

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5020

## ROLE OF PARENTS/GUARDIANS

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

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

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

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

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

Adopted: March 16, 2010

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:35-4.9	Pupil promotion and remediation; policies and procedures
	<u>N.J.S.A.</u> 18A:35-22	Notice to parents that child identified as eligible for enrollment; option of declining enrollment; involvement of parents in program
	<u>N.J.A.C.</u> 6A:8-4.3	Accountability
	<u>N.J.A.C.</u> 6A:14-1.1 et seq.	Special Education
	<u>N.J.A.C.</u> 6A:10A-1.1 et seq.	Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
	<u>See particularly:</u> <u>N.J.A.C</u> 6A:10A-5.3 through 5.5	

ROLE OF PARENTS/GUARDIANS (continued)

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

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

Manual for the Evaluation of Local School Districts

**Cross References:**

*1220	Ad hoc advisory committees
*1230	School-connected organizations
*1250	Visitors
*5113	Absences and excuses
*5114	Suspension and expulsion
*5120	Assessment of individual needs
*5124	Reporting to parents/guardians
*5125	Pupil records
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*6142.2	English as a second language; bilingual/bicultural
*6146	Graduation requirements
*6146.2	Promotion/retention
*6147.1	Evaluation of individual student performance
*6162.4	Community resources
*6171.1	Remedial instruction
*6171.3	At-risk and Title 1
*6171.4	Special education

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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5111

## ADMISSION

### Eligibility

The 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.

ADMISSION (continued)

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 31 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;
- 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 31 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 chief school administrator shall request in writing from the school or district of previous attendance, the pupil's records.

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

ADMISSION (continued)

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 district schools, 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

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

Adopted: March 16, 2010

Readopted: April 4, 2017

<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	High School Graduation Standards
	<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:38-1	Attendance at school free of charge

ADMISSION (continued)

<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	Attendance at school by nonresidents
<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
<u>N.J.S.A.</u> 18A:44-1	Establishment of nursery schools or departments; eligibility for admission
<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:10A-2.1 et seq	Preschool program general provision
<u>N.J.A.C.</u> 6A:12-3.1	Choice district application procedures
<u>N.J.A.C.</u> 6A:14-1.1 et seq.	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 et seq.	Students at Risk of Not Receiving a Public Education
<u>N.J.A.C.</u> 6A:22-1.1 et seq.	Entitlement to Attend School Based on Domicile
<u>See particularly:</u>	Student Residency
<u>N.J.A.C.</u> 6A:22-3.1, 3.2, 3.3, 3.4	
<u>N.J.A.C.</u> 6A:23-5.2, -5.3	Method of determining the district of residence
<u>N.J.A.C.</u> 6A:32-8.2	School enrollment
<u>N.J.A.C.</u> 8:57	Communicable diseases
<u>See particularly:</u>	
<u>N.J.A.C.</u> 8:57-2	
<u>N.J.A.C.</u> 8:61-1.1	Attendance at school by pupils or adults infected by Human Immuno-Deficiency Virus (HIV)

ADMISSION (continued)

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

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

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

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

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

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

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

**Cross References:**

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

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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5113

## ATTENDANCE, ABSENCES, AND EXCUSES

The Roselle Park Board of Education believes that the regular attendance of students in each class and in school in general is critical to its educational mission. The district shall endeavor to achieve the ninety percent (90%) attendance rate required by the New Jersey Quality Single Accountability Continuum (NJQSAC). Continuity of instruction is an essential element in student performance and allows students the greatest opportunity to succeed at meeting the state learning standards in the Core Curriculum Content Standards. The superintendent shall oversee the development of effective strategies that maximize student attendance at all scheduled periods of actual instruction or supervised study activities and strive to:

- A. Encourage good attendance;
- B. Discourage unexcused absences;
- C. Identify patterns of absence, tardiness and early departures from school; and
- D. Intervene to prevent and correct problems with attendance.

### Attendance

A day in session for purposes of attendances shall be a day on which the school is open and students are under the guidance and direction of a teacher engaged in the teaching process. Days on which school is closed for such reasons as holidays, teachers' institutes and inclement weather shall not be considered as days in session.

A school day shall consist of not less than four hours of actual instruction. One continuous session of two and one-half hours may be considered a full day in kindergarten.

A day of attendance shall be one in which a student is present for the full day under the guidance and direction of a teacher while school is in session. Where there are two sessions in a day due to overcrowding, either session of four hours or more, exclusive of lunch or recess, shall be equivalent of a full day's attendance.

A student shall be recorded as absent in the school register when not in attendance at a session, except students excused due to religious holidays who shall be recorded as excused. An excused absence for any reason other than due to religious holidays shall not be counted as a day of attendance in the school register.

The mere presence of a student at roll call shall not be regarded as sufficient attendance for compliance with law (N.J.A.C. 6A:32-8.3 – School Attendance). In a school which is in session during both the forenoon and the afternoon, a student shall be present at least one hour during both the forenoon and the afternoon in order to be recorded as present for the full day. In a school which is in session during either the forenoon or the afternoon, a student shall be present at least two hours in the session in order to be recorded as present for the full day.



ATTENDANCE, ABSENCES AND EXCUSES (continued)

A student not present in school because of his or her participation in an approved school activity, such as a field trip, meeting, cooperative education assignment, or athletic competition will be considered to be in attendance.

Excused and Unexcused Absence

An absence shall be considered an "excused absence" for the purpose of determining promotion, retention, truancy, grades, course credit, eligibility to make up missed assignments and tests for full credit, and violations of the school code of conduct for attendance, for the following reasons:

- A. The student's illness;
1. Requirements of a student's individual health care plan;
  2. A death or critical illness in the student's immediate family, or others with permission of principal;
  3. Quarantine;
  4. Observance of the student's religion on a day approved for that purpose by the State Board of Education;
  5. The student's suspension from school;
  6. Requirements of the student's Individualized Education Program (IEP);
  7. Alternate short or long term accommodations for students with disabilities;
  8. The student's required attendance in court;
  9. Interviews with an admissions officer of an educational institution;
  10. Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day;
  11. Such good cause as may be acceptable to the principal.

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

- B. An "unexcused absence" is a student's absence for all or part of a school day for any reason other than those listed as excused absences in "A" above. An excused absence may be counted toward retention, truancy, loss of course credit, ineligibility to make up missed assignments and tests for full credit, and violations of the school code of conduct for attendance. Absence is expressly not excused for any of the following reasons (this list is intended to be illustrative and is not inclusive):
1. Family travel;
  2. Performance of household or babysitting duties;
  3. Other daytime activities unrelated to the school program.

ATTENDANCE, ABSENCES AND EXCUSES (continued)

- C. "Truancy" is a student's absence from all or a part of the school day without the knowledge of the student's parent. A student between the ages of six and sixteen will also be considered truant if he or she:
1. Has accumulated unexcused absences of 10 or more;
  2. Leaves school without permission when school is still in session;
  3. Leaves class because of illness and does not report to the school nurse as directed; or
  4. Being present in school but is absent from class without approval. Such absence from class is a "class cut."

Tardiness

The orderly conduct of class activity depends upon the prompt and precise beginning of the program. Tardiness hinders the proper conduct of school activity. Students are expected to arrive to school and class on time. A student who is tardy to any class will be subject to disciplinary action as outlined in board policy 5131 Conduct and Discipline and the student code of conduct. Consequences for accumulated occurrences of tardiness may include detention, loss of credit and an unexcused school day absence.

Attendance

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

The frequent absence of students from classroom learning experiences disrupts the continuity of the instructional process and limits the ability of students to complete the prescribed curriculum requirements successfully. The following rules shall apply for student absences:

- A. A student shall be considered absent from class for tardiness in excess of one half of the total class period.
- B. A student shall be considered absent from school for participation in less than 4 instructional hours during the school day.

A pupil must be in attendance for 164 or more school days in order to be considered to have successfully completed the instructional program requirements of the grade/course to which he/she is assigned. A semester course requires 82 days and a marking period course requires 41 days.

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

ATTENDANCE, ABSENCES AND EXCUSES (continued)

In recommending the granting of a waiver of this attendance requirement, the review committee shall consider the nature and causes of all absences. Documentation of the nature and causes of these absences shall be the responsibility of the pupil and parent/guardian. The absence of documented parent/guardian notes, doctor's notes, and other records that verify that an absence was excused according to board policy, shall be considered unexcused. Unexcused absences shall count toward truancy and may be subject to loss of grade or course credit toward promotion or graduation and disciplinary actions according to the code of student conduct. Notes from parents/guardians shall be considered but the district may require additional documentation such as a doctor's notes or other official records to verify the note.

Parents/guardians are responsible for notifying the school early in the day when a child will be absent and for informing the school in writing of the reason for the absence.

Procedures for Unexcused Absences

When a student fails to report to class or school accumulating up to four unexcused absences, the district shall:

- A. Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence prior to the start of the following school day;
- B. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents;
- C. Identify in consultation with the student's parents needed action designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance.
- D. Follow all procedures according to law and board policy 5142 Safety and 5141.4 Child Abuse and Neglect if a potential missing or abused child situation is detected;
- E. Cooperate with law enforcement and other authorities and agencies, as appropriate.

If contact through these means is unsuccessful the district may follow-up with another attempt to contact the parents/guardians or send a letter reporting the unexcused absence and requesting the parent/guardian to contact the school.

Procedures for Persistent Absences

If a pattern of unexcused absences continues and five to nine unexcused absences are accumulated the district shall:

- A. Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence prior to the start of the following school day;

ATTENDANCE, ABSENCES AND EXCUSES (continued)

- B. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents to address patterns of unexcused absences previously;
- C. Evaluate the appropriateness of action taken as identify in consultation with the student's parents;
- D. Develop an action plan to establish outcomes based upon the student's patterns of unexcused absence and to specify the interventions for supporting the student's return to school and regular attendance, which may include any or all of the following:
  - 1. Referral or consult with the building's intervention and referral services team;
  - 2. Conduct testing, assessments or evaluations of the student's academic, behavioral and health needs;
  - 3. Consider an alternate educational placement;
  - 4. Make a referral to or coordinate with a community-based social and health provider agency or other community resource;
  - 5. Refer to the court or a court program as follows:
    - a. When the unexcused absences are determined to be violations of the compulsory education law and board policy;
    - b. When there is evidence of a juvenile-family crisis the student may be referred to Superior Court, Chancery Division, Family Part." Juvenile-family crisis" pursuant to N.J.S.A. 2A:4A-22(g) means behavior, conduct or a condition of a juvenile, parent or other family member which presents or results in a threat to wellbeing and safety of the juvenile, serious conflict regarding the juvenile's conduct, unauthorized absence from home, pattern of unauthorized absence from school, or human trafficking;
  - 6. The implementation of all required procedures for potential abuse, neglect or missing child including cooperation with law enforcement and other authorities and agencies, as appropriate;
  - 7. Engage the student's family.

Discipline

All discipline regarding the attendance of students shall be consistent with the board policy 5131 Conduct and Discipline and the code of student conduct. Consequences for absences may include:

- A. Students may be denied participation in co-curricular activities if their attendance fails to meet the standards set forth herein;

ATTENDANCE, ABSENCES AND EXCUSES (continued)

- B. Students may be denied participation in athletic competition if their attendance fails to meet the standards set forth herein;
- C. Loss of partial or total course credit;
- D. Detention or suspension.

No student who is absent from school for observance of a religious holiday or other excused absence shall be disciplined and/or deprived of any award or of eligibility for or opportunity to compete for any award because of the absence.

Students, parents and guardians shall be notified of disciplinary actions for attendance including loss of credit and may appeal this determination through the procedure as set forth in board policy 5145.6 Student Grievance Procedure.

Truancy

For cumulative unexcused absences of 10 or more, the student between the ages of six and 16 is truant, pursuant to law. The district shall:

- A. Make a determination regarding the need for a court referral for the truancy;
- B. Make a reasonable attempt to notify the student's parents of the mandatory referral;
- C. Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;
- D. Cooperate with law enforcement and other authorities and agencies, as appropriate;
- E. Follow all procedures required by N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School and other applicable state and federal statutes.

1. An attendance officer who finds a truant child, shall take the child and deliver him/her to the parent/guardian or other person having charge and control of the child, or to the teacher of the school which such child is lawfully required to attend'
2. The attendance officer shall examine into all violations and shall warn the child, the parent/guardian or other person having charge and control of the child of the consequences of the violation if persisted in;
3. The attendance officer shall notify the parent/guardian or other person having charge and control of the child in writing, to cause the child to attend school within five days from the date on which notice is served, and regularly thereafter;
4. The attendance officer shall have full police power to enforce the provisions of this article and may arrest without warrant any vagrant child or habitual truant or any child who is habitually incorrigible or who is vicious or immoral in conduct or illegally absent from school;
5. The sheriff and his officers and all police officers and constables shall assist the attendance officer in the performance of their duties;

ATTENDANCE, ABSENCES AND EXCUSES (continued)

6. A parent, guardian or other person having charge and control of a child between the ages of 6 and 16 years, who shall fail to comply with any of the provisions of this article relating to his duties, shall be deemed to be a disorderly person and shall be subject to a fine of not more than \$25.00 for a first offense and not more than \$10.00 for each subsequent offense, in the discretion of the court. In any such proceeding, the summons issuing therein, or in special circumstances a warrant, shall be directed to the alleged disorderly person and the child.

Unexcused Absences for Students in Special Education

The attendance guidelines, discipline and remedial measures set forth in this policy shall apply to classified students where appropriate and in accordance with the student's:

- A. Individualized Education Program (IEP);
- B. The Individuals with Disabilities Act (IDEA)
- C. Procedural protections set forth in N.J.A.C. 6A:14;
- D. Alternate short or long term accommodations for students with disabilities as required by law;
- E. Requirements of a student's individual health care plan and individualized emergency healthcare.

District Sending and Receiving Relationships

The receiving school shall report attendance problems to the sending district responsible for the student. Following five or more cumulative unexcused absences school officials from the sending district shall proceed in accordance with the sending district's board attendance policy and procedure.

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

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

Late Arrival and Early Dismissal

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

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

- A. Medical or dental appointments which cannot be scheduled outside of school hours;
- B. Requirements of a student's individual health care plan and individualized emergency healthcare plan;

ATTENDANCE, ABSENCES AND EXCUSES (continued)

- C. Requirements of the student's Individualized Education Program (IEP);
- D. Alternate short or long term accommodations for students with disabilities;
- E. Medical disability;
- F. Motor vehicle driver's test;
- G. Interview for college entrance or employment;
- H. Family emergency;
- I. Court appearance;
- J. Such good cause as may be acceptable to the administration.

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

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

Legal Custody

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

Potentially Missing Children

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

ATTENDANCE, ABSENCES AND EXCUSES (continued)Marking Missing Child's School Record

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

Regulations

The superintendent shall develop procedures for the attendance of pupils which:

- A. The expectations and consequences regarding students' timely arrival of students to school and classes;
- B. The expectations and consequences regarding attendance at school and classes;
- C. A definition of unexcused absence that counts toward truancy that is consistent with the definition of a school day;
- D. School staff responses for unexcused absences for:
  1. Cumulative absences up to four;
  2. Cumulative absences
  3. Cumulative unexcused absences of ten or more; and
  4. Referral to court.

Dissemination and Implementation

The superintendent shall take all necessary steps to publicize this policy and may include these rules in district handbooks and/or on the district website. Parents/guardians and students shall be notified annually of the attendance policy.

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

The board shall review the attendance policy on a regular basis.

