
  - b. All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;
  - c. All persons serving as surrogate parents are at least 18 years of age;
  - d. If the school district compensates the surrogate parent for providing such services, a criminal history review of the person in accordance with N.J.S.A. 18A:6-7.1 is completed prior to his or her serving as the surrogate parent; and
  - e. No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the district board of education or a public or nonpublic agency that is involved in the education or case of the child.

Parental Consent, Notice, Participation, and Meetings (N.J.A.C. 6A:14-2.3)

## A. Consent shall be obtained:

1. Prior to conducting any assessment as part of an initial evaluation;
2. Prior to implementation of the initial IEP ;
3. Prior to conducting any assessment as part of a reevaluation, except when the board can demonstrate that reasonable measures were taken to obtain such consent and the parent failed to respond;
4. Prior to the release of student records;
5. Each time a district board of education seeks to access private insurance covering a student with a disability;
6. Prior to the first time a district board of education seeks to access a child's or parent's public benefits or insurance covering the student;
7. Whenever a member of the IEP team is excused from participating in a meeting;
8. Whenever an IEP is amended without a meeting;
9. Whenever a parent/guardian and the board agree to waive a reevaluation;

Written consent may be revoked by the parent, in writing, at any time. Upon receipt of consent, the board ensure that the action for which consent was shall be implemented without delay.

The board shall make reasonable efforts to obtain parental consent for an initial evaluation for any ward of the state. If, after reasonable efforts, the parent cannot be found, or parental rights have been terminated, or subrogated for purposes of consenting to eligibility by the court and consent has been given by an

SPECIAL EDUCATION (continued)

individual the court has appointed, parental consent need not be obtained for an initial evaluation.

- B. When electronic mail is utilized, parents shall be informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. Parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent.
- C. Written notice shall be in language understandable to the general public, and shall be provided in the native language of the parent, unless it is clearly not feasible to do so according to N.J.A.C. 6A:14-2.4. Written notice shall include:
  - 1. A description of the action proposed or denied by the board;
  - 2. An explanation of why the action is being taken;
  - 3. A description of any options that were considered and the reasons why those options were rejected;
  - 4. A description of the procedures, tests, records or reports and factors used in determining whether to propose or deny an action;
  - 5. A description of any other factors that are relevant to the proposal or refusal of the action;
  - 6. A statement that the parents/guardians of a student with a disability have protection under the procedural safeguards, the means by which a copy of a description of the procedural safeguards can be obtained and sources for parents to contact to obtain assistance in understanding the provisions of the law; and
  - 7. In addition, a copy of the procedural safeguards statement published by the New Jersey Department of Education which contains a full explanation of the procedural safeguards available to parents shall be provided only one time per year, except that a copy shall also be provided:
    - a. Upon referral for an initial evaluation;
    - b. Upon request by a parent;
    - c. When a request for a due process hearing is submitted to the Department of Education;
    - d. When a request for a complaint investigation is submitted to the Department; and
    - e. When a student is removed for disciplinary reasons and the removal constitutes a change in placement.
  - 8. The annual written notice of the procedural safeguards to parents/guardians and/or adult students shall be provided as follows:
    - a. The board shall provide written notice no later than 15 calendar days after making a determination;
    - b. The board shall provide written notice at least 15 calendar days prior to the implementation of a proposed action so that the parents/guardians and/or adult student may consider the proposal;
    - c. The district board of education shall implement the proposed action after the opportunity for consideration (in 2 above) unless parent/guardian disagrees with the proposed action and the district takes action in an attempt to resolve the disagreement; or mediation or a due process hearing is requested.
- D. The parent/guardian shall be given the opportunity to participate in meetings regarding the identification, evaluation, classification, educational placement of, or the provision of a free, appropriate public education to the student.

Location, Referral and Identification (N.J.A.C 6A:14-3.3)

The board directs the superintendent to prepare written procedures for identifying those students ages three through 21, including students attending nonpublic schools located within the district regardless of where they

SPECIAL EDUCATION (continued)

reside, who reside within the district with respect to the location and referral of students who may have a disability due to physical, sensory, emotional, communication, cognitive or social difficulties. In order to ensure preschoolers with disabilities have their initial IEPs implemented no later than age three, a written request for initial evaluation shall be forwarded to the district at least 120 days prior to the preschooler attaining age three.

The requirements of law and board policy for identification, location and evaluation shall apply to highly mobile students with disabilities, such as migrant and homeless students, and to students who may have a disability even though they are advancing from grade to grade.

Activities undertaken to locate nonpublic school students with disabilities shall be comparable to activities undertaken to locate public school students with disabilities. In addition, the board shall consult with appropriate representatives of nonpublic students on how to carry out these activities.

When a preschool age or school age student is referred for an initial evaluation to determine eligibility for special education programs and services, a meeting of the child study team, the parent and the regular education teacher of the student who is knowledgeable about the student's educational performance or, if there is no teacher of the student, a teacher who is knowledgeable about the district's programs, shall be convened within 20 calendar days (excluding school holidays, but not summer vacation) of receipt of the written request. The child study team shall determine whether an evaluation is warranted and, if warranted, shall determine the nature and scope of the evaluation. When the child study team determines that an evaluation is not warranted then other appropriate action may be determined. The parent shall be provided written notice of the determination(s), which includes a request for consent to evaluate, if an evaluation will be conducted.

The board shall ensure that all preschool students with disabilities shall have their IEPs implemented no later than their third birthdays. To provide a smooth transition between a child's preschool program and his/her school age program (public or private), particular attention shall be paid to articulation between those programs.

These procedures and arrangements shall be adopted by the board after review and possible revision. The procedures shall include:

1. Utilizing strategies identified through intervention and referral services (N.J.A.C. 6A:16-8) as well as other general education strategies;
2. Criteria for instructional, administrative and other professional staff, parents/guardians and state agencies to refer students for evaluation;
3. Evaluation criteria for the determination of eligibility for special education and related services; and
4. Other educational actions as appropriate.

Case Manager (N.J.A.C. 6A:14-3.2)

A case manager shall be assigned to a student when it is determined that an initial evaluation shall be conducted. Child study team members or speech-language specialists when they act as members of the child study team shall be designated and serve as the case manager for each student with a disability. The case manager shall coordinate the development, monitoring and evaluation of the effectiveness of the individualized education program (IEP). The case manager shall facilitate communication between home and school and shall coordinate the annual review and reevaluation process.

Evaluation and Determination of Eligibility (N.J.A.C. 6A:14-3.5 through N.J.A.C. 6A:14-3.6)

- A. The evaluation process to determine a student's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of N.J.A.C. 6A:14-2.3, 2.5, 3.4, 3.5, 3.6 and 3.7 dealing with:

SPECIAL EDUCATION (continued)

1. Parental notice, notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf;
- B. The child study team, the parent and the regular education teacher of the student who has knowledge of the student's educational performance or if there is no teacher of the student, a teacher who is knowledgeable about the district's programs shall:
1. Review existing evaluation data on the student including evaluations and information provided by the parents, current classroom-based assessments and observations, and the observations of teachers and related services providers, and consider the need for any health appraisal or specialized medical evaluation;
  2. Identify what additional data, if any are needed to determine whether the student has a disability;
  3. Determine which child study team members and/or specialists shall conduct each assessment that is part of the evaluation.
- C. Prior to conducting any assessment as part of an initial evaluation, the district shall request and obtain consent to evaluate;
- D. If the parent refuses to provide consent to conduct the initial evaluation, the district may file for a due process hearing according to N.J.A.C. 6A:14-2.7 to compel consent to evaluate;
- E. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services;
- F. After parental consent for initial evaluation of a preschool age or school age student has been received, the evaluation, determination of eligibility for services under this chapter, and, if eligible, development and implementation of the IEP for the student shall be completed within 90 calendar days. This time frame shall not apply if the parent/guardians fails or refuses to produce the child for the evaluation;
- G. An initial evaluation consisting of a multi-disciplinary assessment in all areas of suspected disability shall be conducted. Such evaluation shall include at least two assessments and shall be conducted by at least two members of the child study team in those areas in which they have appropriate training or are qualified through their professional licensure or educational certification and other specialists in the area of disability as required or as determined necessary;
- H. When the suspected disability is a disorder of articulation, voice or fluency, the speech-language specialist shall meet with the parent/guardian and the student's general education teacher about the student's educational performance to review existing data on the student including evaluations and information provided by the parents, current classroom-based assessments and observations, and the observations of teachers and related services providers;
- I. A comprehensive written report of the results of each assessment shall be prepared according to the specifications in law (N.J.A.C. 6A:3.4(h));
- J. When conducting an initial evaluation or reevaluation, the reports and assessments of child study team members or related services providers may be submitted by the parents/guardians to the child study team for consideration. Each report and assessment shall be reviewed and considered by the child study team member or related services provider with relevant knowledge or expertise. A report or component thereof may be utilized as a required assessment, if the assessment has been conducted within one year of the evaluation and the child study team determines the report and assessment meet the state (see N.J.A.C.

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6A:14-3.4,h) and district requirements;

- K. Upon receipt of a written referral to the child study team, the school nurse shall review and summarize available health and medical information regarding the student and shall transmit the summary to the child study team for the meeting to consider the need for a health appraisal or specialized medical evaluation.

An audiometric screening according to N.J.A.C. 6A:16-2.2(k)3 shall be conducted for every student referred to the child study team for a special education evaluation.

A vision screening shall be conducted by the school nurse for every student referred to the child study team for a special education evaluation.

The board shall ensure that a variety of assessment tools and strategies shall be applied to gather information to develop and monitor the IEP, including cooperation and input from the parents/guardians. Relevant information shall also be related to enabling the student to be involved in and progress in the general education curriculum or, for preschool children with disabilities to participate in appropriate activities.

Independent Educational Evaluation (N.J.A.C. 6A:14-2.5)

Upon completion of an initial evaluation or reevaluation, a parent may request an independent evaluation if there is disagreement with the initial evaluation or a reevaluation provided the board. A parent shall be entitled to only one independent evaluation at public expense each time an initial evaluation or reevaluation is conducted with which the parent disagrees. The request for an independent evaluation shall specify the assessment(s) the parent is seeking as part of the independent evaluation request. The independent evaluation shall be provided at no cost to the parent unless the school district initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing.

Any independent evaluation submitted to the district, including an independent evaluation obtained by the parent/guardian at private expense, shall be considered in making decisions regarding special education and related services.

Individualized Education Program IEP (N.J.A.C. 6A:14-2.3 (k)1 and 3.5 through -3.6)

Eligibility for special education and related services shall be determined collaboratively by the parents/guardians; a teacher who is knowledgeable about the student's educational performance or district's programs; the student, where appropriate; at least one child study team member who participated in the evaluation; the case manager; other appropriate individuals at the discretion of the parent or district; and for an initial eligibility meeting, certified school personnel referring the student as potentially disabled, or the school principal or designee if they choose to participate.

A student shall be determined eligible and classified for special education and related services when it is determined that the student has one or more of the disabilities defined in the administrative code. A student shall be determined eligible for speech-language services when he/she exhibits a speech or language disorder as outlined in the administrative code.

The individualized education program for each student with a disability shall be developed in accordance with the provisions of the administrative code, at N.J.A.C. 6A:14-2.3(k) regarding eligibility meetings for students who are classified and N.J.A.C. 6A:14-3.7 regarding the requirements of individualized education program (IEP).

A meeting to develop the IEP shall be held within 30 calendar days of a determination that a student is eligible for special education and related services or eligible for speech-language services. An IEP shall be in effect before special education and related services are provided to a student with a disability and such IEP shall be

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implemented as soon as possible following the IEP meeting.

At the beginning of each school year, the board shall have in effect an IEP for every student in the district who is receiving special education and related services. Every student's IEP shall be accessible to each regular education teacher, special education teacher, related services provider, and other service provider who is responsible for its implementation. Each teacher shall be informed of the specific responsibilities related to implementing the student's IEP and the specific accommodations, modifications, and supports to be provided for the student in accordance with the IEP. Teacher aides and the appropriate general or special education teaching staff time shall be provided for consultation on a regular basis as specified in each student's IEP (N.J.A.C. 6A:14-4.5(d)).

The board directs the superintendent or his or her designee to maintain documentation that the teacher and provider, as applicable, has been informed of his or her specific responsibilities related to implementing the student's IEP. The board shall ensure that there is no delay in implementing a student's IEP including any case in which the payment source for providing or paying for special education and related services is being determined.

A written individualized education program shall be developed and implemented for each classified student and, in accordance with New Jersey law (see N.J.A.C. 6A:14-3.7), a review shall be conducted by the appropriate staff members annually or more often, if necessary, to evaluate the disabled student's progress and to revise the individualized education program.

Meetings shall be conducted to determine eligibility and to develop, review and revise a student's individualized education program. Such meetings shall be scheduled at a mutually agreed upon time and place, and notice of the meetings shall indicate the purpose, time, location and participants. If the parents/guardians cannot attend the meetings, the superintendent /designee shall attempt to ensure parental participation, including the use of individual or conference telephone calls. Documentation shall be maintained of all attempts to secure parent/guardian participation.

Parents/guardians shall receive a copy of the student's IEP and of any revisions made to it.

All communication with parents/guardians, including written notice, notifications and required meetings, shall be conducted in the language used for communication by the parent/guardian and student unless it is not feasible to do so. This shall include providing foreign language interpreters or translators and sign language interpreters for the deaf at no cost to the parents.

The IEP shall be developed and monitored with the cooperation and input of parents/guardians. In addition to educational programming, the IEP shall provide for necessary disciplinary action and specify graduation requirements when appropriate. Any accommodations and/or modifications for the administration of statewide assessments shall be specified in the IEP.

The board of education will provide the kind and quality of those special education-related services prescribed in the IEP to enable students with disabilities to participate in regular educational programs to the maximum extent appropriate. Such education-related services shall include transportation, ensuring that hearing aids worn by deaf and/or hard of hearing children in school are functioning properly, etc.

The school district will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP, pursuant to N.J.A.C. 6A:14-4.5(d).

Participation in Regular Educational Programs to the Maximum Extent Appropriate/Least Restrictive Environment (N.J.A.C. 6A:14-4.2)

Educational placement decisions made for each disabled student shall always be, insofar as possible, in the

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least restrictive environment commensurate with the student's educational needs. This means that to the maximum extent appropriate, educationally disabled students shall be educated with children who are not educationally disabled. These decisions should be designed to produce a positive effect on the student and to ensure the quality of services which he/she requires.

The board of education will provide the kind and quality of those special education-related services prescribed in the IEP to enable students with disabilities to participate in regular educational programs to the maximum extent appropriate. Special classes, separate schooling or other removal of a student with a disability from the student's general education class occurs only when the nature or severity of the educational disability is such that education in the student's general education class with the use of appropriate supplementary aids and services cannot be achieved satisfactorily. All students shall be considered for placement in the general education class with supplementary aids and services including, but not limited to curricular or instructional modifications or specialized instructional strategies: Assistive technology devices and services; teacher aides; related services; integrated therapies; consultation services; and in-class resource programs.

When instruction in general education subjects or content areas is provided to groups consisting solely of students with disabilities, the size of the groups and age range shall conform to the requirements for special class programs. An exception to the age range and group size requirements of law (N.J.A.C. 6A:14-4) may be requested by writing to the Department of Education through the county office.

When students with disabilities participate in physical education, intramural and interscholastic sports, non-academic and extracurricular activities in groups consisting solely of students with disabilities, the age range and group size shall be based on the nature of the activity, needs of the students participating in the activity and the level of supervision required.

The evaluation process to determine a student's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of the administrative code.

In order to ensure a continuum of alternative placements, when the board cannot provide required instruction and related services from its own resources and facilities, it will seek appropriate placement outside the district and will assume such costs of that placement as are required by law.

Placement of a disabled student in the least restrictive environment shall be determined annually and, for a student in a separate setting, activities necessary to transition the student to a less restrictive placement are considered at least annually.

Placement is based on the student's individualized education program. Placement shall be provided in appropriate educational settings as close to home as possible. When the IEP does not describe specific restrictions, the student shall be educated in the school he/she would attend if not a student with a disability.

In determining the least restrictive setting consideration shall be given to whether the student can be satisfactorily educated in the regular classroom with supplemental aids and services; a comparison of the benefits provided in a regular class and the benefits provided in a special education class; and the potential beneficial or harmful effects which a placement may have on the student with disabilities or the other students in the class.

A student with a disability is not removed from the age-appropriate general education classroom solely based on needed modifications to the general education curriculum.

Placement in a program option shall be based on the individual needs of the student.

When determining the restrictiveness of a program option, the determination shall be based solely on the

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amount of time a student with disabilities is educated outside the general education setting.

The board shall provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities; and that each student with a disability participates with nondisabled students to the maximum extent possible.

Reevaluation (N.J.A.C. 6A:14-3.8)

Within three years of the previous classification, a multi-disciplinary reevaluation shall be completed to determine whether the student continues to be a student with a disability. Reevaluation shall be conducted sooner if conditions warrant or if the student's parent or teacher requests the reevaluation. However, a reevaluation shall not be conducted prior to the expiration of one year from the date the parent is provided written notice of the determination with respect to eligibility in the most recent evaluation or reevaluation, unless the parent and district both agree that a reevaluation prior to the expiration of one year as set forth above is warranted. When a reevaluation is conducted sooner than three years from the previous evaluation, the reevaluation shall be completed within 60 days of the date the parent provides consent for the assessments to be conducted as part of the reevaluation or by the expiration of the three year timeframe from completion of the prior evaluation or reevaluation, whichever occurs sooner.

If a parent provides written consent and the district board of education agrees that a reevaluation is unnecessary, the reevaluation may be waived. If a reevaluation is waived, the date of the parent's written consent shall constitute the date upon which the next three-year period for conducting a reevaluation shall commence.

Prior to conducting any assessment as part of a reevaluation of a student with a disability, the district board of education shall obtain consent from the parent.

Reevaluation shall be conducted when a change in eligibility is being considered, except that a reevaluation shall not be required before the termination of a student's eligibility under this chapter due to graduation or exceeding age 21.

Unless the parent and the board agree to waive a reevaluation, all requirements shall be completed within 60 days of the date the parent provides consent for the assessments to be conducted as part of the reevaluation or by the expiration of the three year timeframe from completion of the prior evaluation or reevaluation, whichever occurs sooner.

When a reevaluation is completed:

- A. A meeting of the student's IEP team shall be conducted to determine whether the student continues to be a student with a disability. A copy of the evaluation report(s) and documentation of the eligibility shall be given to the parent at least 10 days prior to the meeting;
- B. If the student remains eligible, an IEP team meeting shall be conducted to review and revise the student's IEP;
- C. By June 30 of a student's last year of eligibility for a program for preschoolers with disabilities, a reevaluation shall be conducted and, if the student continues to be a student with a disability, the student shall be classified according to N.J.A.C. 6A:14-3.5(c) or 3.6(a).

Required Materials and Services

Instructional materials will be provided to blind or print-disabled students in a timely manner, consistent with a plan developed by the district.

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For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Developmentally Disabled Uniform Application Act, N.J.S.A. 30:4-25.10 et seq. and N.J.A.C. 6A:14-1.2(b)17, the necessary materials to the parent to apply for such services.

Related Services (N.J.A.C. 6A:14-3.4)

Related services including, but not limited to, counseling, occupational therapy, physical therapy, school nurse services, recreation, social work services, medical services and speech-language services shall be provided to a student with a disability when required for the student to benefit from the educational program. Related services shall be provided by appropriately certified and/or licensed professionals as specified in the student's IEP.

Protection of Students Rights: Evaluation and Reevaluation Procedures (N.J.A.C. 6A:14-3.4 and 3.8)

A due process hearing is an administrative hearing conducted by an administrative law judge. For students age three through 21 years, a due process hearing may be requested when there is a disagreement regarding identification, evaluation, reevaluation, classification, educational placement, the provision of a free, appropriate public education, or disciplinary action. For students above the age of 21, a due process hearing may be requested while the student is receiving compensatory educational or related services.

In addition, the district board of education or public agency responsible for the development of the student's IEP may request a due process hearing when it is unable to obtain required consent to conduct an initial evaluation or a reevaluation, or to release student records. The district board of education shall request a due process hearing when it denies a written parental request for an independent evaluation in accordance with N.J.A.C. 6A:14-2.5(c).

Procedures shall provide all due process protection for the rights of the student and his/her parents/guardians whether the student is already enrolled in the schools or has been located through the process for identification as described above.