Adopted: August 1, 2006

Revised: March 16, 2010

Revised: November 2, 2010

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Key Words

Pupil Attendance, Attendance, Absences and Excuses, Student Attendance



ATTENDANCE, ABSENCES AND EXCUSES (continued)

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:11-1 <u>N.J.S.A.</u> 18A:35-4.9	General mandatory powers and duties Pupil promotion and remediation; policies and procedures
	<u>N.J.S.A.</u> 18A:36-14,-15,-16	Religious holidays; absence of pupils on; effect
	<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and identification
	<u>N.J.S.A.</u> 18A:36-24 through -26	Missing children; legislative findings and declarations
	<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:38-26	Days when attendance required; exceptions
	<u>N.J.S.A.</u> 18A:38-27	Truancy and juvenile delinquency defined
	<u>N.J.S.A.</u> 18A:38-31	Violations of article by parents or guardians; penalties
	<u>N.J.S.A.</u> 18A:38-32	District and county vocational school attendance officers
	<u>N.J.S.A.</u> 18A:40-7	Exclusion of pupils who are ill
	<u>N.J.S.A.</u> 18A:40-8	Exclusion of pupils whose presence is detrimental to health and cleanliness
	<u>N.J.S.A.</u> 18A:40-9	Failure of parent to remove cause for exclusion; penalty
	<u>N.J.S.A.</u> 18A:40-10	Exclusion of teachers and pupils exposed to disease
	<u>N.J.S.A.</u> 18A:40-11	Exclusion of pupils having communicable tuberculosis
	<u>N.J.S.A.</u> 18A:40-12	Closing schools during epidemic
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 52:17B-9.8a Through -9.8c	Marking of missing child's record
	<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
	<u>N.J.A.C.</u> 6A:16-1 <u>et seq.</u>	Programs to support student development
	<u>See particular:</u>	
	<u>N.J.A.C.</u> 6A:16-7.6	Attendance
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C.</u> 6A:32-8.1 <u>et seq.</u>	Student Attendance and Accounting
	<u>N.J.A.C.</u> 6A:32-8.3	Student Attendance
	<u>N.J.A.C.</u> 8:61-2.1	Attendance at school by students or adults with HIV

ATTENDANCE, ABSENCES AND EXCUSES (continued)

Infection

Wetherell v. Board of Education of Township of Burlington, 1978 S.L.D. 792 (Board may impose penalties for unjustifiable tardiness, improper absences from classes, truancy, and other unexcused absences)

Wheatley v. Board of Education of City of Burlington, 1974 S.L.D. 851 (Board may adopt policy to deny students course credit after a student was late or absent a specified number of times.)

C.R. on behalf of J.R. v. Board of Education of the Scotch Plains-Fanwood Regional School District, 1988 S.L.D. (June 22) (board acted unreasonably in applying its attendance policy to student with excessive absences due to chronic medical illness)

Student Attendance Policies and Procedures Compliance Checklist, New Jersey Department of Education

[www.nj.gov/education/students/safety/behavior/attendance/checklist.pdf](http://www.nj.gov/education/students/safety/behavior/attendance/checklist.pdf)

2014-2015 List of Religious Holidays Permitting Pupil Absence From School

<http://www.state.nj.us/education/genfo/holidays1415.htm>

Jerkins v. Anderson, 191, N.J. (2007)

**Possible**

**Cross Reference:**

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

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

# REGULATION

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5113R

## ATTENDANCE ABSENCES AND EXCUSES

### A. Definitions

1. "Attendance" is a pupil's presence in school and in the classroom to which he/she is assigned at the times scheduled for instruction or other school activities:
  - a) A pupil will be considered to have attended if he/she has been present at least four hours during the school day;
  - b) A kindergarten pupil will be considered to have attended school if he/she has been present at least two and one half hours during the kindergarten session to which the pupil is assigned;
  - c) A pupil not present in school because of his or her participation in an approved school activity, such as a field trip, meeting, cooperative education assignment, or athletic competition will be considered to be in attendance.
  
2. "Excused absence" is a pupil's absence from school for a full day or a portion of a day for one or more of the following reasons:
  - a) The pupil's illness, (documented by physician)
  - b) The pupil has uncoverable and/or uncovered weeping skin lesion(s), whether or not the pupil has been screened for HIV. No pupil may attend or visit school if he/she has an uncoverable and/or uncovered weeping skin lesion,
  - c) A death or critical illness in the pupil's immediate family,
  - d) Quarantine,
  - e) Observance of the pupil's religion on a day approved for that purpose by the State Board of Education,
  - f) The pupil's suspension from school,
  - g) The pupil's required attendance in court,
  - h) Interviews with a prospective employer or with an admissions officer of an educational institution;
  - i) Examination for a driver's license, and
  - j) Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day.
  
3. "Truancy" is a pupil's absence from all or a part of the school day without the knowledge of the pupil's parent(s) or legal guardian(s). A pupil between the ages of six and sixteen will also be considered truant if he/she:
  - a) Leaves school at lunchtime without a pass
  - b) Leaves school without permission when school is still in session

ATTENDANCE ABSENCES AND EXCUSES (continued)

- c) Leaves class because of illness and does not report to the school nurse as directed, or
  - d) Is present in school but is absent from class without approval. Such truancy from class is a "class cut."
4. "Unexcused absence" is a pupil's absence for all or part of a school day for any reason other than those listed in ¶A2 above.
- a) Absence is expressly not excused for any of the following purposes (this list is intended to be illustrative and is not inclusive):
    - (1) Employment other than school-approved work assignments
    - (2) Family travel;
    - (3) Performance of household or babysitting duties; and

**B. Notice to School of a Pupil's Absence**

1. The parent(s) or legal guardian(s) or adult pupil is requested to call the school office before 9:00 a.m. of the morning of the pupil's absence.
2. The parent(s) or legal guardian(s) of a pupil who attended morning session but will not attend afternoon session should call the school office before 1:00 p.m. to give notice of the pupil's absence.
3. The parent(s) or legal guardian(s) or adult pupil who anticipates a future absence or anticipates that an absence will be prolonged should notify the Principal or designee, who will assist in the arrangement of make-up work. If the absence is to be short-term (less than five consecutive days), the pupil's teacher will provide home assignments. If the absence is to be a long-term absence (five consecutive days or more), home instruction will be arranged.

**C. Readmission to School after an Absence**

1. A pupil returning from an absence of any length must present to the main office a written statement, dated and signed by the parent(s) or legal guardian(s) or adult pupil, of the reasons for the absence.
2. A note explaining a pupil's absence for non-communicable illness for a period of more than three school days must be accompanied by a physician's statement of the pupil's illness. Notes must be turned in to the school within 30 days of a pupil's absence.
3. A pupil who has been absent by reason of having or being suspected of having a communicable disease must present to the school nurse written evidence of being free of communicable disease.

ATTENDANCE ABSENCES AND EXCUSES (continued)

## D. Instruction

1. Teachers are expected to cooperate in the preparation of home assignments for pupils who anticipate an excused absence of two or more school days duration. The parent(s) or legal guardian(s) or adult pupil must request such home assignments.
2. A pupil who anticipates an excused absence of more than five consecutive days may be eligible for home instruction. The parent(s) or legal guardian(s) or adult pupil must request home instruction.
3. Pupils absent for any reason are expected to make up the work missed. In grade one and above, the pupil is responsible for requesting missed assignments and any assistance required. Teachers will provide make-up assignments as necessary.
4. In general, pupils will be allowed one day(s) to make up missed work for each one day of absence. Teachers shall make reasonable accommodations to extend time for pupils in extenuating circumstances.
5. A pupil who missed a test because of an excused absence shall be offered an opportunity to take the test or an alternate test; in no case will a pupil who missed a test because of his/her observance of a religious holiday be denied an opportunity to make up the test.

## E. Denial of Course Credit

1. The teacher will determine the credit to be awarded a pupil for make-up work, subject to the rules set forth in this section. Where class participation is a factor in the learning process, the teacher may consider a pupil's absences in determining a final grade, except that absences for the observance of a pupil's religious holiday or for a suspension from school cannot adversely affect the pupil's grade. The teacher may record an incomplete grade for a pupil who has not had full opportunity to make up missed work.
2. A secondary pupil may be dropped from the course and denied course credit when he/she has been absent sixteen (16) days (full year course) or eight (8) days (semester course), whatever the reason for the absence, except that absences for the observance of religious holidays and absences caused by the pupil's suspension will not count toward the total. Exceptions to this rule may be made for pupils whose absences are excused and who have demonstrated through completion of home assignments and/or home instruction that they have mastered the proficiencies established for the course of study.

## F. Notice to Pupils and Parent(s) or Legal Guardian(s)

1. When a pupil has been absent eight (8) full-year/four (4) half-year school days, consecutively or cumulatively, in any one school year, the Principal or designee will notify the pupil's parent(s) or legal guardian(s) or the adult pupil in writing of the number and dates of the absences.

2. When a pupil has been absent twelve (12) full year/six (6) half year school days, consecutively or cumulatively, in any one school year, the Principal or designee will send a second written notice to the pupil's parent(s) or legal guardian(s) or the adult pupil. The notice will warn of possible adverse academic consequences of the absences and will request a conference.
3. When a secondary pupil has been absent sixteen (16) full year/eight (8) half year school days, the Principal or designee will notify the pupil's parent(s) or legal guardian(s) or the adult pupil in writing that the pupil has been denied credit for the secondary courses from which he/she has been absent.
4. When an elementary pupil has been absent twenty (20) school days, the Principal or designee will notify the pupil's parent(s) or legal guardian(s) in writing that the pupil may be retained at his/her elementary grade level.
5. No pupil who is absent from school for observance of a religious holiday may be deprived of any award or of eligibility for an opportunity to compete for any award because of the absence.

G. Truancy

1. A student is considered truant when he/she stays away from school without a parent's permission or a valid reason. Upon return to school a student must be accompanied by a parent conference with the Assistant Principal. Students will be assigned in-school suspension as appropriate. Each day of truancy will result in two days in-school suspension. Escalating consequences will result in charges being filed with the court system. Truancy absences will be accumulated in the total number of absences allowed for the year, semester, or marking period. If a student is truant, he/she will be allowed one day to make up work missed. Note: A student seen in or around the building whose name appears on the absentee list will be considered as an unexcused absence and truancy.
2. When a pupil under the age of 16 is absent without excuse more than five school days in any one marking period, the Attendance Office shall inform the Superintendent for possible prosecution in municipal court pursuant to N.J.S.A. 18A:38-27 et seq.

H. Recording Attendance

1. Teachers must accurately record the pupils present, tardy, and absent each day in each session or each class. Attendance records must also record pupils' attendance at out-of-school curricular events such as field trips.
2. Teachers must classify and record each absence as excused, unexcused, or truancy.
3. The attendance form will be delivered, no later than 8:45 a.m. – elementary, Principal's secondary, 9:30 – high school, to the Attendance Office, who will verify pupil absences.

4. A report card will record the number of times the pupil was absent and tardy in each marking period.
5. A pupil's absence for observance of a religious holiday will not be recorded as such on any transcript or application or employment form.

I. Appeal

1. A pupil who has been suspended or expelled for truancies may appeal that action in accordance with Policy Nos. 5610 and 5620.
2. A pupil who has been retained at grade level for excessive absences may appeal that action in accordance with policy No. 5410.
3. A pupil who has been dropped from a course and/or denied course credit for excessive absences may appeal that action in accordance with the following procedures:
  - a) The pupil shall file a written appeal to the Assistant Principal within five school days of notification of receiving notice of the action. The appeal should state the reasons for admitted absences, documentation that would reduce the number of absences, and reasons why the pupil should continue to be enrolled in the course and/or receive course credit.
  - b) The Assistant Principal will respond in writing no later than ten working days after receiving the pupil's appeal.
  - c) If the pupil is not satisfied, he/she may submit a written request to the Principal for consideration by an attendance Review Committee.
  - d) The Principal or designee shall convene an Attendance Review Committee consisting of the Assistant Principal, student's guidance counselor, a classroom teacher, a department supervisor, and the Principal or designee. The Attendance Review Committee shall meet informally to hear the pupil's reasons for reenrollment and/or credit. The pupil's parent(s) or legal guardian(s) and teacher may attend the meeting.
  - e) The Attendance Review Committee shall decide the appeal and inform the pupil in writing within five working days of the meeting. The committee may impose conditions on any reenrollment and may require the pupil to agree to those conditions.
  - f) The pupil may appeal an adverse decision of the Attendance Review Committee to the superintendent, the Board of Education, and the Commissioner of Education, in that order. Restoring to the Attendance Review Committee constitutes having exhausted the first step of the grievance process.

J. Attendance Improvement Plan

1. The Principal or designee will collect attendance data from each of the schools in the district and calculate the average daily attendance rate for the district and for each school. The attendance rate shall be calculated by dividing the total number of pupil days present for all pupils by the total possible number of pupil days present for all pupils and multiplying the result by one hundred.
2. When the average daily attendance rate is below 90% for the district or below 85% in any one school, the following attendance improvement plan shall be implemented, district-wide or in the affected school, as appropriate.
  - a) The Principal or designee is responsible for implementing the Attendance Improvement Plan district-wide. The Principal is responsible for implementing the Attendance Improvement Plan in any school.
  - b) The procedures for notifying parent(s) or legal guardian(s) and disciplining pupils, set forth in ¶F and ¶G, shall be strictly followed.
  - c) Classroom teachers will identify and report to the Principal or designee the pupils for whom prompt attendance is a problem. The Principal or designee will confer with the parent(s) or legal guardian(s) of each identified pupil by telephone or in person to determine the causes of the pupil's poor attendance and to impress upon the parent or legal guardian the district's attendance expectations. Every reasonable effort shall be made to determine whether the pupil's absenteeism is caused by an inappropriate educational program; if necessary, the pupil's instructional program will be modified.
  - d) At the end of the school year, the Principal or designee will compile a list of pupils at risk for attendance problems at each grade level. The names, along with a record of each pupil's attendance and reasons for absences, will be forwarded to appropriate teachers at the next grade level or to the Principal of the school to which pupils will transfer, as appropriate. The attendance of the identified pupils will be closely monitored. If any such identified pupil is absent more than five times in the month of September, the Principal or designee will conduct a home visit to discuss the pupil's absenteeism and to inform the parent(s) or legal guardian(s) of his/her legal responsibility to comply with the compulsory attendance statute.
  - e) The Principal or designee shall conduct a follow-up visit to the parent(s) or legal guardian(s) if the pupil's attendance fails to improve.
  - f) The Principal or designee will analyze attendance data to determine any patterns or absence that may occur district-wide, in individual schools, and in pupil population groups. The results of the analysis will be reported to the Superintendent.

Adopted: August 1, 2006  
Revised: March 16, 2010



# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5114

## SUSPENSION AND EXPULSION

While the Roselle Park 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;<sup>3</sup>
- 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 n 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;

SUSPENSION AND EXPULSION (continued)

- 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;

Any pupil who commits an assault, (as defined by N.J.S.A. 2C:12-1), with or without a weapon upon 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 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 less than one 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 superintendent. 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 where 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.

SUSPENSION AND EXPULSION (continued)

Pupils under suspension are prohibited from participating in or attending any school-regulated activity during the period of their suspension. They may not enter the school buildings or grounds of this district without permission of the superintendent. Any pupil under suspension who enters the school buildings or grounds without 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, 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 remission, failure to complete the makeup assignments will result in a meeting with the parents/guardians. The superintendent will notify parents/guardians by telephone and send a letter regarding the telephone conversation immediately.

Procedures

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

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

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

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

When the 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 teacher, administrator, board member or other may be continued beyond 30 days without Board action. A suspended pupil may be reinstated by the superintendent before Board action.

SUSPENSION AND EXPULSION (continued)

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 permits. 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 offenses involves a weapon or assault with or without the weapon (as described above), the hearing shall take place not later than 30 days after suspension occurs.

The board shall make a decision within five days of the closing 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 regular educational program pending the outcome of the hearing, except when, in the opinion of the superintendent, the presence of the pupil in school poses such a danger to himself/herself or others as to warrant continued absence.

Each such pupil suspended from the schools of this district shall receive individual instruction commencing not later than five working days after the suspension occurs, except that the Board may, on the recommendation of the superintendent, assign the pupil to an alternate educational program to meet his/her particular needs (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
- 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 superintendent.

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 superintendent's recommendation.

SUSPENSION AND EXPULSION (continued)

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.

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

Adopted: February 6, 2007  
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Key Words

Suspension, Expulsion, Pupil Suspension/Expulsion

SUSPENSION AND EXPULSION (continued)

- Legal References:**
- N.J.S.A. 2C:12-1 Definition of assault  
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: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 Powers of board (county vocational schools)
- N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions  
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
- See particularly:  
N.J.A.C. 6A:16-1.3, -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  
N.J.A.C. 6A:32-2.1 Definitions
- 20 U.S.C.A. 1400 et seq. - Section 504 of the Rehabilitation Act of 1973
- P.L. 103-382, Improving America's Schools Act of 1994
- Goss v. Lopez, 419 U.S. 565, 581 (1975)
- Tibbs v. Franklin Township Board of Education, 114 N.J. Super. 287 (App. Div.) aff'd 59 NJ 506 (1971)
- R.R. v. Shore Reg. Board of Education, 109 N.J. Super. 337 (Ch. Div. 1970)
- H.A. v. Board of Education Warren Hills Regional, 1976 S.L.D. 336
- 82: July 28, C.F. v. Board of Education of the Upper Freehold Regional School District
- Honig v. Doe, 484 U.S. 305 (1988)
- Somerset County Educational Services Commission v. North Plainfield Board of Education 1999 S.L.D. September 7

SUSPENSION AND EXPULSION (continued)

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

Manual for the Evaluation of Local School Districts

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

**Possible**

**Cross References:**

- \*5113 Absences and excuses
- \*5124 Reporting to parents/guardians
- \*5131 Conduct/discipline
- \*5131.1 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.

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5118

## NONRESIDENTS

The Roselle Park 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 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.

### 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.



NONRESIDENTS (continued)

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

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.



# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5119

## TRANSFERS

### General

All transfers into the schools of the Roselle Park School District shall be in accord with file code 5111 Admission. Students 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.

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

Student records shall be transferred between superintendents within the time frame prescribed by law.

### Central Assignment of Pupils

The Board of Education directs the assignment of pupils to the schools, programs, and classes of this district consistent with the best interests of pupils and the best uses of the resources of this district.

Pupils shall generally attend the school located in the attendance area of their residence. The Superintendent may assign a pupil to a school other than that designated by the attendance area when such an exception is justified by circumstances and is in the best interests of the pupil. Every effort will be made to continue a pupil in the same elementary school. However, due to the organization of classrooms in each of the elementary schools, a child may be assigned to kindergarten in one building and then reassigned to another building for first grade. This process may be necessary to maintain equitable class size in each of the elementary schools.

The Superintendent shall assign an incoming transfer pupil to the school that will afford the pupil the most appropriate educational opportunity. The building principal may assign pupils in his/her school to grades, classes, and groups on the basis of the needs of the pupil as well as the sound administration of the school.

### Unsafe School Choice Option

If a school in the district is identified as "persistently dangerous" by the State Department of Education, all students in that school shall be offered on a space available basis the option of transferring. Parents/ guardians shall be notified within 15 calendar days after the district is notified of the school's status, and all transfers shall be completed by the beginning of the school year following. To the extent possible, transfers shall be into schools that are making adequate yearly progress. Students may remain in the school into which they have transferred until the school of origin is no longer identified as "persistently dangerous."

TRANSFERS (continued)

In addition, any student who becomes a victim of a violent criminal offense while in school or on school grounds shall be offered the option of transferring. The student shall be given the option within 10 days of the incident, and the transfer shall occur within 30 days of determination that the student was a victim. Applicable definitions and criminal offenses shall be as listed in the statewide policy.

Transportation shall be provided to students transferring out of “persistently dangerous” schools and student victims of violent criminal offenses where the transferring elementary student lives more than two miles, or the transferring .high school student lives more than two and a half miles from the choice school.

The Board will make a reasonable attempt to offer a safe school alternative to students choosing to transfer out of a “persistently dangerous” school or to a student who has been a victim of a violent criminal offense. The superintendent shall attempt to establish an agreement with a neighboring district. The Board shall review and approve any agreement prior to its application.

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

Adopted: May 20, 2008  
 Revised: March 16, 2010  
 NJSBA Review/Update: September 27, 2015  
 Readopted: June 27, 2017

Key Words

Transfers, Persistently Dangerous Schools, Victims of Violent Crimes

<b><u>Legal References:</u></b>	<p><u>N.J.S.A.</u> 18A:7B-12  <u>N.J.S.A.</u> 18A:36-19a  <u>N.J.S.A.</u> 18A:36-25.1    <u>N.J.S.A.</u> 18A:36B-14 <u>et seq.</u>    <u>N.J.S.A.</u> 18A:38-8  <u>N.J.A.C.</u> 6A:12-3.2    <u>N.J.A.C.</u> 6A:23A-19.2  <u>N.J.A.C.</u> 6A:32-8.2</p>	<p>District of residence; determination                  Newly enrolled students; records &amp; identification                  Proof of child’s identity required for enrollment;                  transfer of record between districts  <u>Interdistrict Public School Choice Program Act of 1999</u>                  Duty to receive pupils from other districts                  Criteria to guide the Commissioner’s approval of choice program applications                  Method of determining the district of Residence                  School enrollment</p>
	<p><u>No Child Left Behind Act of 2001</u>, Pub. L. 107-110, 20 <u>U.S.C.A.</u> 6301 <u>et seq.</u>  <u>Unsafe School Choice Option Policy</u>, New Jersey Department of Education, June 30, 2003</p>	

**Possible**

<b><u>Cross References:</u></b>	<p>*5111 Admission                  *5125 Pupil records                  *5131 Conduct/discipline                  *5131.5 Vandalism/violence                  *5141.3 Health examinations and immunizations</p>
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\*Indicates policy is included in the Critical Policy Reference Manual.

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5120

## ASSESSMENT OF INDIVIDUAL NEEDS

Each pupil shall be assessed upon entrance into the district's schools and beginning in grade three shall be assessed annually thereafter, to identify pupils not meeting district proficiency levels.

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

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

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

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

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

Adopted: March 16, 2010:

ASSESSMENT OF INDIVIDUAL NEEDS  
(continued)

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:7A-10	Evaluation of performance of each school
	<u>N.J.A.C.</u> 6A:8-3.1 et seq.	Implementation of the Core Curriculum Content Standard
	<u>N.J.A.C.</u> 6A:8-4.1 et seq.	Implementation of the Statewide Assessment System
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:8-4.1(d), -4.3(c)(d), -4.4	
	<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
	<u>N.J.A.C.</u> 6A:14-1.1 et seq.	Special Education
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:14-3.3, 3.4, 3.8, 4.11, 4.12	
	<u>N.J.A.C.</u> 6A:15-1.1 et seq.	Bilingual Education
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:15-1.3, -1.10, -1.11	
	<u>N.J.A.C.</u> 6A:16-8.1	Establishment of intervention and referral services
	<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> 6A:32-2.1	Definitions
	<u>N.J.A.C.</u> 6A:32-4.3(g)4	Evaluation of tenured and non-tenured chief school administrators
	<u>N.J.A.C.</u> 6A:32-4.4(f)4	Evaluation of tenured teaching staff members
	<u>N.J.A.C.</u> 6A:32-14.1	Review of mandated programs and services

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

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

<b><u>Cross References:</u></b>	*1100	Communicating with the public
	*1120	Board of education meetings
	*2240	Research, evaluation and planning
	4010	Goals and objectives
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*5111	Admission
	5119	Transfers
	*5124	Reporting to parents/guardians
	*5125	Pupil records
	*6010	Goals and objectives
	*6141	Curriculum design/development

ASSESSMENT OF INDIVIDUAL NEEDS  
(continued)

*6142.2	English as a second language; bilingual/bicultural
*6146	Graduation requirements
*6146.2	Promotion/retention
*6147	Standards of proficiency
*6147.1	Evaluation of individual student performance
*6160	Instructional services and resources
6161	Equipment, books and materials
*6161.1	Guidelines for evaluation and selection of instructional materials
*6164.2	Guidance services
*6164.4	Child study team
*6171.1	Remedial instruction
*6171.2	Gifted and talented
*6171.3	At-risk and Title 1
*6171.4	Special education
*6172	Alternative educational programs

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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5124

## REPORTING TO PARENTS/GUARDIANS

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

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

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

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

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

### Parental Notification

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

Adopted: March 16, 2010



REPORTING TO PARENTS/GUARDIANS  
(continued)

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:7E-2 through -5	School report card program
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:35-4.9	Pupil promotion and remediation; policies and procedures
	<u>N.J.S.A.</u> 18A:40A-12	Reporting of pupils under influence or believed to be using anabolic steroids; examination report, return home; treatment; evaluation of possible need and referral
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:8-4.3	Accountability
	<u>N.J.A.C.</u> 6A:8-4.5	Public reporting
	<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
	<u>N.J.A.C.</u> 6A:14-1.1 et seq.	Special Education
	<u>See particularly:</u> <u>N.J.A.C.</u> 6A:14-1.1, -2.3, -2.4, -2.5, -2.6, -3.5, -7.9	
	<u>N.J.A.C.</u> 6A:15-1.1 et seq.	Bilingual Education
	<u>See particularly:</u> <u>N.J.A.C.</u> 6A:15-1.13, -1.15	
	<u>N.J.A.C.</u> 6A:16-1.4	District policies and procedures
	<u>N.J.A.C.</u> 6A:10A-1.1 et seq.	Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
	<u>See particularly:</u> <u>N.J.A.C.</u> 6A:10A-2.2, -5.1(a)3, -5.3	
	<u>N.J.A.C.</u> 6A:30-1.1 et seq.	Evaluation of the Performance of School Districts
	<u>N.J.A.C.</u> 6A:32-7.1(d, k)	General considerations
	<u>N.J.A.C.</u> 6A:32-12.1	Reporting requirements
	<u>No Child Left Behind Act of 2001</u> , Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.	

Manual for the Evaluation of Local School Districts

<b><u>Cross References:</u></b>	*1000/1010	Concepts and roles in community relations; goals and objectives
	*1120	Board of education meetings
	*1250	Visitors
	*2224	Nondiscrimination/affirmative action
	*3542.31	Free or reduced-price lunches/milk

REPORTING TO PARENTS/GUARDIANS  
(continued)

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

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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5124.1

## SURROGATE PARENTS AND FOSTER PARENTS

Federal and State laws require the Board ensure the rights of a pupil are protected through the provision of an individual to act as surrogate for the parent and assume all parental rights under N.J.A.C. 6A:14-2.2 when the parent (as defined according to N.J.A.C. 6A:14-1.3) cannot be identified or located after reasonable efforts or when an agency of the State of New Jersey has guardianship of the pupil.

### Qualifications and Selection

The person serving as a surrogate parent shall have no interest that conflicts with those of the pupil he/she represents and shall possess the knowledge and skills that ensure adequate representation of the pupil. The person serving as a surrogate parent may not be an employee of the Department of Education, this district, or a public or nonpublic agency that is involved in the education or care of the child.

When a pupil (who is or may be a pupil with a disability) is in the care of a foster parent residing in this district, the building principal shall contact the pupil's case manager at the Division of Youth and Family Services (DYFS) in the Department of Human Services to determine whether the parent/legal guardian retains the right to make decisions about the affected child's education and well being as well as determining the whereabouts of the parent/legal guardian.

If the parent/legal guardian retains the right to make educational decisions and the parent's whereabouts are known, the building principal shall obtain all required consent from and provide written notices to the parent/legal guardian. If the district cannot ascertain the whereabouts of the parent/legal guardian, the building principal shall consult with the pupil's case manager at DYFS to assist in identifying an individual, including the foster parent, who may serve as a surrogate. The Board shall appoint a surrogate parent and the building principal shall obtain all required consent from and provide written notices to the appointed surrogate parent.

If the rights of the parent/legal guardian have been terminated, the building principal shall consult with the pupil's case manager at DYFS to determine whether the foster parent meets the criteria established at N.J.A.C. 6A:14-1.3 in the definition of "parent" and can act on behalf of the pupil. If so, the building principal shall obtain all required consent from and provide written notices to the foster parent.

If it is determined the foster parent cannot serve as the parent on behalf of the pupil, the Board, in consultation with DYFS, shall appoint a surrogate parent and the building principal shall obtain all required consent from and provide written notices to the appointed surrogate parent.

SURROGATE PARENTS AND FOSTER PARENTS  
(continued)

Training

N.J.A.C. 6A:14-2.2(b) requires the district train surrogate parents so they have the knowledge and skills that ensure adequate representation of the pupil. The Director of Special Services shall coordinate the training for surrogate parents. The training will include, but not be limited to:

1. Providing the surrogate parent a copy of Special Education Statutes (N.J.S.A. 18A:46 & 46A); Administrative Code – Special Education (N.J.A.C. 6A:14 & 14A); Administrative Code – Pupil Records (N.J.A.C. 6:3-6); a list of low cost legal or other services relevant to a due process hearing; and due process rules (N.J.A.C. 1:6A);
2. Providing the surrogate parent an opportunity to meet with the building principal to discuss the rights of the surrogate parent and the applicable statutes, administrative codes, and federal laws;
3. Providing the surrogate parent adequate time to become familiar with the pupil and the pupil's disability through a review of the pupil's record;
4. Providing the surrogate parent an opportunity to confer with the pupil's case manager to discuss the pupil; and
5. Other information and resources to provide the surrogate parent the knowledge and skills to ensure adequate representation of the pupil.

Rights of the Surrogate Parent

A surrogate parent appointed in accordance with N.J.A.C. 6A:14-2.2 shall assume all parental rights under N.J.A.C. 6A:14.

Adopted: November 1, 2005  
Revised: March 16, 2010

**Legal References:**     N.J.A.C. 6A:14-2.2

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5125

## STUDENT RECORDS

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

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

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

The Board shall report annually at a public meeting a description of the types of student records it has authorized certified school personnel to collect and maintain.

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

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

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

- A. Notification of rights in writing, in dominant language of parent/adult student, if possible. When the parent or adult student's dominant language is not English, or the parent/adult student is deaf, the district shall provide interpretation of the record in the dominant spoken or sign language;
- B. Copies of applicable state and federal laws and local policies made available on request;
- C. Should the parental rights of one or the other parent/guardian be terminated by a court of appropriate jurisdiction, it is the responsibility of the person/agency having legal custody to notify the district that the right to review student records should be denied the person whose rights have been terminated;

STUDENTS RECORDS (continued)

- D. Parents/guardians or adult students have the right to seek to include in the records material they think pertinent or to seek exclusion from the records of material that is untrue, irrelevant to the student's present educational situation or otherwise improperly contained in the student's record. Parents/adult students have the right to request an immediate stay of disclosure pending final determination of the challenge procedure. They also have the right to challenge the district's granting or denial of access to the student's records.

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

Student Information Directories

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

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

Such rights include:

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

District Review of Student Records

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

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

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

STUDENTS RECORDS (continued)Records of Classified Students

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

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

Parents/adult students or designees shall be permitted to inspect and review the contents of the student's record maintained by the district without unnecessary delay and before any meeting regarding the student's IEP. Any consent required for disabled students under N.J.A.C. 6A:32-7 shall be obtained according to N.J.A.C. 6A:14-1.3 "Consent" and N.J.A.C. 6A:14-2.3.

Transfer of Student Records

- A. The superintendent shall request records of a newly enrolled student from the district of previous attendance as soon as possible after enrollment, but in any case within the time limit prescribed by the administrative code;
- B. The superintendent shall forward mandated student records as soon as possible upon receipt of the request from the superintendent of the district to which the student has transferred, but in any case within the time limit prescribed by the administrative code. Permitted records shall be forwarded in the same manner at the same time if parental permission was given at the time the student's parents/guardians informed the district of the transfer;

Permitted Access to Student Records

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

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

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

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

STUDENTS RECORDS (continued)

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

The district will charge the standard rate for copies.