In order to achieve the district's goal of providing full educational opportunity to all students with disabilities in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process. All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the student unless it is not feasible to do so, in which case the provisions of administrative code shall be followed. The superintendent shall develop and present to the board for review and adoption procedures for:

- A. Giving notice to parents/guardians and adult students in accordance with N.J.A.C. 6A:14-2.3 when an initial request is being made for consent to evaluate or when a proposal has been made to initiate or change a classification, evaluation or educational placement of the student, or the provision of a free, appropriate education. For each instance, all required information and documentation shall be supplied to the parents/guardians within the timelines set by the administrative code. Particular care must be taken to inform parents/guardians and adult students of their right to review all educational records with respect to the identification, evaluation and educational placement of the student; to appeal these by requesting a due process hearing; and their rights in regard to free and low cost legal services and legal fees;
- B. An independent evaluation at the request of the parent/guardian or adult student in accordance with N.J.A.C. 6A:14-2.5(c). Such independent evaluation shall be at no cost to the parent/guardian if it is conducted in compliance with administrative code. The IEP team shall consider any independent evaluation submitted to it when making decisions regarding special education and/or related services;

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- C. Mediation, a voluntary process that is available to resolve disputes, when disputes arise during any stage of the special education process which cannot be settled between the original parties. A request for mediation shall not be used to deny or delay the right to request a due process hearing. A due process hearing may be initiated by the board of education, a parent/guardian or adult student;
- D. Ensuring that all evaluation procedures, including but not limited to observations, tests and interviews used to determine eligibility and placement of students with disabilities, shall comply with the requirements of N.J.A.C. 6A:14-3.4, 3.5 and 3.7.

Graduation Requirements (N.J.A.C. 6A:14-4.11)

The IEP of a student with a disability who enters a high school program shall specifically address the graduation requirements. A disabled student must meet all state and local high school graduation requirements according to N.J.A.C. 6A:8-5.1(c) in order to receive a state-endorsed high school diploma except as specified in his/her IEP. When a student has been exempted from any graduation requirement, his/her IEP shall specify which requirements would qualify the student with a disability for the State endorsed diploma issued by the district.

Graduation with a State endorsed diploma is a change of placement that requires written notice in language understandable to the general public, and shall be provided in the native language of the parent/guardian (according to law N.J.A.C. 6A:14-2.3 and as described below). The parent/guardian shall be provided with a copy of the procedural safeguards statement published by the Department of Education (see 6171.4 Exhibit). The parent may resolve a disagreement with the proposal to graduate the student by requesting mediation or a due process hearing prior to graduation. A reevaluation shall not be required.

Beginning at age 14, the individualized education program (IEP) shall include a statement of the state and local graduation requirements that the student shall be expected to meet. The statement shall be reviewed annually. If a student with a disability is exempted from, or there is a modification to, local or state high school graduation requirements, the statement shall include the rationale for the exemption or modification based on the student's educational needs; and a description of the alternate proficiencies to be achieved by the student to qualify for a State endorsed diploma.

The annual review of the IEP for an elementary school student with disabilities shall be completed by June 30 of the student's last year in the elementary school program. The annual review shall include input from the staff of the secondary school. The IEP shall include a statement of the student's transition from an elementary program to the secondary program which shall be determined by factors including number of years in school; social, academic and vocational development; and chronological age.

If a district board of education grants an elementary school diploma, a student with a disability who fulfills the requirements of his or her IEP shall qualify for and receive a diploma.

Students with disabilities who meet the standards for graduation shall have the opportunity to participate in graduation exercises and related activities on a nondiscriminatory basis.

Assessment (N.J.A.C. 14-4.10)

The board shall ensure that all students with disabilities participate in statewide assessments in each content area of the general statewide assessment for their grade. Accommodations or modifications approved by the Department of Education shall be provided when determined necessary by the IEP team. Students with disabilities shall participate in the alternate proficiency assessment in each content area where the nature of the student's disability is so severe that the student is not receiving instruction in any of the knowledge and skills measured by the general statewide assessment and the student cannot complete any of the types of questions on the assessment in the content area(s) even with accommodations and modifications.

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A statement of any individual modifications in the administration of statewide or districtwide assessments of student achievement needed for the student to participate in such assessment shall be included in the student's IEP. If the IEP team determines that the student shall not participate in a particular general statewide or districtwide assessment of student achievement (or part of such an assessment), a statement of why that assessment is not appropriate for the student according to N.J.A.C. 6A:14-4.10 and a statement of how that student shall be assessed and which assessment methodology is appropriate for the student shall be included in the student's IEP.

Following the 11th grade, students with disabilities who are required to pass a Department of Education approved high school proficiency assessment for graduation and have not done so shall participate in the dynamic learning map (DLM; formerly SRA and APA) in accordance with N.J.A.C. 6A:8. If a student is participating in a Department of Education alternative proficiency assessment determined by the IEP team, the student shall not be required to again participate in the high school proficiency assessment and pass that assessment.

Compilation, Maintenance, Access to and Confidentiality of Student Records (see board policy 5125 Student Records, N.J.A.C. 6A:32-7.4 through -7.6).

The board directs that the names and other personally identifiable data concerning students with disabilities shall be kept confidential and shall not be included in the public acts and public records of this district. Such names and data shall be reduced to code for inclusion in the public record. A special confidential file shall be maintained listing the names of students with disabilities on whose behalf the board of education must take public action. Motions concerning disabled students made at public meetings shall be anonymous and referred to this confidential file. This file shall be maintained in accordance with N.J.A.C. 6A:32-7.1.

The superintendent or his or her designee shall be responsible for the security of student records maintained in the school district and shall devise procedures for assuring that access to such records is limited to authorized persons.

The student records shall be maintained according to N.J.A.C. 6A:32-7 and board policy 5125 Student Records.

- A. The parent/guardian, adult student or their designated representative shall be permitted to inspect and review the contents of the student's records maintained by the district board of education under N.J.A.C. 6A:32 without unnecessary delay and before any meeting regarding the IEP.

Any consent required for students with disabilities under N.J.A.C. 6A:32-7 shall be obtained according to N.J.A.C. 6A:14-1.3 "consent" and 2.3(a) and (b) as follows:

1. The board shall make reasonable efforts to obtain parental consent for an initial evaluation for any ward of the state. If, after reasonable efforts, the parent cannot be found, or parental rights have been terminated, or subrogated for purposes of consenting to eligibility by the court and consent has been given by an individual the court has appointed, parental consent need not be obtained for an initial evaluation.
2. When a parent refuses to provide consent for implementation of the initial IEP, no IEP shall be finalized and the board may not seek to compel consent through a due process hearing. However, if a parent refuses special education and related services on behalf of a student, the board shall not be determined to have denied the student a free, appropriate public education because the student failed to receive necessary special education and related services nor shall the board be determined in violation of its child-find obligation solely because it failed to provide special education or related services to a student whose parents refused to provide consent for implementation of the initial IEP. If a parent refuses to provide consent and the district and the parent have not agreed to other action,

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prior to conducting any assessment as part of an initial evaluation or reevaluation and prior to the release of student records the district may request a due process hearing according to N.J.A.C. 6A:14-2.7(b) to obtain consent.

- B. Records may be released with the consent of the parent/guardian or adult student having legal responsibility for educational decision making. Consent shall be agreed to in writing. The board shall ensure that the parent/guardian or adult student having legal responsibility for educational decision making:
  - 1. Has been fully informed of all information relevant to the activity for which consent is being sought, in his or her native language or other mode of communication;
  - 2. Understands and agrees in writing to the implementation of the activity for which consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom;
  - 3. Understands that the granting of consent is voluntary and may be revoked at any time; and
  - 4. If the parent/guardian or adult student having legal responsibility for educational decision making revokes consent, that revocation is not retroactive (that is, it does not negate an action that has occurred after the consent was given and before the consent was revoked).
- C. To ensure proper accessibility and confidentiality, the records of students with disabilities shall be gathered, updated, maintained, stored, transferred, made accessible and finally disposed of in accordance with the district policy 5125 Student Records in general. To assure the security of special education records:
  - 1. Provision shall be made for access and security of electronic records of students with disabilities;
  - 2. Clerical and secretarial tasks related to such records shall be performed only under the supervision of appropriately certified staff.

As with all student records, access shall be guaranteed to persons authorized according to N.J.A.C. 6A:32-7.5 within 10 days of the request, but prior to any review or hearing conducted in accordance with State Board of Education regulations.

For the district's general policy and regulation on student records see 5125, which deals with all requirements common to students with disabilities and general student records including enumeration and description of records, provisions for access, notice to parents/guardians of their rights in regard to the child's records, etc.

Procedural Safeguards (N.J.A.C. 6A:14-2.3 through -2.4):

The board of education directs the superintendent to establish and implement the required procedural safeguards.

Procedural safeguards shall include:

- A. Ensuring that the rights of a student are protected through the provision of an individual to act as surrogate for the parent and assume all parental rights when a parent cannot be identified, located, and agency of the State has guardianship of the student, or the student is an unaccompanied homeless youth;
- B. Giving notice to parents/guardians per N.J.A.C. 6A:14-2.3 when an initial request is being made for consent prior to conducting any assessment as part of the initial evaluation; prior to the implementation of the initial IEP; prior to conducting any assessment as a part of a reevaluation; prior to the release of student records; each time the board seeks access to private insurance; when a member of the IEP team is excused from participating in a meeting; when the IEP is amended; and when a parent or the board

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agree to waive a reevaluation. For each instance, all required information and documentation shall be supplied to the parents/guardians within the timelines set by the administrative code. Particular care must be taken to inform parents/guardians of their right to appeal and their rights in regard to legal fees;

- C. Seeking consent of parents/guardians, when such consent is required by law and this policy;
- D. Seeking parent/guardian participation in conferences and determinations as required by law and this policy, and in evaluation of the success of the educational plan for their child. When necessary, conference schedules shall be altered to accommodate working parents/guardians;
- E. Protection in the evaluation procedures including the use a variety of assessment tools and strategies to gather relevant functional and developmental information; valid measures that are not racially or culturally discriminatory; assessments that are administered in the language and form most likely to yield accurate information; assessment all areas of suspected disability; and other provisions of N.J.A.C. 6A:14-2.5;
- F. Ensuring that a parent shall be entitled to only one independent evaluation at public expense each time the board conducts an initial evaluation or reevaluation with which the parent disagrees;
- G. Ensuring mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties;
- H. Providing for a due process hearing conducted by an administrative law judge. For students age three through 21 years, a due process hearing may be requested when there is a disagreement regarding identification, evaluation, reevaluation, classification, educational placement, the provision of a free, appropriate public education, or disciplinary action. For students above the age of 21, a due process hearing may be requested while the student is receiving compensatory educational or related services;
- I. Discipline, suspension and expulsion procedures for up to 10 consecutive or cumulative school day that are subject to the same board procedures as nondisabled students. However, at the time of removal, the principal shall forward written notification and a description of the reasons for such action to the case manager and the student's parent(s);
- J. Protection of student information and the maintenance of student records according to board policy 5125 Student records and law (N.J.A.C. 6A:32-7);
- K. Except as provided in N.J.A.C. 6A:14-6.1(a) and required by an administrative law judge when the district failed to provide a free and appropriate education, the board shall not be required to pay for the cost of education, including special education and related services, of a student with a disability if the district made available a free, appropriate public education and the parents elected to enroll the student in a nonpublic school, an early childhood program, or an approved private school for students with disabilities;
- L. Related services including, but not limited to, counseling, occupational therapy, physical therapy, school nurse services, recreation, social work services, medical services and speech-language services shall be provided to a student with a disability when required for the student to benefit from the educational program. Related services shall be provided by appropriately certified and/or licensed professionals as specified in the student's IEP;
- M. The superintendent shall ensure that the district's special education programs comply with the law in every respect, including fiscal regulations and reports;
- N. These procedures shall provide all due process protection for the rights of the student and his/her parents/guardians. Procedures shall be conducted in strict compliance with the provisions of the administrative code dealing with parental notification, consent and involvement, including determination of

SPECIAL EDUCATION (continued)

the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf;

- O. To implement achievement of the board's goal for provision of special education, the superintendent shall oversee development of a written plan for special education conforming to the state plan for the educationally disabled. The plan shall consist of policies, procedures, assurances; a comprehensive system of personnel development; data collection and an application that describes the use of IDEA Part B funds;
- P. Complying with other aspects of the district program for special education and/or requirements of N.J.A.C. 6A:14.

Written Plan

To implement achievement of the board's goal for provision of special education, the superintendent shall oversee development of a written plan for special education conforming to the state plan for the educationally disabled. After the plan has been approved by the board of education and the executive county superintendent, the superintendent shall implement it in this district and supervise its operation so that it will accomplish its stated goals and objectives. The plan, any alterations to it, and an evaluation of its effectiveness will be shared annually with the community.

Discipline

In general, students with disabilities are subject to the same disciplinary constraints and sanctions as nondisabled students. However, before disciplinary action is taken against an educationally disabled student, consideration must be given to whether the behavior is caused by the disabling condition, whether the program that is being provided meets the student's needs, whether a component of the student's IEP covers the behavior, or whether the student is an immediate danger to himself/herself or others.

A disabled student may be removed for disciplinary reasons from his/her current educational placement to an interim alternative educational setting, another setting, or a suspension without the provision of educational services for up to 10 consecutive or cumulative school days in a school year. The building principal/designee must forward a written notice and description of the reasons for the student's removal to the case manager and the student's parents:

- A. In imposing a removal of ten days or less on a classified student, the building principal may, on a case-by-case basis, consider any unique circumstances pertaining to the violation of the student code of conduct. Any such unique circumstance shall be included in the above written description of the reasons for removal;
- B. Special education students are entitled to receive general educational services on or before the fifth day of suspension. A building principal who imposes a suspension of five days or more on a special education student must contact the case manager to ensure that appropriate services are provided.

Preschool students with disabilities shall not be suspended or expelled.

Procedures for imposing and implementing disciplinary sanctions on students with disabilities, including removal to an interim alternative educational setting, suspension for more than 10 school days in a school year, or expulsion, shall be in strict compliance with the provisions of state and federal law and the administrative code. (See N.J.A.C. 6A:14-2.8, 3.7 and Appendix A)

(See board policy 5114 Suspension and Expulsion)

SPECIAL EDUCATION (continued)

Disabilities Services Resource (all school districts with grades nine through 12) N.J.S.A. 18A:46-7.3

The board shall designate at least one staff member to serve as a disability services resource for parents. The designated staff member shall be able to demonstrate competency in the various services available through State agencies that serve persons with disabilities, and shall provide information to parents about how to access the services and assistance to parents in contacting the appropriate State agency. The district shall conduct outreach activities to ensure that the parents of children who receive special education services in the district, and local community disability organizations and service providers, are made aware of the name and contact information of the designated staff member.

Early Intervention

When an IEP is developed for a child age three who has been enrolled in an early intervention program and it is determined that the district shall provide a free, appropriate public education for that student by continuing the program in the early intervention program for the balance of that school year the board shall be responsible to ensure:

- A. That a free, appropriate special education and related services to students with disabilities is provided in accordance with N.J.A.C. 6A:14-1.1(d);
- B. A contractual agreement shall be provided between the board and the early intervention program;
- C. Personnel shall be appropriately certified and, if required, licensed; and
- D. Applications for exceptions to program and instruction requirements according to N.J.A.C. 6A:14-4.9 shall be made whenever necessary.

When a child who has been enrolled in the early intervention program requires an extended year program, the district may contract with the early intervention program for the provision of that program.

Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs will experience a smooth transition and have an individualized education program developed and implemented.

Preschool Disabled Program

The superintendent shall develop and propose for board adoption programs and related services for students ages three through five who have been identified and classified as preschool disabled. Such programs and services shall be in strict accordance with New Jersey administrative code.

Nonpublic Schools (N.J.A.C. 6A:14-6.1, -6.2)

The board shall provide a genuine opportunity for the equitable participation of students with disabilities who have been enrolled in nonpublic schools by their parents/guardians, in accordance with federal law and regulations. All special education programs and services shall be provided with the consent of parents/guardians.

The board shall make the final decisions with respect to the services to be provided to eligible students with disabilities enrolled in nonpublic schools or early childhood programs and spend an amount of money equal to a proportionate amount of Federal funds available under Part B of the IDEA for the provision of services to students with disabilities who are attending nonpublic schools.

The district, after timely and meaningful consultation with representatives of nonpublic schools, shall

SPECIAL EDUCATION (continued)

undertake a child find process in accordance with IDEA and its implementing regulations to determine the number of parentally placed children with disabilities attending nonpublic schools located within the district.

As part of the child find process, the district board of education shall consult with private school representatives and representatives of parents of parentally placed nonpublic school children with disabilities in the design and development of special education and related services for such children.

Students identified as having disabilities attending nonpublic schools located in this district shall receive programs and services as specified in N.J.A.C. 6A:14- 6.2.

Placement Private Schools (N.J.A.C. 6A:14-7.5)

When the board places a student with a disability in an approved residential private school inside or outside the district or state in order to provide the student a free, appropriate public education, such placement shall be at no cost to the parent. The board shall be responsible for special education costs, room and board.

Native Language

Students who do not speak English; speak English but reside in a home where English is not the primary language spoken, and need instruction toward mastery of the English language; or speak some English but are more capable of performing school work in their native language, may have educationally disabling conditions that must be addressed in order to provide them the full educational opportunity that is the goal of the district for every child. Evaluation procedures shall be selected so that the student's cultural background and language abilities are taken into consideration unless it is clearly unfeasible to do so; and shall accurately reflect the student's ability rather than the impairment. All actions regarding parent/guardian notification, consent and participation shall be provided in the native language of the parent, unless that is clearly impossible. In that case, care shall be taken that the facts and procedures are made intelligible to the parents/guardians.

Staff Qualifications and Staff Development (N.J.A.C. 6A:14-1.2(b)13, 14)

All personnel serving students with disabilities shall be appropriately certified and licensed according to the State certification standards N.J.A.C. 6A:9B-11.4, where a license is required, in accordance with State and Federal law.

The superintendent shall ensure that the in-service training need for professional and paraprofessional staff who provide special education, general education or related services are identified. Appropriate in-service training shall be provided. The board directs the superintendent to maintain information to demonstrate district efforts to:

- A. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;
- B. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;
- C. Acquire and disseminate to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;
- D. Insure that the in-service training is integrated to the maximum extent possible with other professional

SPECIAL EDUCATION (continued)

development activities; and

- E. Provide for joint training activities of parents and special education, related services and general education personnel.

Cooperation with Other Agencies

The superintendent shall investigate the possibilities of working with organizations and agencies providing services for students with disabilities, and shall present feasible programs and relationships to the board for consideration.

Parent Advisory Council (N.J.A.C. 6A:14-1.2(h))

The board shall ensure that a special education parent advisory group is in place in the district to provide input to the district on issues concerning students with disabilities.

Annual Reports

Annually, the board shall submit to the Department of Education a report describing the special education programs and services provided. The end of the year report shall include the numbers of nonpublic school students provided each program or service and such other information as may be required by the Department of Education.

Eligibility for State and Federal Funds

The superintendent shall ensure that all requirements for receiving, using and accounting for state and federal funds shall be fulfilled in an accurate and timely manner.

Procurement, control, use and disposition of equipment and supplies purchased with state/federal funds shall be in full compliance with law.

Access

In addition to educational programs, the board directs that the superintendent take into consideration physical access to district facilities for students, staff and the community with disabilities in determining location of programs or planning new facilities per state and federal law.

Adopted:	August 14, 2007
NJSBA Review/Update:	March 2009, August 2019
Revised:	March 30, 2015
Readopted:	

(SE file codes: 2460, 2466, 2467)

Key Words

Special Education, Disabled, Graduation Requirements, Records, Pupil Records, Student Records, Special Education Pupil Records, Parent Advisory Group

SPECIAL EDUCATION (continued)**6171.4 Special Education Policy Crosswalk**

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SPECIAL EDUCATION (continued)

**ADDENDUM: TO 6171.4 SPECIAL EDUCATION POLICY**

**NEW JERSEY DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION PROGRAMS**

**BOARD OF EDUCATION POLICIES AND PROCEDURES  
FOR ELIGIBILITY UNDER PART B OF THE IDEA  
FOR 2016-2017**

**PART I - POLICIES**

**COUNTY CODE:** 07 **COUNTY NAME:** Camden

**DISTRICT CODE:** 0680 **DISTRICT NAME:** Camden City

**In accordance with Part B of the IDEA and N.J.A.C. 6A:14-1.1, N.J.A.C. 6A:14-1.2(b) and (c), the district board of education shall adopt and assure compliance with the following policies:**

**Policy #1:**

All students with disabilities, who are in need of special education and related services, including students with disabilities attending nonpublic schools, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3.