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

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

Conditions of Access

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

Retention and Destruction of Records

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

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

Liability

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

Adopted: March 16, 2010  
 NJSBA Review/Update: September 27, 2015  
 Readopted: June 27, 2017



STUDENTS RECORDS (continued)Key Words

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

<b><u>Legal References:</u></b> <u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A. 18A:36-19</u>	Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
<u>N.J.S.A. 18A:36-19a</u>	Newly enrolled students; records and identification
<u>N.J.S.A. 18A:36-19.1</u>	Military recruiters; access to schools and student information directories
<u>N.J.S.A. 18A:36-35</u>	Disclosure of certain student information on Internet prohibited without parental consent
<u>N.J.S.A. 18A:40-4</u>	Examination for physical defects and screening of hearing of students; health records
<u>N.J.S.A. 18A:40-19</u>	Records and reports of tuberculosis testing; disposition; inspection
<u>N.J.S.A. 26:5C-7 through -14</u>	Acquired Immune Deficiency Syndrome
<u>N.J.S.A. 47:1A-1 et seq.</u>	Examination and copies of public records ( <u>Open Public Records Act</u> )
<u>N.J.S.A. 47:3-15 et seq.</u>	Destruction of Public Records Law
<u>N.J.S.A. 52:17B-9.8a through -9.8c</u>	Marking of missing child's school record
<u>N.J.A.C. 6A:8-4.2</u>	Documentation of student achievement
<u>N.J.A.C. 6A:14-1.1 et seq.</u>	Special Education
<u>See particularly:</u>	
<u>N.J.A.C. 6A:14-1.3, -2.3, -2.9, -7.9</u>	
<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--2.2, -2.4, -3.2, -5.4, -6.5, -7.10, -11.1</u>	
<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:32-2.1</u>	Definitions
<u>N.J.A.C. 6A:32-7.1 et seq.</u>	Student records
<u>N.J.A.C. 6A:32-8.1</u>	School register
<u>N.J.A.C. 8:61-1.1</u>	Attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV)
<u>N.J.A.C. 15:3-2</u>	State records manual

STUDENTS RECORDS (continued)

20 U.S.C.A. 1232g - Family Educational and Privacy Rights Act

42 U.S.C.A. 4541 et seq. - Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act of 1980

42 CFR Part II

Owasso Independent School District No. I-001 v. Falvo, 534 U.S. (2002)  
Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

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

**Possible**

<b><u>Cross References:</u></b>	*1110	Media
	*1120	Board of education meetings
	3543	Office services
	*3570	District records and reports
	*5113	Absences and excuses
	*5124	Reporting to parents/guardians
	*5131	Conduct/discipline
	*5131.1	Harassment, intimidation and bullying
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5141.2	Illness
	*5141.3	Health examinations and immunizations
	*5142	Student safety
	*6145.1/6145.2	Intramural competition; interscholastic competition
	*6147.1	Evaluation of individual student performance
	*6164.2	Guidance services
	*6171.4	Special education
	*9322	Public and executive sessions

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



AWARDS FOR ACHIEVEMENT (continued)

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

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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5127

## COMMENCEMENT ACTIVITIES

The Roselle Park Board of Education endorses graduation activities and ceremonies. The date of graduation shall annually be recommended by the superintendent and approved by The Board.

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

### Guidelines for Graduation Year Activities

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

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

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

The final decision shall be made by the superintendent.

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

### Voting Information and Registration

Prior to graduation, The Board of education shall provide a voter registration form and material describing the role of a citizen and the importance of voting to each eligible high school pupil.

### Graduation Procedures and Ceremonies

No pupil shall be barred from participation in graduation ceremonies for arbitrary or discriminatory reasons. A pupil who may be prevented from participation and his/her parents/guardians shall be so notified reasonably in advance of the close of the school year.

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

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

COMMENCEMENT ACTIVITIES (continued)

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

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

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

Awarding of Diplomas

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

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

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

Adopted: March 16, 2010

Revised: November 16, 2010

NJSBA Review/Update: September 27, 2015

Readopted: June 27, 2017

Key Words

Commencement Activities, Graduation Ceremonies, Voting, Voting Registration

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:7C-5.1	Boards of education prohibited from excluding students from graduation ceremony or from obtaining yearbook for inability to pay fees
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:36-18	Books containing organic laws at graduation
	<u>N.J.S.A.</u> 18A:36-27	Voting information
	<u>N.J.S.A.</u> 18A:37-2	Causes for suspension or expulsion of pupils
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:8-5.1 <u>et seq.</u>	Implementation of Graduation Requirements
	<u>N.J.A.C.</u> 6A:16-7.1 <u>et seq.</u>	Student conduct

COMMENCEMENT ACTIVITIES (continued)

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

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

R.L. v. Kingsway Regional Board of Education, 95 NJAR 2d (EDU) 296

D.C. v. Parsippany Troy Hills Board of Education, 96 NJAR 2d (EDU) 697

DO'G v. Ridgefield Park Board of Education, 96 NJAR 2d (EDU) 820

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

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

**Possible**

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

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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5131

## CONDUCT/DISCIPLINE

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

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

The Board of Education believes that standards of student behavior must be set cooperatively by interaction among the students, parents/guardians, staff and community, producing an atmosphere that encourages students to grow in 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 shall be based on parent/guardian, student and community involvement, and locally determined core ethical values. 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.



CONDUCT/DISCIPLINE (continued)

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:

- C. A description of student responsibilities that includes expectations for academic achievement, behavior and attendance;
- D. A description of behaviors that will result in suspension or expulsion;
- E. A description of the student's rights to:
  1. Advanced 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 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).
- F. A description of behavioral supports that promote positive student development and assist each student in fulfilling the district behavioral expectations established including intervention and referral services, remediation, and intervention and supports services for students with disabilities;
- G. A description of graded responses to violations of the code of conduct that includes remediation, is consistent with law concerning corporal punishment, and is consistent with laws and board policies concerning violence/vandalism (5131.5) and, weapons and dangerous instruments (5131.7);
- H. Cover the board attendance policy (5113) and the harassment, intimidation and bullying policy (5131.1);
- I. Lists community-based health and social service providers, and local legal resources.

Student Behavioral Infractions

Students who display chronic behavioral or academic problems may be referred to the child study team by the 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 pupil's suspension.

#### Substance Abuse

In accordance with statute and code, penalties shall be assigned for use, possession and distribution of proscribed substances and drug paraphernalia. The penalties shall be graded according to the severity of the offense 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 the superintendent. 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.

CONDUCT/DISCIPLINE (continued)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:

- C. A reasonable person should know, under the circumstances, will have the effect of physically or mentally harming a student or damaging the pupil'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
- D. Has the effect of insulting or demeaning any student or group of students; or
- E. 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. 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 pupils with disabilities.

CONDUCT/DISCIPLINE (continued)

Policy and Procedures 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 approval core ethical values. Policies standards and procedures shall be based on parent, student 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 schools and community;
- B. Consideration of the findings of the annual reports of student conduct, suspensions and expulsions; and incidences reported under the Electronic Violence and Vandalism Reporting System.

The superintendent shall annually:

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

Implementation

The 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.

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

Adopted: December 2, 2008

Revised: September 1, 2009

Revised: March 16, 2010

NJSBA Review/Updated: September 27, 2015

Readopted: April 4, 2017

Key Words

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

CONDUCT/DISCIPLINE (continued)

<b><u>Legal References:</u></b>	<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A. 2C:12-1</u>	Definition of assault
	<u>N.J.S.A. 2C:33-19</u>	Paging devices, possession by students
	<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
	<u>N.J.S.A. 18A:6-1</u>	Corporal punishment of pupils
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:25-2</u>	Authority over pupils
	<u>N.J.S.A. 18A:36-19a</u>	Newly enrolled students; records and identification
	<u>N.J.S.A. 18A:37-1 et seq.</u>	Discipline of Pupils
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:37-15</u>	Harassment, intimidation, and bullying
	<u>N.J.S.A. 18A:40A-1 et seq.</u>	Substance Abuse
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsions
	<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to Support Student Development
	<u>See particularly:</u>	
	<u>N.J.A.C. 6A:16-2.4, -4.1, -5.1, -6.1, -6.2, -7.1 through -7.5</u>	
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts

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

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

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

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

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

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

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

CONDUCT/DISCIPLINE (continued)

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 of Civil Rights.

Manual for the Evaluation of Local School Districts  
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

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

*1220	Ad hoc 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
*5127	Commencement activities
*5131.1	Harrassment, 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
*5145.1 1	Questioning and apprehension
*5145.1 2	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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5131.1

## HARASSMENT, INTIMIDATION AND BULLYING

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

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

The standards of character education are an essential component of the Roselle Park 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.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

“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:

- 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 Bullying

Students

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

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

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



HARASSMENT, INTIMIDATION AND BULLYING (continued)

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;
- 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;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

B. Remedial Measures

1. Personal
  - a. Restitution and restoration;
  - b. Mediation;
  - c. Support group;
  - d. Recommendations of behavior or ethics council;
  - e. Corrective action plan;
  - f. Behavioral assessment or evaluation;
  - g. Behavioral management plan, with benchmarks that are closely monitored;
  - h. Involvement of school disciplinarian;
  - i. Counseling;
  - j. Conferences;
  - k. Treatment; or
  - l. Therapy.
  
2. Environmental (Classroom, School Building or School District)
  - a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
  - b. School culture change;
  - c. School climate improvement;
  - d. Adoption of research-based, systemic bullying prevention programs;
  - e. School policy and procedures revisions;
  - f. Modifications of schedules;
  - g. Supervision;
  - h. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
  - i. General professional development programs for certificated and non-certificated staff;
  - j. Professional development plans for involved staff;
  - k. Disciplinary action;
  - l. Supportive institutional interventions, including participation of the intervention and referral services team;
  - m. Conferences;
  - n. Counseling;

Reporting Harassment, Intimidation and Bullying Behavior

The superintendent, 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.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

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

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

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

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

District Anti-Bullying Coordinator

The 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;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- C. Provide data, in collaboration with the superintendent, 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 superintendent.

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

School Anti-Bullying Specialist

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

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

School Safety Team

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

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

The school safety team shall:

- A. Receive any complaints of harassment, intimidation, or bullying of students that have been reported to the principal;
- B. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- 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.

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

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

Investigating Reported Harassment, Intimidation and Bullying

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

- A. All investigations shall be thorough and complete, and documented in writing, and shall include, but not be limited to:
  - 1. Taking of statements from victims, witnesses and accused;
  - 2. Careful examination of the facts;
  - 3. Support for the victim; and
  - 4. Determination if alleged act constitutes a violation of this policy.
- B. The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- 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 superintendent.
- 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.

Range of Ways to Respond to Harassment, Intimidation or Bullying

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

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

- A. School and community surveys;
- B. Mailings;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- 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.



HARASSMENT, INTIMIDATION AND BULLYING (continued)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, 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.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

## B. Remedial Measures

## 1. Personal

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

Appeal Process

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

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

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

Week of Respect

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)Training

## A. School Leaders

Any school leader who holds a position that requires the possession of a superintendent, 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.

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

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)  
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 school and district.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

Publication, Dissemination and Implementation

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

The superintendent shall take the following steps to publicize this policy:

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

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

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

The 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.

Date: September 18, 2007  
Revised: January 19, 2010  
Revised: March 16, 2010  
Revised: September 6, 2011  
NJSBA Review/Update: September 28, 2015  
Readopted: May 9, 2017

Key Words

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

<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 disabilities)
	<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to support student development (includes student conduct code)
	<u>See particularly:</u>	
	<u>N.J.A.C. 6A:16-7.1, -7.5, -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."



HARASSMENT, INTIMIDATION AND BULLYING (continued)

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**

<b><u>Cross References:</u></b>	*1220	Ad hoc advisory committees
	*1410	Local units
	3517	Security
	*3541.33	Transportation safety
	*4131/4131.1	Staff development; inservice education/visitation conferences
	4148/4248	Employee protection
	*4231/4231.1	Staff development; inservice education/visitation conferences
	5000	Concepts and roles for students
	5010	Goals and objectives for students
	*5020	Role of parents/guardians
	*5113	Attendance, absences and excuses
	*5114	Suspension and expulsion
	*5124	Reporting to parents/guardians
	*5131	Conduct and discipline
	*5131.5	Vandalism/violence
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	5132	Dress and grooming
	*5142	Student safety
	5145	Rights
	5145.2	Freedom of speech/expression
	*5145.4	Equal educational opportunity
	*5145.6	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.

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5131.5

## VANDALISM/VIOLENCE

### Vandalism

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

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

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

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

### Violence

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

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

VANDALISM/VIOLENCE (continued)

Any school employee observing or having direct knowledge from a participant or victim of an act of violence in the district public school(s) should complete the standard report form and submit it to the school principal who is responsible for preparing the official report to the superintendent. Staff will report accurately and not falsify information.

The Board shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements pursuant to N.J.S.A. 18A:17-46.

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

Threats of Violence

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

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

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

Unsafe School Choice Option

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

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

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

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

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

VANDALISM/VIOLENCE (continued)School Violence Awareness Week

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

Violence and Vandalism Reporting

The superintendent will annually submit a report utilizing the Electronic Violence and Vandalism Reporting system (EVVRS) accurately reporting on each incident of violence, vandalism and alcohol and other drug abuse within the school district. Any allegations of falsification of data will be reviewed by The Board using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record.

Implementation

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

Adopted: March 16, 2010

NJSBA Review/Update: September 28, 2015

Readopted:

Key Words

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

<b><u>Legal References:</u></b> <u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A. 2A:53A-15</u>	Liability of parent or guardian for willful destruction of property by infant under 18
<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
<u>N.J.S.A. 18A:17-46</u>	Act of violence; report by school employee; notice of action taken; annual report,
<u>N.J.S.A. 18A:25-2</u>	Authority over pupils
<u>N.J.S.A. 18A:36-5.1</u>	School Violence Awareness Week
<u>N.J.S.A. 18A:37-1 et seq.</u>	Discipline of Pupils
<u>See particularly:</u>	
<u>N.J.S.A. 18A:37-2, -2.1</u>	
through -2.5, -3, -7	
through -12	
<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsion
<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C. 6A:16-5.1,</u>	
-5.2, -5.3, -5.5, -5.6, -5.7, -6.1	

VANDALISM/VIOLENCE (continued)

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

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

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

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

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

**Possible**

**Cross References:** \*1120 Board of education meetings  
\*3250 Income from fees, fines, charges  
3517 Security  
\*4131/4131.1 Staff Development, Inservice Education, Visitations,  
Conferences  
4148/4238 Employee protection  
\*5114 Suspension and expulsion  
\*5119 Transfers  
\*5124 Reporting to parents/guardians  
\*5131 Conduct/discipline  
\*5131.1 Harassment, intimidation and bullying  
5131.4 Campus disturbances  
\*5131.6 Drugs, alcohol, tobacco (substance abuse)  
\*5131.7 Weapons and dangerous instruments  
\*6114 Emergencies and disaster preparedness  
\*6172 Alternative educational programs

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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5131.6

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

It is the responsibility of the Roselle Park Board of Education to safeguard the health, character, citizenship, and personality development of the students in its schools. The board of education recognizes that the misuse of drugs, alcohol, steroids, and tobacco threatens the positive development of students and the welfare of the entire school community. We, therefore, must maintain that the use of drugs, alcohol, steroids, and tobacco and the unlawful possession of these substances is wrong and harmful. The board of education is committed to utilizing wellness strategies that encourage the prevention, intervention, and cessation of drug, alcohol, steroid, and tobacco abuse.