**Policy #2:**

Homeless students are located, identified and evaluated according to N.J.A.C. 6A:14- 3.3, and are provided special education and related services in accordance with the IDEA, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§11431 et seq.

**Policy #3:**

Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.

**Policy #4:**

An individualized education program is developed, reviewed, and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.

**Policy #5:**

To the maximum extent appropriate students with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2.

**Policy #6:**

Students with disabilities are included in statewide and districtwide assessment programs, with appropriate accommodations, where necessary, according to N.J.A.C. 6A:14- 4.10. All students with disabilities will participate in statewide assessments or the applicable alternate assessment, in grades 3, 4, 5, 6, 7, 8, and high school in the applicable courses.

**Policy #7:**

**SPECIAL EDUCATION** (continued)

Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq., including appointment of a surrogate parent as set forth at N.J.A.C. 6A:14-2.2, when appropriate.

**Policy #8:**

The rules set forth in N.J.A.C. 6A:14 ensure a free appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school:

1. The obligation to make a free, appropriate public education available to each eligible student begins no later than the student's third birthday and that an individualized education program is in effect for the student by that date;
2. If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin;
3. A free, appropriate public education is available to any student with a disability who needs special education and related services, even though the student is advancing from grade to grade;
4. The services and placement needed by each student with a disability to receive a free, appropriate public education are based on the student's unique needs and not on the student's disability; and
5. The services and placement needed by each student with a disability to receive a free, appropriate public education are provided in appropriate educational settings as close to the student's home as possible, and, when the IEP does not describe specific restrictions, the student is educated in the school he or she would attend if not a student with a disability.

**Policy #9:**

Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter will experience a smooth transition and have an individualized education program developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.

**Policy #10:**

Full educational opportunity to all students with disabilities is provided.

**Policy #11:**

The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6A:32-7.

**Policy #12:**

Provision is made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2.

**Policy #13:**

Students with disabilities who are placed in private schools by the district board of education, are provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1 and N.J.A.C. 6A:14-7.5(b)3.

**Policy #14:**

**SPECIAL EDUCATION** (continued)

All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law, pursuant to N.J.A.C. 6A:14-1.2(b)13.

**Policy #15:**

Pursuant to N.J.A.C. 6A:14-1.2(b)4, the in-service training needs for professional and paraprofessional staff who provide special education, general education or related services are identified and that appropriate in-service training is provided. The district board of education shall maintain information to demonstrate its efforts to:

1. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;
2. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;
3. Acquire and disseminate to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;
4. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
5. Provide for joint training activities of parents and special education, related services and general education personnel.

**Policy #16:**

Instructional materials will be provided to blind or print-disabled students in a timely manner, consistent with a plan developed by the district.

**Policy #17:**

For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Developmentally Disabled Uniform Application Act, N.J.S.A. 30:4-25.10 et seq. and N.J.A.C. 6A:14-1.2(b)17, the necessary materials to the parent to apply for such services.

**Policy #18:**

When the school district utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted, parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent as required by N.J.A.C. 6A:14-1.2(b)18.

**Policy #19:**

The school district will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP, pursuant to N.J.A.C. 6A:14-4.5(d).

**\*Policy #20:**

The school district has a plan in effect to establish stability in special education programming. The plan takes into account the consistency of the location, curriculum, and staffing in the provision of special education services as required by N.J.A.C. 6A:14-3.7(c)4.

SPECIAL EDUCATION (continued)**\*Policy #21:**

The school district screens students who have exhibited one or more potential indicators of dyslexia or other reading disabilities in accordance with N.J.S.A. 18A:40-5.1 et seq.

**PART II – PROCEDURES**

**In accordance with Part B of the IDEA and N.J.A.C. 6A:14-1.1, N.J.A.C. 6A:14-1.2(b) and (c), the district board of education shall assure compliance with the following policies and related procedures below:**

**Policy #1:**

All students with disabilities, who are in need of special education and related services, including students with disabilities attending nonpublic schools, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3.

**AND****Policy #2:**

Homeless students are located, identified and evaluated according to N.J.A.C. 6A:14-3.3, and are provided special education and related services in accordance with the IDEA, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§11431 et seq.

**AND****Policy #7:**

Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq. including appointment of a surrogate parent as set forth at N.J.A.C. 6A:14-2.2, when appropriate.

**Pursuant to 20 U.S.C. §1412(a)(3), procedures to locate students with disabilities (child find) must ensure that:**

1. Person(s) responsible to conduct child find activities are identified.
2. Child find activities are conducted for all children ages three through 21, who reside within the district or attend nonpublic schools within the district.
3. Child find activities are conducted at least annually.
4. Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.
5. Child find activities address public and nonpublic students, including highly mobile students such as migrant and homeless students.
6. Child find activities for nonpublic school students are comparable to activities conducted for public school students.
  - a. Child find activities for nonpublic school children provide for consultation with appropriate representatives of the nonpublic school and parents on how to carry out these activities.
7. Child find activities include outreach to a variety of public and private agencies and individuals concerned with the welfare of students, such as clinics, hospitals, physicians, social service agencies and welfare agencies.

**SPECIAL EDUCATION** (continued)**For charter schools, renaissance schools or state agencies, procedures must ensure that:**

1. Child find activities are limited to the population of students enrolled in the charter or renaissance school or served by the state agency.
2. Person(s) to conduct child find activities are identified.
3. Child find activities are conducted at least annually.
4. Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.

**Procedures for interventions in the general education program must ensure that:**

1. Criteria/steps for initiating interventions in the general education program are identified.
2. Parents, teachers and other school professionals, as appropriate, are informed of the procedures to initiate interventions in the general education program.
3. Activities are in place to determine whether the interventions are effective.
4. School personnel who are responsible for the implementation/evaluation of the interventions are identified; and
5. The type, frequency, duration and effectiveness of the interventions are documented.

**Procedures for referral must ensure that:**

1. Steps are in place to refer students after it has been determined that interventions in the general education program are not effective in alleviating the educational difficulties.
2. Steps are in place to refer students directly to the child study team when warranted.
3. Steps are in place to refer students who may have a disability but are advancing from grade to grade.
4. Steps for initiating a referral to the child study team by school personnel identify:
  - a. The information/documentation of student performance required in the referral;
  - b. Forms, if any, that are to be submitted by school personnel;
  - c. School personnel who are responsible to process referrals; and
  - d. Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.
5. Steps for processing written referrals received from parents identify:
  - a. School personnel who are responsible to process referrals from parents; and
  - b. Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.
  - c. School personnel, parents and agencies are informed of referral procedures.

**For students with disabilities potentially in need of a surrogate parent, procedures must ensure that:**

1. A surrogate parent is provided to a student in accordance with N.J.A.C. 6A:14-2.2 when:
  - a. The parent of the student cannot be identified or located.
  - b. An agency of the State has guardianship of the student and that agency has not taken steps to appoint a surrogate parent for the student.
  - c. The student is a ward of the state and no State agency has taken steps to appoint a surrogate parent for the student.
  - d. No parent can be identified for the student in accordance with N.J.A.C. 6A:14-1.3 except a foster parent, the foster parent does not agree to serve as the student's parent and no State agency has taken steps to appoint a surrogate parent for the student.
  - e. The student is an unaccompanied homeless youth and no State agency has taken steps to appoint a

**SPECIAL EDUCATION** (continued)

surrogate parent for the student.

2. The district will make reasonable efforts to appoint a surrogate parent within 30 days of its determination that a surrogate parent is required for a student.
3. The district will appoint a person who will be responsible for appointing surrogate parents and overseeing the process. The responsible person will:
  - a. Determine whether there is a need for a surrogate parent for a student;
  - b. Contact any State agency that is involved with the student to determine whether the State has had a surrogate parent appointed for the student; and
  - c. Make reasonable efforts to select and appoint a surrogate parent for the student within 30 days of determining that there is a need for a surrogate parent for the student.
4. The district will establish a method for training surrogate parents that includes provision of information with respect to parental rights and procedural safeguards available to parents and students in accordance with N.J.A.C. 6A:14.
  - a. The district will appoint a person that will be responsible for training surrogate parents;
  - b. The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;
  - c. The training will be designed to make surrogate parents familiar with State and federal requirements for assessment, individualized education program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;
  - d. Surrogate parents will be provided with copies of: the Parental Rights in Special Education booklet; N.J.A.C. 6A:14; the Special Education Process; Code Training Materials from the Department of Education Website; and other relevant materials; and
  - e. Surrogate parents will be provided information to enable them to become familiar with the nature of the child's disability.
5. The district will ensure that:
  - a. All persons serving as surrogate parents have no interest that conflicts with those of the student he or she represents;
  - b. All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;
  - c. All persons serving as surrogate parents are at least 18 years of age;
  - d. If the school district compensates the surrogate parent for providing such services, a criminal history review of the person in accordance with N.J.S.A. 18A:6-7.1 is completed prior to his or her serving as the surrogate parent; and
  - e. No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the district board of education or a public or nonpublic agency that is involved in the education or case of the child.

**Policy #3:**

Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.

**Procedures:**

Due to the specificity of the requirements at N.J.A.C. 6A:14-2.5 and 3.4, no additional written procedures are required.

SPECIAL EDUCATION (continued)

**Policy #4:**

An individualized education program is developed, reviewed and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.

**Procedures:**

Due to the specificity of the requirements at N.J.A.C. 6A:14-2.6 and 3.7, no additional written procedures are required.

**Policy #5:**

To the maximum extent appropriate, students with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2.

**Procedures:**

Due to the specificity of the requirements at N.J.A.C. 6A:14-4.2, no additional written procedures are required.

**Policy #6:**

Students with disabilities are included in statewide and districtwide assessment programs, with appropriate accommodations, where necessary, according to N.J.A.C. 6A:14-4.10. All students with disabilities will participate in statewide assessments or the applicable alternate assessment, in grades 3, 4, 5, 6, 7, 8, and high school in the applicable courses.

**Procedures:**

Due to the specificity of the requirements at N.J.A.C. 6A:14-4.10, no additional written procedures are required.

**Policy #8:**

A free, appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school.

**Procedures regarding the provision of a free, appropriate public education to students with disabilities who are suspended or expelled must ensure that:**

1. School officials responsible for implementing suspensions/expulsions in the district are identified.
2. Each time a student with a disability is removed from his/her current placement for disciplinary reasons, notification of the removal is provided to the case manager.
3. A system is in place to track the number of days a student with disabilities has been removed for disciplinary reasons.
4. Suspension from transportation is counted as a day of removal if the student does not attend school.
  - a. If transportation is included in the student's IEP as a required related service, the school district shall provide alternate transportation during the period of suspension from the typical means of transportation.
5. Removal for at least half of the school day is reported via the Student Safety Data System (SSDS).

**SPECIAL EDUCATION** (continued)

6. If the district has an in-school suspension program, participation in the program is **not** considered a removal when determining whether a manifestation determination must be conducted if the program provides the following:
  - a. Opportunity for the student to participate and progress in the general curriculum;
  - b. Services and modifications specified in the student's IEP;
  - c. Interaction with peers who are not disabled to the extent they would have in the current placement; and
  - d. The student is counted as present for the time spent in the in-school suspension program.
7. When a series of short-term removals will accumulate to more than 10 school days in the year:
  - a. School officials and the case manager consult to determine whether the removals create a change of placement according to N.J.A.C. 6A:14-2.8(c)2;
  - b. Written documentation of the consultation between school officials and the case manager is maintained;
  - c. If it is determined that there is no change in placement, school officials, the case manager and special education teacher consult to determine the extent to which services are necessary to:
    1. Enable the student to participate and progress appropriately in the general education curriculum; and
    2. Advance appropriately toward achieving the goals set out in the student's IEP; and
    3. Written documentation of the consultation and services provided is maintained.
8. Steps are in place to convene a meeting of the IEP team and, as necessary or required, conduct a functional behavioral assessment and review the behavioral intervention plan according to N.J.A.C. 6A:14 Appendix A, Individuals with Disabilities Education Act Amendments of 2004 20 U.S.C. §1415 et seq.

**Procedures regarding the provision of a free, appropriate public education to preschool age students with disabilities must ensure that:**

Eligible preschool age children who are not participating in an early intervention program have an IEP in effect by their third birthday. Steps include:

1. Responding to referrals according to N.J.A.C. 6A:14-3.3(e)
2. Having a program in place no later than 90 calendar days from the date of consent.

**Procedures regarding the provision of a free, appropriate public education to students with disabilities who are advancing from grade to grade must ensure that:**

A student with a disability, who is advancing from grade to grade with the support of specially designed services, may continue to be eligible when:

1. As part of a reevaluation, the IEP team determines that the student continues to require specially designed services to progress in the general education curriculum; and
2. The use of functional assessment information supports the IEP team's determination.

**Policy #9:**

Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter will experience a smooth transition and have an individualized education program developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.3

**SPECIAL EDUCATION** (continued)

1. A child study team member of the district will participate in the preschool transition planning conference arranged by the designated service coordinator from the early intervention system and will:
  - a. Review the Part C Individualized Family Service Plan for the child;
  - b. Provide the parent(s) written district registration requirements;
  - c. Provide the parents written information with respect to available district programs for preschool students, including general education placement options; and
  - d. Provide the parent(s) a form to use to request that the Part C service coordinator be invited to the child's initial IEP meeting.
2. The Part C service coordinator will be invited to the initial IEP meeting for a student transitioning from Part C to Part B.

**Policy #10:**

Full educational opportunity to all students with disabilities is provided.

**Procedures:**

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.1, no additional written procedures are required.

**Policy #11:**

The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6A:32-7.

**Procedures:**

Due to the specificity of the requirements at N.J.A.C. 6A:32-7, no additional written procedures are required.

**Policy #12:**

Provision is made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2.

**Procedures:**

Due to the specificity of the requirements at N.J.A.C. 6A:14-6.1 and 6.2, no additional written procedures are required.

**Policy #13:**

Students with disabilities who are placed in private schools by the district board of education, are provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1(d) and N.J.A.C. 6A:14-7.5(b)3.

**Procedures:**

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.1 and 7.5(b)3, no additional written procedures are required.

**Policy #14:**

SPECIAL EDUCATION (continued)

All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law.

**Procedures:**

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)13, no additional written procedures are required.

**Policy #15:**

The in-service training needs for professional and paraprofessional staff who provide special education, general education or related services are identified and that appropriate in-service training is provided. The district board of education shall maintain information to demonstrate its efforts to:

1. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;
2. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;
3. Acquire and disseminate to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;
4. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
5. Provide for joint training activities of parents and special education, related services and general education personnel.

**Procedures:**

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)14, no additional written procedures are required.

**Policy #16:**

Instructional materials will be provided to blind or print-disabled students in a timely manner.

Instructional materials will be provided to blind or print-disabled students in accordance with a plan developed by the district. The plan will be the Individualized Education Program of each student with a disability, which will set forth the instructional materials needed, how they will be provided, and address any assistive technology needed to permit the student to utilize the materials.

**Policy #17:**

For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Uniform Application Act, N.J.S.A. 30:4-25.10 et seq., the necessary materials to the parent to apply for such services.

**Procedures:**

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)17, no additional written procedures are required.

**Policy #18:**

**SPECIAL EDUCATION** (continued)

When the school district utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted, parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent as required by N.J.A.C. 6A:14.

**Procedures:**

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)18, no additional written procedures are required.

**Policy #19:**

The school district will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP.

**Procedures:**

Due to the specificity of the requirements at N.J.A.C. 6A:14-4.5(d), no additional written procedures are required.

**\*Policy #20:**

The school district has a plan in effect to establish stability in special education programming. The plan takes into account the consistency of the location, curriculum, and staffing in the provision of special education services.

**Procedures:**

Due to the specificity of the requirements at N.J.A.C. 6A:14-3.7(c)4, no additional written procedures are required.

**\*Policy #21:**

The school district screens students who have exhibited one or more potential indicators of dyslexia or other reading disabilities in accordance with N.J.S.A. 18A:40-5.1 et seq. The district board of education shall maintain information to demonstrate its efforts to:

1. Select and implement age-appropriate screening instruments for the early diagnosis of dyslexia and other reading disabilities;
2. Ensure that each student enrolled in the district who has exhibited one or more potential indicators of dyslexia or other reading disabilities is screened for dyslexia and other reading disabilities using the selected screening tool no later than the student's completion of the first semester of second grade;
3. Develops a procedure to screen eligible newly-enrolled students in accordance with the legislation;
4. Ensures the screening is administered by a teacher or other teaching staff member properly trained in the screening process for dyslexia and other reading disabilities; and
5. Ensures that students who are diagnosed with dyslexia or other reading disability receive appropriate evidence-based interventions.

**Legal References:** N.J.S.A. 10:5-1 et seq.  
N.J.S.A. 18A:46-1 et seq.  
See particularly:  
N.J.S.A. 18A:46-13

Law Against Discrimination  
 Classes and Facilities for Handicapped Children

**SPECIAL EDUCATION** (continued)

<u>N.J.S.A. 18A:46A-1 et seq.</u>	Auxiliary Services
<u>N.J.A.C. 5:23-1 et seq.</u>	Uniform construction code
<u>N.J.A.C. 6A:7-1.7</u>	Equality in school and classroom practices
<u>N.J.A.C. 6A:8-1.2</u>	Scope
<u>N.J.A.C. 6A:8-1.3</u>	Definitions
<u>N.J.A.C. 6A:8-3.1</u>	Curriculum and instruction
<u>N.J.A.C. 6A:8-4.1 et seq.</u>	Implementation of the Statewide Assessment System
<u>N.J.A.C. 6A:8-5.1 et seq.</u>	Implementation of Graduation Requirements
<u>N.J.A.C. 6A:9B-1.1 et seq.</u>	State board of examiners and certification
See particularly:	
<u>N.J.A.C. 6A:9B-11.4</u>	Teacher of students with disabilities
<u>N.J.A.C. 6A:14-1.1 et seq.</u>	Special Education
<u>N.J.A.C. 6A:15-1.4</u>	Bilingual programs for limited English proficient students
<u>N.J.A.C. 6A:23A-1.1 et seq.</u>	Fiscal accountability, efficiency and budgeting procedures
See particularly:	
<u>N.J.A.C. 6A:23A-17.4 to -17.7, -18.1 et seq.</u>	
<u>N.J.A.C. 6A:26-6.1 et seq.</u>	Planning and Construction Standards for School Facilities
<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:32-7.1 et seq.</u>	Student Records
<u>N.J.A.C. 6A:32-8.3</u>	School attendance
<u>N.J.A.C. 6A:33-1.1 et seq.</u>	School attendance

Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

20 U.S.C.A. 1400 et seq. - 1990 Individuals With Disabilities Education Act, P.L. 101-476 (formerly Education for All Handicapped Children Act--Part B)

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

34 CFR 76.1 et seq. - General Administrative Regulation EDGAR

34 CFR 77.1 et seq. - General Administrative Regulation EDGAR

34 CFR 300 - Assistance to States for the Education of Children with Disabilities (IDEA Regulations)

International Building Code 2015, New Jersey Edition; First Printing: September 2015; ISBN: 978-1-60983-156-1; Copyright 2015, International Code Council, Inc.

Agostini v. Felton, 521 U.S. 203 (1997), overruling Aguilar v. Felton, 473 U.S. 402 (1985)

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

Oberti v. Board of Education of Clementon School District, 995 F.2d 1204, 1216-17 (C. A.3 1993)

Cedar Rapids Community School District v. Garrett F., 526 U.S. 66 (1999)

**Possible**

**Cross References:** \*1120

Board of education meetings

SPECIAL EDUCATION (continued)

*4112.2	Certification
*4131/4131.1	Staff development; inservice education/visitations/conferences
*5114	Suspension and expulsion
*5120	Assessment of individual needs
*5125	Pupil records
*5131	Conduct/discipline
*5200	Nonpublic school pupils
*6121	Nondiscrimination/affirmative action
*6145	Extracurricular activities
*6151	Class size
*6164.2	Guidance services
*6164.4	Child study team
*9322	Public and executive sessions

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

NEW JERSEY DEPARTMENT OF EDUCATION

PARENTAL RIGHTS IN SPECIAL EDUCATION/PROCEDURAL SAFEGUARD STATEMENT

New Jersey Administrative Code for special education (N.J.A.C. 6A:14) and the federal Individuals with Disabilities Education Act of 2004 (IDEA 2004) are laws that ensure children with disabilities a free, appropriate public education in the least restrictive environment. An important part of these laws provides parents with the right to participate in their children's education.