The board of education recognizes that tobacco is a gateway drug and highly addictive and that the use of tobacco products is a health, safety, and environmental hazard for students, employees, visitors, and school facilities. The board believes that the use of tobacco products on school grounds, in school buildings and facilities, on school property or at school-related or school-sponsored events is detrimental to the health and safety of students, faculty/staff and visitors. The board acknowledges that adult employees and visitors serve as role models for students. The board recognizes that it has an obligation to promote positive role models in schools and to promote a healthy learning and working environment, free from unwanted smoke and tobacco use for the students, employees, and visitors on the school campus. Finally, the board recognizes that it has a legal authority and obligation pursuant to P.L. 2005, Chapter 383 New Jersey Smoke-Free Air Act as well as the federal Pro-Children's Act, Title X of Public Law 103-227 and the No Child Left Behind Act, Part C, Environmental Smoke, Section 4303.

### Students

For the purpose of this policy, "drug" includes all controlled dangerous substances set forth in N.J.S.A. 24:21-1 et seq. and all chemicals that release toxic vapors set forth in N.J.S.A. 2C:35-10.4 et seq.

- A. The board of education prohibits the use, possession and/or distribution of any drug, alcohol, or steroids on school premises, and at any event away from the school provided by the board. Compliance with a drug-free standard of conduct at all school functions is mandatory for all students. Pupils suspected of being under the influence of drugs, alcohol, or steroids will be identified, evaluated, and reported in accordance with the law. Assessment will be provided by individuals who are certified by the New Jersey State Board of Examiners as student assistance coordinators or by individuals who are appropriately certified by the New Jersey Board of Examiners and trained in alcohol and other drug abuse prevention. A pupil who uses, possesses, or distributes drugs, alcohol, or steroids on school premises or while attending a school-sponsored activity will be subject to discipline that may include suspension or expulsion, and may be reported to appropriate law enforcement personnel. Pupils suspected of involvement with alcohol, drugs or steroids away from school premises will be advised of appropriate treatment and remediation (N.J.S.A. 18A:40A-10). Treatment services for students who are affected by alcohol or other drug use will be provided by individuals who are certified as student assistance coordinators or who are otherwise appropriately trained in drug and alcohol prevention, intervention, and follow-up. Treatment will not be at the board's expense.

DRUGS, ALCOHOL, STEROIDS, TOBACCO (Substance Abuse) (continued)

- B. The board directs the establishment of a program designed to provide short-term counseling and support services for pupils who are in care or returning from care for alcohol and other drug dependencies. Pursuant to N.J.S.A. 18A:40A-16 the district shall establish a parent/guardian substance abuse program offered at times and places convenient to the parents/guardians of the district on school premises or other facilities.

Enforcement of Drug-Free School Zones

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

Law Enforcement Liaison

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

Undercover Operations

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

The board recognizes that law enforcement authorities may contact the superintendent to request that an undercover operation be established in a district school. The board recognizes that the superintendent is prohibited from discussing the request with the board. The board hereby authorizes the superintendent to act upon any such request in the manner that he/she determines is in conformity with the law and the Attorney General's Executive Directive 1988-1 and that is in the best interests of the students and the school district.

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

DRUGS, ALCOHOL, STEROIDS, TOBACCO (Substance Abuse) (continued)

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

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

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

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

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

Student Searches and Securing Physical Evidence

The principal or his/her designee may conduct a search of a student's person or belongings if the search is necessary to maintain discipline and order in the school, and the school official has a reasonable suspicion that the student is concealing contraband. All searches and seizures conducted by designated school staff shall comply with the standards prescribed by the United States Supreme Court in 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) and the New Jersey School



DRUGS, ALCOHOL, STEROIDS, TOBACCO (Substance Abuse) (continued)

Search Policy Manual

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

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

Police Presence at Extracurricular Activities

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

Resolving Disputes Concerning Law Enforcement Activities

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

Confidentiality of Pupil Involvement in Intervention and Treatment Programs

Nothing in this policy shall be construed in any way to authorize or require the transmittal of any information or records that are in the possession of a substance-abuse counseling or treatment program including, but not limited to, the school district's own substance abuse programs. All information concerning a pupil's or staff member's involvement in a school intervention or treatment program shall be kept confidential. See 42 CFR 2 and N.J.A.C. 6A:16-6.5.

Tobacco

Tobacco use is now recognized as a chronic disease and public health hazard. Tobacco use is associated with conditions such as heart disease, emphysema, asthma, high blood pressure, diabetes, and many other chronic diseases. The most effective strategy for discouraging tobacco use by young people is a wellness strategy that supports prevention, intervention, and cessation.

DRUGS, ALCOHOL, STEROIDS, TOBACCO (Substance Abuse) (continued)

A. Tobacco Use and Possession

1. No student, faculty/staff member or school visitor is permitted to use any tobacco product or electronic smoking device:
  - a. In any building, facility, or vehicle owned, leased, rented or chartered by the district;
  - b. On any school grounds and property—including athletic fields and parking lots—owned, leased, rented, utilized (e.g., adjacent parking lots) or chartered by the board of education;
  - c. At any school-sponsored or school-related event on-campus or off-campus (e.g., field trips, proms, sporting events off campus, etc).
2. In addition, school district employees, school volunteers, contractors or other persons performing services on behalf of the school district (e.g., bus drivers) also are prohibited from using tobacco products at any time while on duty in accordance with their contracts or in the presence of students, either on or off school grounds.
3. Further, no student is permitted to possess a tobacco product while in any school building, while on school grounds or property or at any school-sponsored or school-related event, or at any other time that students are under the authority of school personnel.

B. Definition of Tobacco Products, Tobacco Use, and Electronic Smoking Device

For the purposes of this policy:

1. "Tobacco product" is defined to include but is not limited to cigarettes, cigars, blunts, bidis, pipes, chewing tobacco and all other forms of smokeless tobacco, rolling papers and any other items containing or reasonably resembling tobacco or tobacco products (excluding quit products);
2. "Tobacco use" includes smoking, chewing, dipping, or any other use of tobacco products;
3. "Electronic smoking device" means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

C. Signage

Signs will be posted in a manner and location that adequately notify students, faculty/staff and visitors about the Comprehensive Tobacco-Free School Policy.

DRUGS, ALCOHOL, STEROIDS, TOBACCO (Substance Abuse) (continued)

## D. Compliance for Students

In recognition that tobacco use is a public health issue and that tobacco is a gateway drug and highly addictive, the board of education recognizes that intervention rather than punishment is the most effective way to address violations of this policy. Students who violate the school district's tobacco-use policy will be referred to the student assistance coordinators (SAC), guidance counselor, a school nurse, or other health or counseling services for all offenses for health information, counseling, and referral. The administration will consult with appropriate health organizations in order to provide student violators with access to an Alternative-to-Suspension (ATS) program. The ATS program will provide up-to-date information on the many consequences of tobacco use, offer techniques that students can use to stop tobacco use at school, and provide referrals to local youth tobacco cessation programs.

Parents/guardians will be notified of all violations and actions taken by the school. Schools may also use community service as part of the consequences. Ordinarily, and consistent with a wellness strategy, suspension will only be used after a student has three or more prior violations or has refused to participate in other outlined measures.

## E. Compliance for Faculty, Staff, and Visitors

As with students, intervention rather than punishment is the most effective way to address adult violations of this policy. Faculty or staff who violate the school district's tobacco-use policy will be referred to the Employee Assistance Program (EAP) or a tobacco cessation program. Employees who repeatedly violate the policy or do not comply with intervention or cessation referrals may be subject to consequences in accordance with district policy and their contract. Visitors using tobacco products will be informed about the policy and asked to refrain while on school property. Visitors who continue to violate the policy will then be asked to leave the premises. Law enforcement officers may be contacted to escort the person off the premises or cite the person for trespassing if the person refuses to leave the school property.

## F. Opportunities for Cessation

The administration will consult with the county health department and other appropriate health organizations (e.g., American Lung Association, American Cancer Society, etc.) to provide students and employees with information and access to support systems, programs and services (e.g., NJDHSS Quitline 1 866 NJSTOPS (657-8677) and njquitline.org) to encourage them to abstain from the use of tobacco products.

## G. Prevention Education

The administration will consult with appropriate health organizations to identify and provide programs or opportunities for students to gain a greater understanding of the health hazards of tobacco use and the impact of tobacco use as it relates to providing a safe, orderly, clean and inviting school environment.

DRUGS, ALCOHOL, STEROIDS, TOBACCO (Substance Abuse) (continued)

H. Procedures for Implementation

The administration will develop a plan for communicating the policy that may include information in student and employee handbooks, announcements at school-sponsored or school-related events, and appropriate signage in buildings and around campus. A process that identifies intervention and referrals for students, faculty/staff, and visitors who violate the policy will be created and communicated to all students, faculty/staff and parents.

Ongoing Implementation of this Policy

A. Prevention Education for Students

The board will enforce the laws of New Jersey requiring a program of drug, alcohol, steroid, and tobacco education. The superintendent shall prepare and submit to the board for its approval a comprehensive curriculum for such instruction in grades seven through 12 of alcohol and other drug education in accordance with department of education chemical health guidelines, pursuant to N.J.S.A. 18A:40A-1 *et seq.* Drug, alcohol, steroid, and tobacco education shall be integrated with the health curriculum

B. Faculty Education and Inservice Training

All district personnel shall be alert to signs of alcohol, drug, steroid, and tobacco use by pupils and shall respond to those signs in accordance with procedures established by the superintendent of schools. The board of education will provide inservice training to assist teaching staff members in identifying the pupil who uses drugs, alcohol, steroids, and/or tobacco and in helping pupils with drug-, alcohol-, steroid-, and tobacco-related problems in a program of rehabilitation. The superintendent will ensure that all district employees receive annual inservice training to make them aware of their responsibilities in accordance with board policies and N.J.A.C. 6A:16-3.1.

C. Annual Review and Distribution of Policy

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

In accordance with N.J.S.A. 18A:40A-10, copies of the policy statement shall be distributed to pupils and their parents/guardians at the beginning of each school year. Board policy and procedures shall disseminated be annually to all school staff, students and parents through its website or other means (N.J.A.C. 6A:16-4.2).

D. Administrative Regulations

The superintendent may develop administrative regulations for:

1. A comprehensive program of drug, alcohol, steroid, and tobacco education;

DRUGS, ALCOHOL, STEROIDS, TOBACCO (Substance Abuse) (continued)

2. The identification and remediation of pupils involved with drugs, alcohol, steroids, and tobacco;
3. The examination and treatment of pupils suspected of being under the influence of drugs, alcohol, steroids, or tobacco to determine the extent of the pupil's use or dependency;
4. The treatment of pupils who use, possess or distribute drugs, alcohol, steroids, and tobacco in violation of law or this policy through referral to an appropriate drug/alcohol/tobacco abuse program as recommended by the department of health; and
5. The readmission to school and treatment of pupils who have been convicted of drug, alcohol, steroid, or tobacco offenses.

E. Reporting and Liability

The superintendent will annually submit a report utilizing the Electronic Violence and Vandalism Reporting system (EVVRS) accurately reporting on each incident of violence, vandalism including harassment, intimidation and bullying, and alcohol and other drug abuse within the school district. Any allegations of falsification of data will be reviewed by the board of education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record.

At an annual hearing the superintendent shall report to the board all acts of violence and vandalism and incidents of alcohol and other drug abuse that occurred during the previous school year.

Any staff member who reports a pupil to the principal or his/her designee in compliance with the provisions of this policy shall not be liable in civil damages as a result of making such a report as provided for under N.J.S.A. 18A:40A-1 et seq.

F. Confidentiality Requirements

All policies and procedures must comply with the confidentiality requirements established in federal regulation found at 42 CFR Part II.

G. Parental Compliance

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

Optional Random Drug Testing of High School Students

School districts have the option to conduct random testing of high school students who possess a school parking permit or who participate in extracurricular activities, including sports, for alcohol or other drug use. Testing, if conducted, will comply with the requirements of N.J.A.C. 6A:16-4.4, "voluntary policy for random testing of student alcohol or other drug use." Before instituting testing, a public hearing will be held concerning the district's policy and procedures. Collection and testing of specimens will be only by the individuals authorized by the regulations. The district's procedures will include a procedure whereby students or their parents may challenge a positive result from alcohol or other drug tests.

DRUGS, ALCOHOL, STEROIDS, TOBACCO (Substance Abuse) (continued)

Adopted: March 16, 2010  
 NJSBA Review/Update: September 28, 2015  
 Readopted: August 22, 2017

Key Words

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

<b>Legal References:</b> <u>N.J.S.A.</u> 2A:62A-4	Reports by educational personnel on dependency upon or illegal use of controlled dangerous substances or use of intoxicating vapor releasing chemicals; immunity from liability
<u>N.J.S.A.</u> 2C:29-3a	Hindering apprehension or prosecution
<u>N.J.S.A.</u> 2C:33-15	Possession or consumption of alcoholic beverage by person under legal age, penalty
<u>N.J.S.A.</u> 2C:33-16	Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
<u>N.J.S.A.</u> 2C:33-17	Offer or service of alcoholic beverage to Underage person; disorderly persons; exceptions
<u>N.J.S.A.</u> 2C:33-19	Paging devices, possession by students
<u>N.J.S.A.</u> 2C:35-1 <u>et seq.</u>	<u>New Jersey Comprehensive Drug Reform Act of 1987</u>
<u>See particularly:</u>	
<u>N.J.S.A.</u> 2C:35-7, -10	Definitions
<u>N.J.S.A.</u> 2C:35-2	Abuse abandonment, cruelty, and neglect of child; what constitutes
<u>N.J.S.A.</u> 9:6-1 <u>et seq.</u>	Consent by minor to medical care or treatment; venereal disease, sexual assault or drug use or dependency; notice and report of treatment; confidentiality
<u>N.J.S.A.</u> 9:17A-4	Authority over pupils
<u>N.J.S.A.</u> 18A:25-2	Student locker or other storage facility; inspections; notice to students
<u>N.J.S.A.</u> 18A:36-19.2	Submission of pupils to authority
<u>N.J.S.A.</u> 18A:37-1	Causes for suspension or expulsion of pupils
<u>N.J.S.A.</u> 18A:37-2	Attendance required of children between six and sixteen, exceptions
<u>N.J.S.A.</u> 18A:38-25	Violation of article by parents or guardian, penalties
<u>N.J.S.A.</u> 18A:38-31	Substance abuse
<u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u>	

DRUGS, ALCOHOL, STEROIDS, TOBACCO (Substance Abuse) (continued)

See particularly:

N.J.S.A. 18A:40A-1, -2,

-3, -4, -5, and -9

N.J.S.A. 18A:40A-22 to -25

N.J.S.A. 24:21-2

Random student drug testing  
Definitions (New Jersey controlled  
dangerous substances)

N.J.S.A. 26:3D-55 et seq.

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

N.J.A.C. 6A:9B-12.2

N.J.A.C. 6A:14-2.8

N.J.A.C. 6A:16-1.1 et seq.

New Jersey Smoke-Free Air Act  
Curriculum and instruction  
Student assistance coordinator  
Discipline/suspension/expulsion  
Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-4.4

Voluntary policy for random testing of  
student alcohol or other drug use

See also:

N.J.A.C. 6A:16-1.3, -2.2, -2.4, -3.1, -3.2, -4.1

through -4.3, -5.3, -6.1 -6.5

N.J.A.C. 6A:32-12.1 et seq. Pupil Behavior

Drug Free Workplace Act of 1988 Enacted November, 1988 (Pub. L.  
100-690, Title V,  
Subtitle D) 102 Stat. 4305-4308

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

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

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

G.L.H. v. Bd. of Ed. of Hopewell Valley Regional School District, et al., 1987  
S.L.D.

April 20, aff'd St. Bd. 1987 S.L.D. Sept. 2

State in re T.L.O., 94 N.J. 331 (1983), reversed on other grounds, New  
Jersey v. T.L.O., 569 U.S. 325 (1985).