You and representatives of your school district are team members who are responsible for developing an appropriate educational program for your child. This document will describe the state and federal laws affecting the provision of special education to help you understand your rights in the special education process. With this knowledge, you will be prepared to take an active role in your child's education.

This document has been developed for you by the Department of Education, Office of Special Education Programs, in an effort to provide the most comprehensive and up-to-date information. The document is periodically revised to reflect changes in the law, provide additional information that would be of use to you, and to provide the information in a more clear and concise manner.

If you need additional help in understanding your rights, contact information for the Statewide Parent Advocacy Network (SPAN), Disability Rights New Jersey (DRNJ), the County Offices of the New Jersey Department of Education and your local school district is listed on page 42 of the New Jersey Department of Education publication, Parental Rights in Special Education (revised August 2016).

This is the procedural safeguards statement required in accordance with New Jersey Administrative Code (N.J.A.C.) 6A:14-2.3(g)7.

Reference:

New Jersey Department of Education, Parental Rights in Special Education, Revised August 2016).  
<http://www.state.nj.us/education/specialed/form/prise/prise.pdf>

**HOME INSTRUCTION**

To provide uninterrupted education for pupils unable to attend their regular classes because of illness, disability, court order or administrative action, the board of education shall provide away-from-school instruction, when proper application has been made and subject to the following restrictions:

- A. The period of absence must be expected to be longer than two weeks except in special circumstances;
- B. A parent/guardian or appropriate adult authority must be within call during the period of instruction; and
- C. In cases of illness or disability, medical certification is required both of the necessity for the pupil's absence and his/her fitness to benefit from the instruction.

Each case must be approved by board action; all requirements for receipt of state aid must be fulfilled. Home instruction shall be available to all qualifying students regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, English proficiency, housing status or socioeconomic status.

**Temporary or Chronic Health Condition**

The board shall provide instructional services to an enrolled student when the student is confined to the home or another out-of-school setting due to a temporary or chronic health condition or a need for treatment that precludes participation in their usual education setting, whether general education or special education.

The parent/guardian shall submit a request for home instruction in writing. The request shall include a written determination from the student's physician documenting the projected need for confinement at the student's residence or other treatment setting for more than 10 consecutive school days or 20 cumulative school days during the school year.

The principal or his or her designee shall forward the request with the written determination to the school physician, who shall verify the need for home instruction. The school physician may contact the student's physician to secure additional information concerning the student's diagnosis or need for treatment, and shall either verify the need for home instruction or shall provide the board with the reasons for denial. The parent/guardian shall be notified concerning the school physician's verification or reasons for denial within five school days after receipt of the written determination by the student's physician.

The district shall provide instructional services within five school days after receipt of the school physician's verification or, if verification is made prior to the student's confinement, during the first week of the student's confinement to the home or out-of-school setting. Instructional services shall at a minimum include:

- A. A written plan for delivery of instruction shall be established to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress;
- B. Teachers providing home instruction shall be a certified teacher;
- C. The teacher shall provide one-on-one instruction for the number of days and length of time sufficient to

HOME INSTRUCTION (continued)

continue the student's academic progress and dependent upon the student's ability to participate;

- D. For a student with disabilities, the home instruction shall be consistent with the student's individualized education plan (IEP) to the extent appropriate and shall meet the New Jersey Student Learning Standards. When the provision of home instruction will exceed 30 consecutive school days in a school year, the IEP team shall convene a meeting to review and, if appropriate, revise the student's IEP;
- E. For a student without disability, the home instruction shall meet the New Jersey Student Learning Standards, and the requirements of the board for promotion to the next grade level. When the provision of home instruction will exceed 60 calendar days, the school physician shall refer the student to the child study team for evaluation;
- F. The district shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly, through online services, including any needed equipment, or through contract with another district board of education, educational services commission, jointure commission, or approved clinic or agency. Students who are eligible to receive home instruction as needed at the district's expense are as follows:
  - 1. A student who resides within the area served by the board and is enrolled in a public school program; or
  - 2. A student who is enrolled in a nonpublic school that is located within the area served by board.

Reasons Other Than a Temporary or Chronic Health Condition

- A. The district shall provide home or out-of-school instruction for a general education student for reasons other than a temporary or chronic health condition no later than five school days after the student has left the general education program when:
  - 1. The student is mandated by State law and rule for placement in an alternative education program for firearms offenses and/or assault with weapons offenses but placement is not immediately available;
  - 2. The student is placed on short-term or long-term suspension;
  - 3. A court order requires that the student receive instructional services in the home or other out-of-school setting.

The district shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly, or through online services, including any needed equipment, or through contract with another board of education, educational services commission, jointure commission, or approved clinic or agency for resident students.

- B. The home or out-of-school instructional services for reasons other than a temporary or chronic health condition shall meet the minimum standards that are specified in N.J.A.C. 6A:16-10.2(d) including but not limited to:
  - 1. The district shall establish a written plan for delivery of instruction and maintain a record of instructional services and student progress;
  - 2. The teacher providing instruction shall be a certified teacher;
  - 3. The teacher shall provide one-on-one instruction for no fewer than 10 hours per week on three separate days of the week and no fewer than 10 hours per week of additional guided-learning experiences that may include the use of technology to provide audio and visual connections to the student's classroom;
  - 4. The instruction shall meet New Jersey Student Learning Standards and the board's requirements for promotion and graduation;
  - 5. If instruction is delivered in the student's home, a parent or other adult 21 years of age or older who

HOME INSTRUCTION (continued)

has been designated by the parent shall be present during all periods of home instruction.

Any student receiving home instruction is not considered absent.

Adopted: June 24, 1985  
 Revised: August 23, 1995  
 Revised: October 30, 2000  
 Readopted: August 14, 2007  
 NJSBA Review/Update: March 2009, August 2019  
 Revised: March 30, 2015  
 Readopted:

(SE file codes: 2412, 2481)

Key Words

Bedside Instruction, Home Instruction

**Legal References:** N.J.A.C. 6A:7-1.7 Equity in school and classroom practices  
N.J.A.C. 6A:14-1.1 et seq. Special education  
See particularly:  
N.J.A.C. 6A:14-4.8, 4.9  
N.J.A.C. 6A:16-4.3 Reporting, notification and examination procedures for students suspected of being under the influence of alcohol or other drugs  
N.J.A.C. 6A:16-5.5 Removal of students from general education for firearms offenses  
N.J.A.C. 6A:16-5.6 Removal of students from general education for assaults with weapons offenses  
N.J.A.C. 6A:16-10.1 et seq. Home or out-of-school instruction  
N.J.A.C. 8:61-1.1 Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)  
H.A. v. Board of Education Warren Hills Regional, 1976 S.L.D. 336  
Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)  
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. 338 (Ch. Div. 2000)

The Comprehensive Equity Plan, New Jersey Department of Education

Possible

**Cross References:** \*4112.2 Certification  
 \*5113 Absences and excuses  
 \*5114 Suspension and expulsion  
 \*5131 Conduct/discipline  
 \*5131.6 Drugs, alcohol, tobacco (substance abuse)  
 \*5131.7 Weapons and dangerous instruments  
 \*5134 Married/pregnant pupils  
 \*5141.2 Illness  
 \*6146 Graduation requirements  
 \*6164.2 Guidance services

HOME INSTRUCTION (continued)

- \*6164.4 Child study team
- \*6171.4 Special education
- \*6172 Alternative educational programs

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

**EARLY CHILDHOOD EDUCATION/PRESCHOOL**

The board of education believes that preschool educational experiences contribute to later academic success for all children. Therefore, within the limits of the budget and as required by law, the superintendent shall recommend to the board for approval programs designed for district children under the age required for regular admission. Programs shall address the needs of children who have been identified as requiring special education, as well as of those who have not been so identified.

The preschool curriculum shall consist of developmentally appropriate experiences that provide each child with individual opportunities to develop positive self-esteem, social/emotional growth, language skills, motor development and conceptual skill development.

All preschool programs sponsored by the board shall be consistent with the overall philosophy of the school district and aligned with the New Jersey Student Learning Standards. They shall be coordinated with other relevant district programs such as special education and Title I and articulated with the K-12 curriculum.

Proof of immunizations against communicable diseases and examinations shall be in accord with requirements for kindergarten and first grade admission (see policy file code 5111 *Admission*).

The board of education shall ensure that the preschool program:

- A. Maintains classroom enrollments of no more than 18 children with one certified teacher and one appropriately qualified assistant;
- B. Is developmentally appropriate to the age and skill level of the young child;
- C. Is designed to meet the New Jersey Preschool Teaching and Learning Standards of Quality, the New Jersey Preschool Program Implementation Guidelines and the New Jersey Student Learning Standards;
- D. Includes transition activities, programs, and services between preschool programs and kindergarten programs;
- E. Coordinates with all other relevant school district programs, for example, special education and bilingual education; and
- F. Includes an annual program evaluation.

The preschool programs and curricula shall be based on student needs, strengths and interests that focus on all aspects of development: cognitive, social, emotional and physical. Curriculum and assessment strategies and/or resources shall be developmentally appropriate and include performance-based assessment measures.

The board shall ensure that instructional methods and/or strategies are congruent with the cognitive, social, emotional and physical skills of the young child. Instruction shall balance teacher-directed and child-initiated experiences.

The board shall provide professional development and training specific to preschool education for all early childhood education administrators, teachers and teacher assistants.

The preschool program may be offered within a mixed delivery system that includes in-district, private

EARLY CHILDHOOD EDUCATION/PRESCHOOL (continued)

provider and local Head Start agency settings provided that the private provider and/or local Head Start agency program(s) with which the district board of education contracts comply with the school district's program requirements, including the employment of appropriately licensed and qualified teaching staff.

The preschool program shall include parent education activities in the preschool program with specific strategies identified that assist parents in remaining actively involved in their child's education throughout their school years.

Community health and social service agencies shall be included in the planning, operations and, if appropriate, the fiscal support of the preschool program.

The board shall designate an administrator to oversee the preschool program. He/she shall ensure adherence to all applicable laws and regulations in pursuing funding at the federal and state levels, as well as from private sources.

Adopted: August 14, 2007  
 NJSBA Review/Update: March 2009, August 2019  
 Revised:

Key Words

Developmentally Appropriate Curriculum, Early Childhood Education, Preschool

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:7F-54	Access to full day preschool; calculation of preschool education aid
	<u>N.J.S.A.</u> 18A:44-4	Funding of Preschool programs
	<u>N.J.A.C.</u> 6A:8-2.1	Authority for educational goals and standards
	<u>N.J.A.C.</u> 6A:8-3.4	Requirements for early childhood education programs
	<u>N.J.A.C.</u> 6A:9B-6.1	Standard certificate
	<u>N.J.A.C.</u> 6A:9B-8.1	Requirements for certificates of eligibility
	<u>N.J.A.C.</u> 6A:9B-9.2	Endorsements and authorizations
	<u>N.J.A.C.</u> 6A:13A-1.1 <u>et seq.</u>	Elements of high quality preschool programs
	<u>N.J.A.C.</u> 6A:23A-8.7	Tuition rate adjustment by districts receiving preschool expansion aid or educational opportunity aid
	<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:26-6.4	Educational facility planning standards for school facilities housing preschool students
	<u>N.J.A.C.</u> 6A:32-8.3	School attendance

Possible

<b><u>Cross References:</u></b>	*1410	Local units
	*1600	Relations between other entities and the district
	*3220/3230	State funds/federal funds
	*3541.1	Transportation routes and services
	*5020	Role of parents/guardians
	*5111	Admission
	*5141.3	Health examinations and immunizations
	*6010	Goals and objectives
	*6122	Articulation
	*6141	Curriculum design/development
	*6151	Class size
	*6171.3	At-risk and Title 1
	*6171.4	Special education
	*7110	Long-range facilities planning

EARLY CHILDHOOD EDUCATION/PRESCHOOL (continued)

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

**CAMDEN CITY PUBLIC SCHOOLS**  
Camden, New Jersey

**FILE CODE: 6300**

  X   **Monitored**

       **Mandated**

  X   **Other Reasons**

**Policy**

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**EVALUATION OF THE INSTRUCTIONAL PROGRAM**

The Camden City Board of Education directs the superintendent to develop and implement a systematic short-range and long-range plan for the continuing assessment of the progress of the educational program toward the goals established by the district. To this end, he/she shall recommend tests and methods indicated by his/her best professional judgment.

The board reserves the right to review each test and to approve those that serve a legitimate purpose without infringing upon the personal rights of the pupils or their parents/guardians. The results of any evaluation may be released by the superintendent using districtwide data. Parents/guardians may obtain an explanation of the results of their child's test from qualified school personnel.

The superintendent shall annually recommend improvements in the program and staff based upon the evaluation of the district's program. He/she will ensure that all required data is submitted to the Commissioner for inclusion in the school report card.

The board will cooperate with the Commissioner in the conduct of such state-wide assessment programs as are required by the State Board of Education and shall use the data gained thereby toward the improvement of the schools of this district.

Adopted: June 24, 1985  
Revised: August 23, 1995  
Readopted: August 14, 2007, March 30, 2015  
NJSBA Review/Update: March 2009, August 2019  
Revised:

(SE file code: 2610)

**Key Words**

Evaluation, Evaluation of the Instructional Program, Instructional Program

<u><b>Legal References:</b></u>	<u>N.J.S.A. 18A:7A-10</u>	Evaluation of performance of each school
	<u>N.J.S.A. 18A:7E-2</u>	
	through -5	School report card program
	<u>N.J.A.C. 6A:7-1.4</u>	Responsibilities of the district board of education
	<u>N.J.A.C. 6A:8-1.1 et seq.</u>	Standards and Assessment
	<u>N.J.A.C. 6A:14-4.1(i)</u>	General requirements
	<u>N.J.A.C. 6A:23A-9.5</u>	Commissioner to ensure achievement of the New Jersey Student Learning Standards
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts

Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

**Possible**

<u><b>Cross References:</b></u>	*1000/1010	Concepts and roles in community relations; goals and objectives
	*1120	Board of education meetings
	*5120	Assessment of individual needs

EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)

*5145.4	Equal educational opportunity
6000	Concepts and roles in instruction
*6010	Goals and objectives
6011	Thorough and efficient/QEA
*6141	Curriculum design/development
*6147	Standards of proficiency
*6171.4	Special education

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

**LONG-RANGE FACILITIES PLANNING**

The board recognizes that sound planning based on accurate information is essential to the efficient operation of the schools. In order to ensure that future district construction, alterations and/or remodeling is planned on the basis of need, the board, in accordance with state requirements, will prepare the required long-range facilities plan and will update that plan as required thereafter. The long-range plan shall include but not be limited to:

- A. Enrollment projections for the school district for the five years covered by the plan, by grade level, as set forth in the Fall Survey Report for grades kindergarten through 12 and the application for state school aid (ASSA) for the preschool program utilizing enrollment figures as of October 15 of the previous year as the base enrollment figures. The following students shall be separately identified in the enrollment projections:
  - 1. Students attending charter schools;
  - 2. Students attending school choice programs;
  - 3. Students enrolled in the school district but attending private schools for the disabled;
- B. The functional capacity of every school facility in the district, listed separately by facility and grade level, including an inventory of all spaces in each facility;
- C. An inventory of every school facility, other facility and temporary facility in the district;
- D. An inventory of all district-owned land, indicating whether used currently, previously, or never, as a school site, with a map of the district indicating the location of all district-owned land and the location of existing schools in the district;
- E. A listing of the approximate size and nature of any new sites that may be needed for school facilities projects, listing the specific project(s) to be constructed on each site;
- F. An inventory of all building systems within each facility, including structure, enclosure, mechanical, plumbing, interior walls and finishes and electrical systems;
- G. A determination of the life expectancy of all building systems;
- H. A determination of any building system deficiencies in each school facility and the required remediation;
- I. The district's proposed school facilities projects and other capital projects and preliminary scopes of work in the five years ensuing;
- J. The district's proposed programmatic models for school facility types and capacities the school district intends to operate in the five years ensuing;
- K. A comparison of the school district's proposed programmatic models with the facilities efficiency standards and identification of all types of spaces, sizes of spaces and number of spaces inconsistent with those standards;
- L. A comparison of the school district's programmatic models with the existing inventory and how the school district proposes to convert the existing inventory to the programmatic models;
- M. The district's proposed plans for new construction and renovation of other facilities in the five years

LONG-RANGE FACILITIES PLANNING (continued)

ensuing, setting forth each proposed new other facility, addition and renovation, including each separate space to be constructed or renovated and all other facilities to be sold, converted to other non-school facility uses or razed;

- N. For each school facility for which the school district is seeking approval of additional space or waiver of a facility efficiency standard to be approved, the school district shall submit documentation supporting the request;
- O. For each school facility to be replaced, a preliminary comparison of the cost of replacement of the school facility verses the cost to rehabilitate the school facility;
- P. Preliminary data to support each proposed new school facility or addition, renovation to an existing school facility and the removal from the school district's inventory of school facilities each school facility to be sold, converted to non-school facility use or razed;
- Q. A preliminary estimate of the cost of every school facilities project set forth in the long-range plan; and
- R. A district board of education resolution approving submission of the long-range plan.

Planning for major rehabilitation and remodeling will be incorporated into the school district master plan on a scheduled basis.

Reporting to the Board

In order to apprise the board of the continuing relevance of the capital construction plan, the superintendent shall annually report to the board:

- A. Number of new residential units approved;
- B. Enrollment by grades during the school year monthly;
- C. Student population projections prepared every year, and compare the actual population figures to the previously projected figures to detect early, for the benefit of the board, any changes in population trends.

In planning for the enlargement or modification of its facilities, the board shall consider not only the number of children whose educational needs must be met, but also the physical requirements of the program it deems best suited to meet those needs. Each school building and site shall provide suitable accommodations to carry out the educational program of the school including provision for the disabled, pursuant to law and regulation.

Substandard Facilities

All existing school facilities will be evaluated annually for their suitability to current district needs. Any facilities found to be substandard according to the administrative code shall be corrected as quickly as possible in compliance with law.

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Revised:	April 12, 1988
Revised:	August 23, 1995
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009, August 2019
Revised:	March 30, 2015
Readopted:	

LONG-RANGE FACILITIES PLANNING (continued)

(SE file code: 7100)

Key Words

Long-Range Facilities Planning, Planning, Facilities

<b><u>Legal References:</u></b>	<u>N.J.S.A. 18A:7F-7</u>	Undesignated fund balance; use, limits
	<u>N.J.S.A. 18A:7F-63</u>	Inclusion of facilities projects in SDA district budget
	<u>N.J.S.A. 18A:7G-1</u>	
	through -48 <u>et al.</u>	<u>Educational Facilities Construction and Financing Act</u>
	<u>N.J.S.A. 18A:11-2</u>	Power to sue and be sued; report; census of school children
	<u>N.J.S.A. 18A:33-1</u>	District to furnish suitable facilities; adoption of courses of study
	<u>N.J.S.A. 18A:33-1.1</u>	Substandard facility; approval; inspection; abandonment
	<u>N.J.A.C. 5:23-1.1 et seq.</u>	Uniform Construction Code
	<u>See particularly:</u>	
	<u>N.J.A.C. 5:23-1.1, -3.1, -3.11 B</u>	
	<u>N.J.A.C. 6A:23A-8.1 et seq.</u>	Budget submission, support documentation, website publication
	<u>N.J.A.C. 6A:25-1.1 et seq.</u>	Qualified Zone Academy Bond Program
	<u>N.J.A.C. 6A:26-1.1 et seq.</u>	Educational Facilities
	<u>See particularly:</u>	
	<u>N.J.A.C. 6A:26-2.1 et seq.</u>	
	<u>-6.1 et seq., -10.1 et seq.</u>	
	<u>-12.1 et seq.</u>	
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the performance of school districts
	<u>See particularly</u>	
	<u>N.J.A.C. 6A:30-2.1 et seq.</u>	NJQSAC components of school district effectiveness and indicators
	<u>N.J.A.C. 6A:32-8.1 et seq.</u>	Attendance and pupil accounting

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**Possible**

<b><u>Cross References:</u></b>	*2240	Research, evaluation and planning
	*2255	Action planning for NJQSAC
	*3100	Budget planning, preparation and adoption
	*3220/3230	State funds; federal funds
	*3260/3270	Sale and disposal of books, equipment and supplies; sale, licensing and rental of property
	3360	Rental/long-term leasing
	7114.2	Temporary facilities
	*7115	Developing educational specifications

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