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

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

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

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

Board of Education of Independent School District No. 92 of Pottawatomie  
County et al.

v. Earls et al., 536 U.S. (2002)

DRUGS, ALCOHOL, STEROIDS, TOBACCO (Substance Abuse) (continued)

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

The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

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

**Possible**

**Cross References:**

- \*1120 Board of Education Meetings
- \*1330 Use of school facilities
- \*1410 Local units
- \*4131.1 Inservice education/visitations/conferences
- \*4231.1 Inservice education/visitations/conferences
- \*5114 Suspension and expulsion
- \*5124 Reporting to parents/guardians
- \*5125 Pupil records
- \*5131 Conduct/discipline
- \*5131.7 Weapons and dangerous instruments
- \*5141.3 Health examinations and immunizations
- \*5141.21 Administering medication
- \*5145.12 Search and seizure
- \*6145.1/6145.2 Intramural competition; interscholastic competition
- 6145.7 Social events/meetings
- \*6154 Homework/makeup work
- \*6172 Alternative educational programs
- \*6173 Home instruction

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

Key Words

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



# REGULATION

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5131.6

## Roselle Park Substance Abuse Administrative Procedures

For purposes of clarity and understanding of the following policy and procedures, "substance" means: alcoholic beverages, controlled dangerous substances as defined at N.J.S.A. 24:21-2, anabolic steroids, or any chemical or chemical compound that releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction or dulling of the brain or nervous system including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined at N.J.S.A. 2C: 35-10.4. Also included is any herbal, prescription, or over the counter drug/medication except those authorized to the user in writing by a physician.

For purposes of clarity, the reference to SAC throughout the following policy and procedures refers to the Student Assistance Coordinator.

This policy is in compliance with N.J.S.A. 18A:40A-1 for the implementation of drug, alcohol, tobacco and steroid education. These procedures mentioned are in concert with Roselle Park Policy Number 5131.6, Substance Abuse. N.J.S.A. 18A:40A-9. N.J.A.C. 6A: 16-1.3; 6A:16-4.1

### Section I -- Procedures for Suspicion

Regarding students suspected of *CONSUMING, POSSESSING, BEING UNDER THE INFLUENCE OF A SUBSTANCE OR POSSESSING ANY RELATED PARAPHERNALIA OR COUNTERFEIT CONTROLLED SUBSTANCE* while on school grounds or involved in any school related activity including school sponsored transportation. The chief school administrator or designee and the student's parents will be immediately notified in response to every report of suspected student alcohol or other drug use pursuant to N.J.A.C. 6A: 16-4.3(a)(2). The referring staff member shall complete the Violence, Vandalism, and Substance Abuse Incident Report, in accordance with N.J.S.A. 18A: 17-46, N.J.A.C. 6A: 16-4.3, and N.J.A.C. 6A: 16-5.3.

#### **A. Identification Procedure: Reporting, Notification, and Examination procedures**

When there is a *reasonable suspicion* that a student is consuming or possessing a controlled dangerous substance (CDS) or related paraphernalia, or is under the influence of a substance in a school building or on school property or at any school related function, that student shall be reported immediately to the principal or administrative designee(s) of the school and/or school nurse. In instances where the school nurse or principal is not in attendance (ie. dance, athletic event), the staff member responsible for the school function shall be immediately notified.

**A-1** The student shall be taken immediately to the school nurse for vital signs examination. The student will then be required to empty his/her pockets and belongings. An administrator will also search the student's locker and vehicle (if applicable). If the student is found to be in possession of a controlled substance, alcohol, anabolic steroids, related paraphernalia, or urine, the police will be notified.

**A-2** When a report is made to an administrator that a student may be under the influence, the student's parent/guardian shall be contacted and informed that they must immediately pick their child up from school. Provisions shall be made for appropriate care of the student until their parent/guardian arrives. (NOTE: If symptoms are considered so severe as to endanger the physical welfare of the student and constitute a medical emergency, the school nurse or designee shall immediately accompany the student to the nearest hospital emergency room by ambulance.)

**A-3** If *not* deemed a medical emergency, a screening for substances shall be taken within two (2) hours of the initial report.

**a.** The parent/guardian may choose to have the physical exam and substance screening done by a physician of their choice. A written report of the medical examinations shall be provided to the school nurse within twenty-four (24) hours as well as evidence as to the time the screening was taken. All costs of this exam are the responsibility of the parent or guardian if the school physician is not consulted.

**b.** If the chosen physician is not available within two hours, the parent/guardian will accompany the student to the school's physician for a physical exam and substance screening and if the school physician is not available, the student shall be accompanied by a member of the school staff, designated by the principal, to the emergency room of the nearest hospital for examination. The student's parent if available, also shall accompany the student...such examination shall be at the expense of the district board of education. N.J.A.C. 6A: 16-4.3(a)(5)(i)-(iii).

**c.** If the parent/guardian is not available, the school administrator or designee will accompany the student to the nearest medical facility for a physical exam.

**d.** The student may return to school if, within the prescribed time frame, the doctor has filled out physician clearance form.

**e.** The student may attend school until such a time as a positive diagnosis of substance use is confirmed.

**A-4** If a student is under suspicion and admits use, or if there is any attempt, by any person to alter the results of any test, or if student is found in possession of urine, the policy and procedures are invoked. All instances will be considered a violation of the policy and disciplinary and supportive actions will be invoked. The same procedures will be followed as if there was a positive determination of under the influence. In addition, a referral may be made to the appropriate authorities.

**A-5 Failure to Comply**

a. Refusal to submit to a substance screening and/or physician's clearance will *also* be considered a violation of the substance abuse policy and result in suspension and possible referral to the Superintendent for consideration of expulsion. The same procedure and discipline will be followed as if there was a positive determination of under the influence and the student will remain out of school until s/he submits to the substance screening and is medically cleared by a physician.

b. If a student fails to comply with any/all substance abuse procedures, it will be considered a violation of the substance abuse policy and the administration can, at its discretion, suspend the student for up to ten (10) days, or the student may be referred to an alternative educational setting.

c. Refusal or failure by a parent/guardian to comply with the provision of N.J.S.A. 18A: 40A-12 shall be deemed a violation of the compulsory education (N.J.S.A. 18A: 38-25 and 18A:38-31) and/or child neglect (N.J.S.A. 9: 6-1 seq) laws, and a referral may be made to Family Court or the Division of Youth and Family Services (DYFS).

d. Non-compliant infractions are considered cumulative.

**A-6** All due process requirements shall be met as per Board of Education policy /regulations

a. Any staff member who reports a student to the appropriate office in compliance with the provisions of this policy shall not be liable in civil damages as a result of making such a report as specified in N.J.S.A. 18A: 40A-13 and N.J.S.A. 18A: 40-14.

**Section II – Positive Drug Screening Results**

If there is a positive determination indicating that the student is under the influence of a substance(s):

**B. Disciplinary Actions and Supportive Services**

The student shall be returned to the care of a parent/guardian as soon as possible.

**B-1 Discipline—First Infraction**

a. The administration can, at its discretion, suspend the student for up to ten (10) days or the student may be referred to an alternative education program. In certain cases, consultation with appropriate school personnel is recommended before and after disciplinary action is applied.

b. The administrator will contact the parents and send a letter home that includes the substance abuse policy and procedures.

c. The administrator will notify the SAC, guidance counselor, and case manager (if applicable).

d. The administrator will arrange for a re-entry meeting before the student returns to school in order to clarify consequences and explain supportive services. Those in attendance during re-entry meeting should be administrator(s), SAC, guidance counselor, CST member (if applicable), and school nurse, parents/guardian, and student. Attendance at school shall not resume until a written report has been submitted to the parent, the principal and chief school administrator from a physician licensed to practice medicine or osteopathy who has examined the student to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school; the report shall verify that the student's alcohol or other drug use no longer interferes with his or her physical and mental ability to perform in school. N.J.A.C. 6A: 16-4.3(a)(11)(iii).

e. Loss of privileges can be applied for *up to* 45 days. This could include loss of parking privileges, involvement in all extra-curricular school related activities, and athletic events, both as a spectator and/or athlete, or any other privilege administration so chooses.

f. The student must complete a minimum of one (1) calendar year of random substance screenings. The procedure for random screening shall be the same as the procedure for students initially suspected as being under the influence. Testing will only occur on student contact days.

#### **B-1A Supportive Services**

a. At any time, the SAC will provide information, referral, and supportive help for parents/guardians and student.

b. While the student is on suspension or upon his/her return to school, the school will require a substance/psycho-social assessment of the student by the SAC which may include meeting with the student, his/her parents/guardians, teachers, guidance counselor, and anyone who may be able to contribute to the assessment.

c. *If* the assessment indicates that the student may need additional services outside of school, the school may require further evaluation by a certified, licensed substance counselor (LCADC/CADC). The parent/guardian is responsible for all costs of evaluations and recommended treatments outside of school. SAC can/will provide help in finding this service, if needed. Information release forms must be signed. Student will be required to follow through with all recommendations for treatment that may result from this evaluation.

d. The student will participate in a minimum of five (5) counseling sessions with the SAC. The student/parent/guardian may choose to attend a substance abuse treatment program with an outside provider in place of the five (5) counseling sessions with the SAC. An information release form must be presented to the SAC to verify completion of the treatment program. The parent/guardian is responsible for the cost of this alternate treatment program.

e. If the student or parent/guardian is unwilling to comply with the support program, it will be considered a second infraction of the substance abuse policy and the student may be suspended for up to ten (10) days and/or the administration may refer the student to the Superintendent for consideration for placement and additional discipline or placed in an alternative education program. In addition, a referral may be made to Family Court, the Division of Youth and Family Services (DYFS) for child neglect and/or violation of compulsory education laws (N.J.S.A. 18A: 40A-1; N.J.S.A 18A: 38-25 and 18A: 38-31; N.J.S.A. 9: 6-1 seq.).

**B-2 Discipline—Second Infraction**

a. Ten (10) days of suspension  
 b. Referral to Superintendent for consideration of placement in alternative education program.

c. Consideration of referral to Superintendent for an expulsion hearing.

d. Minimum additional one (1) calendar year random substance screenings

that will only occur on student contact days during the academic year. Information obtained from drug screenings which would identify the student as an alcohol or drug user may be disclosed only for those purposes and under those conditions permitted by 42 C.F.R. Part 2, in accordance with N.J.A.C. 6A: 16-2.4. A participant's test results will be treated as a confidential health record pursuant to both federal and state regulations. 42 C.F.R., 2.1 and 2.2; N.J.A.C. 6A: 16-1.4. A participant's test results shall be kept in confidential files separate and apart from his or her other educational records and shall be disclosed only to those personnel who have a need to be informed regarding the result of the test in order to implement or oversee implementation of the policy or the consequences of violating the policies. Student drug testing information resulting from the policy will not be turned over to any law enforcement authorities except under circumstances in which the district is legally compelled to surrender or disclose such test results. N.J.A.C. 6A: 16-3.2

e. Loss of privileges can be applied for up to an additional 60 days. This could include loss of parking privileges, involvement in all extra curricular school activities, and athletic events/activities both as a spectator and/or athlete, or any other privilege administration chooses

**B-2A Supportive Services**

a. SAC will continue to provide information, referral, and supportive help for parents/guardians/student.

b. The school will require an evaluation by a certified, licensed substance counselor (LCADC/CADC). The parent/guardian is responsible for all costs of evaluations and recommended treatments outside of school. Information release forms must be signed. Student will be required to follow through with all recommendations for treatment that may result from this evaluation.

c. Student will be required to participate in an additional 5 counseling sessions with SAC. The student/parent/guardian may choose to attend a substance abuse treatment program with an outside provider in place of the five (5) counseling sessions with the SAC. An information release form must be presented to the SAC to verify compliance and completion of the treatment program. The parent/guardian is responsible for the cost of this alternate treatment program.

**B-3 Discipline—Subsequent Infractions**

The student will be referred to the Superintendent. Consequences may include Suspension, alternative education program and may be referred to the Board of Education for an expulsion hearing.

**Section III – Selling/Distributing****C. Disciplinary Actions and Supportive Services**

**C-1** If selling/distributing alcohol, controlled substances, or anabolic steroids is confirmed:

**a.** The chief school administrator shall notify as soon as possible the appropriate county prosecutor or other law enforcement official designated by the county prosecutor to receive such information in accordance with N.J.A.C. 6A: 16-6.3(a).

**b.** Student will have up to ten (10) days out of school suspension pending the outcome of a hearing with the Board of Education

**c.** The student will be will be under the same procedure of a positive substance screen result and the disciplinary and supportive services that ensue, as listed in Section II. This includes an initial substance screening upon confirmation of possession and subsequent random screenings.

**Section IV – Anabolic Steroids****D. Disciplinary Actions and Supportive Services**

**D-1** Whenever any staff member shall have reason to believe that a student has used or may be using anabolic steroids, that person shall report the matter as soon as possible to an administrator and/or school nurse. (NOTE: Unlike in cases of suspicion of under the influence, it is only necessary to suspect that a student has used or may be involved in using anabolic steroids, not “under the influence” at that moment).

**D-2** Procedures shall be followed as in Section I, “Procedures for Suspicion”

**Section V – Violations at a time when the student is not accountable to the school for his/her conduct**

Any student in the district who is charged by any law enforcement authority with selling and/or possession of drugs or alcohol while away from school property or at a time when the student is not accountable to the school for his/her conduct may be permitted to continue attending school until a disposition is made of the case in court. The law enforcement authorities shall be requested to notify school officials of the nature of the charges and of the disposition, and the student will be referred to the SAC.

**Section VI – Parent/Guardian request for Student Substance Screening**

If a parent/guardian requests a substance screening on their child:

**E. Procedures**

**E-1** The parent or guardian must be in attendance when the student is brought to the health office, and will explain his/her request to the student. The substance screening will be taken only with student cooperation and with the parent present. The parent/guardian must provide written permission. Parental request for ongoing random testing cannot be honored.

**E-2** No disciplinary action is taken regardless of screening results.

**E-3** The student and the parent/guardian will be referred to the SAC. The SAC will follow appropriate intervention procedures. Privacy is maintained according to Federal Confidentiality Regulations (42 C.F.R. Part II).

### **Section VII – Student Requests**

#### **F. Personal request for help regarding substance use and/or student volunteers information about substance abuse concern of another student**

**F-1** The student is referred to SAC. The SAC follows appropriate intervention procedures. Privacy is maintained according to Federal Confidentiality Regulations (42 C.F.R. Part II). No disciplinary action is taken.

### **Section VIII -- Staff member is concerned about a student who may be affected by his/her own or someone else's substance use**

**G.** Staff member will refer student to the SAC. The SAC will follow appropriate intervention procedures. Privacy is maintained according to Federal Confidentiality Regulations (42 C.F.R. Part II). All school personnel have been trained in identifying pupils under the influence of a controlled substance.

**G-1** Discipline occurs *only* if the student is in violation of discipline, tobacco, or alcohol/drug policy. Otherwise, SAC will provide information, referral, and/or support services to student.

### **Section IX – Tobacco and Tobacco Related Products**

#### **H. Suspicion of tobacco use/possession on school property or at school related event:**

##### **H-1 Procedure**

- a. A report will be filed with the appropriate administrative office
- b. Instances of suspicion will be kept on record
- c. SAC may be notified if instances continue
- d. Student's locker may be searched

#### **I. Possession of tobacco product confirmed**

##### **I-1 Procedure**

- a. Confiscation of product and parent contact

##### **I-2 Discipline**

- a. 1<sup>st</sup> Offense: ISS/referral to SAC
- b. 2<sup>nd</sup> offense: discretion of administrator

**J. Use of tobacco products**

**J-1 Procedure**

- a. Confiscation of product and parent/guardian contact

**J-2 Discipline**

- a. 1<sup>st</sup> offense: one (1) day OSS and municipal complaint filed
- b. 2<sup>nd</sup> offense: three (3) days OSS, municipal complaint filed, further consequences at discretion of administrator, referral to SAC

**Section X – Visitor Responsibilities**

Any person in a school building or on school property who is found consuming, possessing, under the influence of, selling or distributing substance or related paraphernalia at any time shall be reported to the administrator who shall immediately report the incident to the superintendent and to the appropriate authorities.

**Section XI – Record Keeping**

A student's discipline record under the substance portion of this policy shall be cumulative from year to year and must be kept separate from academic records. Random substance screenings, counseling sessions with the SAC, loss of privileges, and number of violations *will* carry over from year to year.

This policy will be reviewed annually in accordance with N.J.A.C. 6A: 16-4.2(a).

Adopted: September 21, 2010



# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5131.7

## WEAPONS AND DANGEROUS INSTRUMENTS

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

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

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

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

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

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

The 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.

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

WEAPONS AND DANGEROUS INSTRUMENTS (continued)

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

Remotely Activated Paging Devices (Beepers)

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

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

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

Implementation

The board directs the superintendent to develop regulations to implement this policy.

Adopted: March 16, 2010  
 NJSBA Review/Update: October 10, 2015  
 Readopted: May 9, 2017

Key Words

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

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

<u>N.J.S.A.</u> 18A:37-7 through -12	<u>Zero Tolerance for Guns Act</u>
<u>N.J.A.C.</u> 6A:14-2.8	Discipline/suspension/expulsion
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development

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

P.L. 103-382, Improving America's Schools Act of 1994 Section 1702,  
Prohibits possession or discharge of a firearm in a school zone, Pub. L.  
101-647

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

State in re T.L.O., 94 N.J. 331 (1983), reversed on other grounds, New  
Jersey v. T.L.O., 569 U.S. 325 (1985).

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

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

The New Jersey School Search Policy Manual, New Jersey Attorney  
General (1998)

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

**Possible**

- Cross References:** \*5114 Suspension and expulsion  
\*5131 Conduct/discipline  
\*5131.1 Harassment, intimidation and bullying  
\*5131.5 Vandalism/violence  
\*5131.6 Drugs, alcohol, tobacco (substance abuse)  
\*5145.11 Questioning and apprehension  
\*5145.12 Search and seizure  
\*6172 Alternative educational programs

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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5131.9

## DATING VIOLENCE AT SCHOOL

The Roselle Park Board of Education believes a safe and civil environment in school is necessary for children to learn. A pupil who is a victim of dating violence suffers academically and the pupil's safety at school is jeopardized. Acts or incidents of dating violence at school whether they are verbal, sexual, physical, or emotional will not be tolerated and will be dealt with in accordance with the school's pupil code of conduct.

All school staff members (administrative staff, instructional staff, support staff and volunteers) shall take all reasonable measures to prevent acts or incidents of dating violence at school involving a pupil. All acts or incidents of dating violence at school shall be reported to the Principal or designee in accordance with the provisions outlined in Regulation 5131.9. A verbal report shall be made to the Principal or designee as soon as possible, but no later than the end of the pupil's school day when the staff member witnesses or learns of an act or incident of dating violence at school. A written report regarding the act or incident shall be submitted to the Principal or designee by the reporting staff member no later than one day after the staff member witnesses or learns of an act or incident of dating violence at school.

School staff members are required to report all acts or incidents of dating violence at school when they witness the act or incident, or upon their receipt of information concerning acts or incidents of dating violence at school. Acts or incidents may include, but are not limited to; those characterized by physical, emotional, verbal, or sexual abuse; digital or electronic acts or incidents of dating violence; and/or patterns of behavior which threaten to gain or actually gain power and control over a dating partner.

The Roselle Park Board of Education, upon the recommendation of the Superintendent of Schools, shall adopt the guidelines and procedures outlined in Regulation 5131.9 for responding to be at school acts or incidents of dating violence. The protocols outlined in Regulation 5131.9 have been established for any school staff member who witnesses or learns of an act or incident of dating violence at school and for school administrators to work with the victim and the perpetrator of an act or incident of dating violence.

Dating violence statements and investigations shall be kept in files separate from pupil academic and discipline records to prevent the inadvertent disclosure of confidential information. Every act or incident of dating violence at school that is reported shall be documented in an appropriate manner. This should include statements, planning actions, and disciplinary measures as well as counseling and other support resources that are offered and prescribed to the victim or perpetrator.

School administrators shall implement discipline and remedial procedures to address acts or incidents of dating violence at school consistent with the school's pupil code of conduct. The policies and procures specific to acts or incidents of dating violence at school shall be used to address the act or incident as well as serve as remediation, intervention, education, and prevention for all individuals involved. The response shall be tiered with consideration given to the seriousness and the number of previous occurrences of acts or incidents in which both the victim and alleged perpetrator have been involved.



# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5134

## MARRIED/PREGNANT PUPILS

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

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

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

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

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

Adopted: March 16, 2010

**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

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

Manual for the Evaluation of Local School Districts

The Comprehensive Equity Plan, New Jersey State Department of Education

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

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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5136

## FUNDRAISING ACTIVITIES

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

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

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

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

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

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

Adopted: March 16, 2010  
NJSBA Review/Update: October 10, 2015  
Readopted: July 25, 2017

### Key Words

Fund Raising, School-connected Organizations

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:19-14	Funds derived from pupil activities
	<u>N.J.S.A.</u> 18A:20-34	Use of schoolhouse and grounds for various purposes
	<u>N.J.S.A.</u> 18A:23-1	Audit when and how made
	<u>N.J.S.A.</u> 18A:23-2	Scope of audit
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)

FUND-RAISING ACTIVITIES (continued)

<u>N.J.S.A.</u> 52:14-15.9c1. <u>et al.</u>	<u>Public Employee Charitable Fund-Raising Act</u>
<u>N.J.A.C.</u> 6A:23A-16.1 <u>et seq.</u>	Double Entry Bookkeeping and GAAP Accounting in Local School Districts
<u>N.J.A.C.</u> 6A:23A-16.12	Student activity funds
<u>N.J.A.C.</u> 6A:23A-16.13	School store business practices

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

**Possible**

**Cross References:**

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

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



# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5141

## HEALTH

The Roselle Park 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 Core Curriculum Content Standards in physical education, health, family life, safety, and use of drugs, alcohol, tobacco and anabolic steroids; recommendations for appropriate equipment and supplies to teach such courses;
- F. Development of rules and procedures to foster good pupil health, and periodic dissemination of these rules and procedures to the staff;
- G. Development of a program to provide safe drinking water and otherwise to maintain the buildings, grounds, facilities and equipment of the district in sanitary condition in accordance with law;
- H. Development and enforcement of an eye protection program as required by statute and administrative code;
- I. A regular report to the Board on progress and accomplishments in the field of pupil health;
- J. Health services to staff that support pupil health;

HEALTH (continued)

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

Annual Nursing Plan

The superintendent (or his/her designee) in conjunction with the school physician and the certified school nurse shall develop an annual Nursing Services Plan that details the provision of nursing services based upon the needs of the students in this school district. The Nursing Services Plan shall be adopted annually at a regular meeting and submitted to the Executive County Superintendent of education for review and approval. The Nursing Services Plan shall include:

- A. A description of the basic nursing services provided all students;
- B. A summary of specific medical needs of individual students and the services required to address the needs;
- C. A description of how nursing services will be provided in an emergency;
- D. Detailed nursing assignments for all school buildings;
- E. The nursing services and additional medical services provided to nonpublic schools.

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.

HEALTH (continued)

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:40-12.13 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.

HEALTH (continued)

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;
- 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.

HEALTH (continued)Automated External Defibrillator (AED)

The Board is committed to providing the highest quality of care to its students, staff and visitors. Consistent with this commitment, 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 in a central location in the 3 elementary school buildings, the middle school building and the high school building, for use during the school day and for all after school activities and events;
- 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 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);
- E. The School Nurse will ensure the defibrillator is tested and maintained according to the manufacturer's operational guidelines during the school year (1st day of school in September through the last day of school in June).

HEALTH (continued)

- F. The School Nurse shall also ensure that the local first aid, ambulance and rescue squad and/or other appropriate emergency medical providers are informed that a defibrillator is available in the 3 elementary school buildings, the middle school building and the high school building and it's exact location in each building.
- G. The defibrillators will be located in central location so that it can be readily accessible by staff members that have been trained in cardio-pulmonary resuscitation and the use of a defibrillator.
- H. The Director of Special Services will be responsible to arrange for training in cardio-pulmonary resuscitation and the use of a defibrillator for designated staff members. The staff member training will be in accordance with N.J.S.A. 2N: 62A-25. Successful completion and current certification from the American Red Cross, American Heart Association or other training programs recognized by the New Jersey Department of Health and Senior Services in cardiopulmonary resuscitation and the use of a defibrillator is required. A person will not use the defibrillator until he/she has successfully completed a recognized training program and holds a current certification.

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, including, but not limited to the cost of replacement or repair of the AED. All usage will be reported to the Board of Education.

HEALTH (continued)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.

Adopted: February 21, 2006

Revised: March 16, 2010

NJSBA Review/Update: September 2015

Readopted: July 25, 2017

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.</u> 2A:62A-23 to 27	AED emergency medical services
	<u>N.J.S.A.</u> 18A:16-6, -6.1	Indemnity of officers and employees against civil actions
	<u>N.J.S.A.</u> 18A:35-4.6 <u>et seq.</u>	<u>Parents Right to Conscience Act of 1979</u>
	<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	Lectures to teachers
	<u>N.J.S.A.</u> 18A:40-4.3	Scoliosis; periodic examination; notice to parents or guardian
	<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, -2.3, -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

HEALTH (continued)

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

See particularly:

<u>N.J.A.C.</u> 8:57-2	Reporting of AIDS and HIV
<u>N.J.A.C.</u> 8:61-1.1	Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)

**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

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



# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5141.1

## ACCIDENTS

Each principal shall develop a program of accident prevention suited to his/her school. The chief school administrator shall review and approve such programs. When unforeseen situations arise, and an accident occurs, a school nurse or other assigned staff member shall be responsible for providing emergency services to a child or staff member. The medical inspector shall prepare a list of first aid treatment for the most common minor injuries. This list shall be made known to the staff.

### Guidelines for Dealing with Accident/Injury

- A. The school nurse or another trained person shall be responsible for administering first aid. Universal precautions shall be taken in the handling of blood and body fluids to ensure the containment of bloodborne pathogens. (See policies and regulations 4112.4/4212.4 Employee health and 5141.2 Illness).
- B. In all cases where the nature of an injury appears in any way serious, every effort shall be made to contact the parent/guardian and/or family physician immediately.
- C. Parents/guardians shall be requested to pick up their child. If a parent/guardian is unable to provide such transportation, no pupil who is injured shall be sent home alone. pupil who is injured shall not be taken home unless it is known that someone is there to receive him/her.
- D. In extreme emergencies, the school nurse, school doctor or principal may make arrangements for immediate hospitalization of injured pupils, contacting parents/guardians in advance if at all possible.
- E. The teacher or other staff member who is responsible for a child at the time an accident occurs shall make out a report within 24 hours on an official form providing details about the accident. This shall be required for every accident whether first aid is necessary or not.
- F. Any injuries or accidents to pupils shall be reported as soon as possible to the chief school administrator and the board.

Staff shall be informed at the beginning of each school year of the accident prevention program and procedures to be followed in case of an accident/injury.

ACCIDENTS (continued)Emergency Medical Procedures for Sports/Athletics

The board of education recognizes its responsibility for pupil safety encompassing all aspects of sports and athletic events in both intramural and interscholastic programs. The board directs the chief school administrator to develop and implement emergency medical procedures to ensure delivery of appropriate emergency medical services for all practice sessions, competitive contests, games, events, or exhibitions with individual pupils or teams of the schools of this district whether among themselves or with pupils of other districts.

The board further directs that these emergency medical procedures be disseminated to appropriate personnel within this district and address practice sessions and both home and away events.

The board directs the chief school administrator to report on the effectiveness of the emergency medical procedures to the board annually for its review.

Date: March 16, 2010

<b><u>Legal References:</u></b> <u>N.J.S.A.</u> 18A:11-3	Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals
<u>N.J.S.A.</u> 18A:16-6	Indemnity of officers and employees against civil actions
<u>N.J.S.A.</u> 18A:16-6.1	Indemnity of officers and employees in certain criminal actions
<u>N.J.S.A.</u> 18A:40-25	Boards of education to provide nursing care to students in nonpublic schools
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-1.4, -2.1, 2.3, -2.4	
<u>N.J.A.C.</u> 6A:26-12.2(a)2iii	Policies and procedures for school facility operation
<u>N.J.A.C.</u> 6A:27-12.2	Accident reporting
<u>N.J.A.C.</u> 6A:32-9.1 <u>et seq.</u>	Athletics Procedures
<u>N.J.A.C.</u> 8:61-1.1 <u>et seq.</u>	Participation and Attendance at School by Individuals with HIV Infection
HIV Policy and Practice: Regulatory Requirements for New Jersey Public Schools, SDOE Division of Student Services, Sept. 1996, Doc.#P101400-31	

ACCIDENTS (continued)**Possible**

<b><u>Cross References:</u></b>	*3516	Safety
	*3541.33	Transportation safety
	*4112.4/4212.4	Employee health
	*4123	Classroom aides
	*5113	Absences and excuses
	*5125	Pupil records
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5141	Health
	*5141.2	Illness
	*5141.4	Child abuse and neglect
	5141.6	Crisis intervention
	*5141.21	Administering medication
	*5142	Pupil safety
	*5200	Nonpublic school pupils
	*6114	Emergencies and disaster preparedness
	*6142.12	Career education
	*6145.1/6145.2	Intramural competition; interscholastic competition
	*6153	Field trips

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

# REGULATION

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5141.1

## ACCIDENTS

### Concussion Testing and Return to Play

A concussion is a brain injury and all brain injuries are serious. A concussion may be caused by a bump, blow, or jolt to the head, or by a blow to another part of the body with the force transmitted to the head. Concussions can range from mild to severe and can disrupt the way the brain normally functions. All concussions are potentially serious and may result in complications including prolonged brain damage and death if not recognized and managed properly. Therefore, the Board requires strict adherence to the regulation in the event a student-athlete sustains a head injury or an injury that could cause a concussion.

If it is suspected a student-athlete sustained an injury that could cause a concussion or if signs observed by others or symptoms reported by the student-athlete are those signs and symptoms of a concussion, the student athlete will be immediately removed from the activity and the student-athlete will not be allowed to return to practice or play until the pupil received a medical examination conducted by the pupil's physician. The pupil's physician must make a determination on the presence/absence of a concussion.

If the student-athlete is concussed or injured, the physician will appropriately treat the student-athlete and shall be required to provide a medical release, without limitations, indicating when the pupil is able to return to the activity. In any event, all student-athletes who are diagnosed with a concussion shall be required to compete a symptom-free week (seven days) initiated on the first asymptomatic day before initiating the Return-to-activity Progression outlined in this regulation. Note that all Return-to-Play Guidelines are on file in the Superintendent's office, and same is available upon request. The student-athlete shall be monitored during this time for any reoccurrence of concussion symptoms. The asymptomatic period for any concussion may be adjusted at the direction of the school physician.

If the physician determines the student-athlete is not concussed or injured, the physician shall be required to provide a medical release, without limitations, with a return-to-play date. Physician clearance notes that are inconsistent with this concussion policy shall not be accepted by the District, and will be referred to the school physician. All medical examinations conducted by the student-athlete's physician when the student-athlete is suspected of sustaining a concussion shall be reviewed by the school physician.

Concussion Testing and Return to Play

Student-athletes that have sustained a concussion may return to full game play when he/she meets the following criteria (Note: this criteria is outlined in the Return-to-Play Guidelines which are on file in the Superintendent's office):

1. Medical release with no limitations from the student-athlete's physician and confirmed by the school physician; and
2. The student-athlete must complete a symptom-free week (seven days) initiated on the first asymptomatic day before initiating the Return-to-Activity Progression outlined below (exceptions to this provision must be approved by the school physician); and
3. Completion of the Return-to-Activity Progression (a-f below) which is recommended by the New Jersey State Interscholastic Athletic Association:
  - a. Step 1 – No activity with complete physical and cognitive rest;
  - b. Step 2 – Light aerobic exercise which includes walking, swimming, or stationary cycling keeping the intensity less than seventy percent maximum percentage heart rate and no resistance training;
  - c. Step 3 – Functional exercises such as increased running intensity, agility drills, and non-contact, sport-specific drills;
  - d. Step 4 – Non-contact practice activities and training drills involving progression to more complex training drills. Student-athlete may initiate progressive resistance training;
  - e. Step 5 – Full normal training activities following medical clearance; and
  - f. Step 6 – Return-to-Play

Each step outlined above shall be separated by twenty-four hours. If any concussion symptoms occur during the Return-to-Play Progression, the student-athlete will be required to drop back to the previous step of activity where the student-athlete had no symptoms and try to progress again after twenty-four hours of rest has passed.

A copy of this regulation, the Return-to-Play Guidelines, and the Concussion Advisory will be provided to the parents/guardians of all student-athletes prior to their participation in a school-sponsored interscholastic athletic program. Parents/guardians will be required to acknowledge in writing receipt of this regulation.

Adopted: October 19, 2010

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5141.2

## ILLNESS

When pupils are taken suddenly ill in school, they shall be sent or escorted to the nurse's office. If the nurse is not in the medical office, the pupil shall be sent or taken to the building principal's office. In general, the same procedures that apply to accidents shall apply to sudden pupil illness. The chief school administrator, in cooperation with the medical inspector, shall implement this policy.

### Control of Contagious Diseases or Conditions

In order to protect the health of the pupils in our schools, all regulations of the state department of education, the state department of health and the local board of health shall be scrupulously observed, particularly those dealing with contagious or infectious diseases or conditions. Pupils who have been absent because of contagious or infectious diseases or conditions must present a certificate of recovery from a licensed physician or be examined by the medical inspector.

The school nurse shall observe pupils who show evidence of communicable disease and recommend their exclusion to the school principal. Recommendations shall be consistent with reporting requirements on communicable diseases as set forth in the New Jersey Health Code. Such pupils shall be isolated in the nurse's office until a parent/guardian picks them up, and any necessary measures have been taken to prevent spread of the infection. The school nurse, under the direction of the medical inspector, shall instruct all teachers in the symptoms of the most common diseases or conditions at least once a year.

Any student with HIV infection or AIDS or who lives with or is related to someone with HIV or AIDS shall not be excluded from general education, transportation services, extracurricular activities, athletic activities, assigned to home instruction or classified as eligible for special education because of the HIV infection. The school nurse shall recommend the exclusion of any individual with weeping skin lesions that cannot be covered.

In addition to the review of health and safety measures required by law, the school nurse shall individually instruct teachers from whose classrooms a pupil has been excluded in the symptoms of the disease for which the pupil was excluded. Student rights and confidentiality shall be protected in accordance with law. No teacher shall attempt to diagnose any illness of a pupil, but shall refer suspected cases to the nurse immediately.

### Handling Blood and Body Fluids

The chief school administrator and medical inspector shall develop detailed routine procedures based on New Jersey administrative code and guidelines from the Centers for Disease Control for

ILLNESS (continued)

proper handling of blood and body fluids resulting from illness/accidents in the schools. These procedures shall be disseminated to all district staff and volunteers.

The medical inspector shall report all cases of communicable disease to the local board of health as required by law.

Adopted: March 16, 2010

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:16-6	Indemnity of officers and employees against civil actions
	<u>N.J.S.A.</u> 18A:16-6.1	Indemnity of officers and employees in certain criminal actions
	<u>N.J.S.A.</u> 18A:40-3	Lectures to teachers
	<u>N.J.S.A.</u> 18A:40-7	Exclusion of pupils who are ill
	<u>N.J.S.A.</u> 18A:40-8	Exclusion of pupils whose presence is detrimental to health and cleanliness
	<u>N.J.S.A.</u> 18A:40-10	Exclusion of teachers and pupils exposed to disease
	<u>N.J.S.A.</u> 18A:40-11	Exclusion of pupils having communicable tuberculosis
	<u>N.J.S.A.</u> 18A:40-12	Closing schools during epidemic
	<u>N.J.S.A.</u> 18A:40-25	Boards of education to provide nursing care to students in nonpublic schools
	<u>N.J.S.A.</u> 26:4-6	Prohibiting attendance of teachers or pupils
	<u>N.J.S.A.</u> 26:4-15	Reporting of communicable diseases by physicians
	<u>N.J.S.A.</u> 26:5C-1 et seq.	AIDS Assistance Act
	<u>N.J.S.A.</u> 26:2T-1	Newly diagnosed Hepatitis C case; information, reports
	<u>N.J.A.C.</u> 6A:16-1.1 et seq.	Programs to Support Student Development
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:16-1.3, -1.4, -2.1 et seq.	
	<u>N.J.A.C.</u> 8:57-1.1 et seq.	Reportable Communicable Diseases
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 8:57-1.3, -1.7, -2	
	<u>N.J.A.C.</u> 8:61-1.1	Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)

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

ILLNESS (continued)

<b><u>Cross References:</u></b>	*1410	Local units
	*4112.4	Employee health
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4212.4	Employee health
	*5113	Absences and excuses
	*5125	Pupil records
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5141	Health
	*5141.1	Accidents
	*5141.4	Child abuse and neglect
	*5200	Nonpublic school pupils
	*6142.13	HIV prevention education

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



# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5141.21

## ADMINISTERING MEDICATION

The board shall not be responsible for the diagnosis and treatment of pupil illness. The administration of medication to a pupil during school hours will be permitted only when failure to take such medicine would jeopardize the health of the pupil, or the pupil would not be able to attend school if the medicine were not made available to him/her during school hours.

For purposes of this policy, "medication" shall include all medicines prescribed by a physician for the particular pupil, including emergency medication in the event of bee stings, etc., and all non-prescription "over the counter" medication.

Before any medication may be administered to or by any pupil during school hours, the board shall require the written request of the parent/guardian which shall give permission for such administration and relieve the board and its employees of liability for administration of medication. In addition, the board requires the written order of the prescribing physician which shall include:

- A. The purpose of the medication;
- B. The dosage;
- C. The time at which or the special circumstances under which medication shall be administered;
- D. The length of time for which medication is prescribed;
- E. The possible side effects of the medication.

Both documents shall be kept on file in the office of the school nurse.

The district medical inspector shall develop procedures for the administration of medication which provide that:

- A. All medications, whether prescribed or "over the counter", shall be administered by the medical inspector, school nurse or substitute school nurse, the parent/guardian or the pupil himself/herself where the parent/guardian so permits and with the school nurse present;

ADMINISTERING MEDICATION (continued)

- B. Medications shall be securely stored and kept in the original labeled container;
- C. The school nurse shall maintain a record of the name of the pupil to whom medication may be administered, the prescribing physician, the dosage and timing of medication and a notation of each instance of administration;
- D. All medications shall be brought to school by the parent/guardian or adult pupil and shall be picked up at the end of the school year or the end of the period of medication, whichever is earlier;
- E. A student may self-administer medication without supervision of the school nurse for asthma or other life-threatening illnesses. "Life-threatening illness" has been defined as an illness or condition that requires an immediate response to specific symptoms or sequelae that if left untreated may lead to potential loss of life such as, but not limited to, the use of an inhaler to treat an asthma attack or the use of an adrenalin injection to treat a potential anaphylactic reaction.

Each school in the district shall have and maintain at least one nebulizer in the office of the school nurse or at a similar accessible location. The chief school administrator shall prepare and the board shall adopt regulations on the administration of asthma medication through the use of a nebulizer by the school nurse or his/her designee(s). Regulations shall be in accord with New Jersey statute and administrative code and shall include, but not be limited to, to the following:

- A. Requirement that each school nurse shall be authorized to administer asthma medication through use of a nebulizer;
- B. Requirement that each school nurse receive training in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards;
- C. Requirement that each student authorized to use asthma medication or a nebulizer have an asthma treatment plan prepared by the student's physician that identifies, at a minimum, asthma triggers and an individualized health care plan for meeting the medical needs of the student while attending school or a school-sponsored event.

Pupil Self-Administration of Medication

The board shall permit self-administration of medication for asthma or other potentially life-threatening illnesses by pupils who have the capability for self-administration of medication, both on school premises during regular school hours and off-site or after regular school hours when a pupil is participating in field trips or extracurricular activities. Parents/guardians of the pupil must meet the following conditions:

ADMINISTERING MEDICATION (continued)

- A. Provide the board with written authorization for the pupil's self-administration of medication;
- B. Provide written certification from the pupil's physician that the pupil has asthma or another potentially life-threatening illness and is capable of and has been instructed in the proper method of self-administration of medication;
- C. Sign a statement acknowledging that the district shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil and that the parents/guardians shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the self-administration of medication by the pupil.

The board shall:

- A. Inform the pupil and his/her parents/guardians that permission is effective for the school year for which it is granted and must be renewed for each subsequent school year upon fulfillment of requirements listed above;
- B. Inform parents/guardians in writing that the district and its employees or agents shall incur no liability as a result of any injury arising from the self-administration of medication.
- C. Maintain the right to revoke a pupil's permission to self-medicate if he/she has failed to comply with all conditions of this policy and/or has violated in any way the tenets of the agreement to self-medicate.
- D. The chief school administrator shall confer with the school physician and school nurse prior to recommending termination of a pupil's permission to self-medicate and shall also consult with the pupil, the pupil's parents/guardians and the pupil's physician.

Emergency Administration of Epinephrine

The board shall permit the school nurse or medical inspector to administer epinephrine via epi-pen or other pre-filled auto-injector mechanism in emergency situations. In their absence, a designee or designees who are employees of the board may do so.

The designees must be properly trained by the school nurse in the administration of the epi-pen or other pre-filled auto-injector mechanism using the standardized training protocol designated by the state department of education. Each designee shall receive individual training for each pupil for whom he/she is designated.

ADMINISGTERING MEDICATION continued

The board shall inform the pupil's parents/guardians in writing that if the specified procedures are followed, the district, its employees and agents shall have no liability as a result of any injury arising from the administration of the epi-pen or other pre-filled auto-injector mechanism to the pupil.

Parents/guardians shall provide the board with the following:

- A. Written orders from the physician that the pupil requires the administration of epinephrine for anaphylaxis and does not have the capability for self-administration of the medication;
- B. Written permission for the administration of epinephrine via epi-pen or other pre-filled auto-injector mechanism by the school nurse or designee(s);
- C. A signed statement acknowledging their understanding that if the specified procedures are followed, the district shall have no liability as a result of any injury arising from the administration of the epi-pen or other pre-filled auto-injector mechanism by the school nurse or designee(s) to the pupil and that the district, its employees, and agents shall be indemnified and held harmless against any claims arising out of the administration of the epi-pen or other pre-filled auto-injector mechanism to the pupil.

Permission for the administration of epinephrine via epi-pen or other pre-filled auto-injector mechanism shall be granted annually and must be renewed each school year upon the fulfillment of the above requirements.

Placement and Availability of Epinephrine, and Transportation to Hospital Emergency Room

Pursuant to P.L. 2007, C. 57, school policy requires:

- A. The placement of a pupil's prescribed epinephrine in a secure but unlocked location easily accessible by the school nurse and designees to ensure prompt availability in the event of an allergic emergency at school or at a school-sponsored function. The location of the epinephrine shall be indicated on the pupil's emergency care plan. Back-up epinephrine shall also be available at the school if needed;
- B. The school nurse or designee to be promptly available on site at the school and school-sponsored functions in the event of an allergic reaction; and
- C. The transportation of the pupil to a hospital emergency room by emergency services personnel after the administration of epinephrine, even if the pupil's symptoms appear to have resolved.

ADMINISTERING MEDICATION continuedAdministration of Glucagon

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. (as per N.J.S.A. 18A:40-12.14)

Implementation

The board may adopt additional regulations on all aspects of the administration of medication. When implementing school policy and P.L. 2007, C. 57, staff will consult these NJ Department of Education guidance documents:

- 1) Training Protocols for the Emergency Administration of Epinephrine (9/08)
- 2) Guidelines for the Management of Life-Threatening Food Allergies in Schools (9/08)

Adopted: March 16, 2010

Revised: November 2, 2010

<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, nurses and optometrists; salaries; terms; rules
	<u>N.J.S.A.</u> 18A:40-3.2 et seq.	Medical and Nursing Personnel
	<u>N.J.S.A.</u> 18A:40-4	Examination for physical defects and screening of hearing of pupils
	<u>N.J.S.A.</u> 18A:40-7	Exclusion of pupils who are ill
	<u>N.J.S.A.</u> 18A:40-12.3 through -12.4	Self-administration of medication by pupil; conditions
	<u>N.J.S.A.</u> 18A:40-12.5	Policy for emergency administration of epinephrine to public school pupils
	<u>N.J.S.A.</u> 18A:40-12.6	Administration of epinephrine; primary responsibility; parental consent
	<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; pupil asthma treatment plan

ADMINISTERING MEDICATION continued

<b><u>Legal References:</u></b>	<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:16-1.1et seq.	Programs to Support Student Development
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:16-1.3, -4(a), -2.1,-2.2, -2.3, -2.4	

Bernards Township Education Association v. Bernards Township Board of Education, 1981 S.L.D. (9/29/81), aff'd State Board, 1982 S.L.D. 4/7/82, aff'd App. Div., unpublished opinion (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 Pupil, New Jersey State Department of Education, June 5, 1995

Protocol and Implementation Plan for the Emergency Administration of Epinephrine by a Delegate Trained by the School Nurse, New Jersey State Department of Education, October, 1998

P.L. 2007, c. 57 amends N.J.S.A. 18A-40-12 to encourage recruitment and training of additional school employees to administer epinephrine and the placement of a pupil's prescribed epinephrine in a secure but unlocked location easily accessible by the school nurse and designees to ensure prompt availability in the event of an allergic emergency at school or at a school-sponsored function. Two NJDOE documents give specific ideas and best practices to implement P.L. 2007, c. 57.

Training Protocols for the Emergency Administration of Epinephrine (9/08)

Guidelines for the Management of Life-Threatening Food Allergies in Schools (9/08)

<b><u>Cross References:</u></b>	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5141	Health
	*5141.1	Accidents
	*5141.2	Illness
	*5141.3	Health examinations and immunizations
	*6153	Field trips

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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5141.3

## HEALTH EXAMINATIONS AND IMMUNIZATIONS

The Roselle Park Board of Education declares that pupils who enter the district schools for the first time shall have a medical examination conducted at the medical home of the student, and a full report sent to the school. If a student does not have a medical home, the district shall provide this examination at the school physician's office or other appropriately equipped facility. "Medical home" means a health care provider and that provider's practice site chosen by the student's parent/guardian for the provision of health care. As the school physician is also a health care provider, the parent/guardian may request that the school physician provide the medical examination.

A pupil shall be exempted from mandatory immunization if the parent/guardian objects to immunization in a written statement submitted to the principal, signed by the parent/guardian, explaining how the administration of immunizing agents conflicts with the pupil's exercise of bona fide religious tenets or practices. General philosophical or moral objection to immunization shall not be sufficient for an exemption on religious grounds.

Every pupil who enters the district schools for the first time shall present an immunization record as required by law. At the parent/guardian's request, these immunizations may be administered by the school physician.

Pupils seeking to enter school who have been identified as having a communicable/infectious disease or condition shall not be enrolled unless they qualify under the rules of the New Jersey Department of Education, the New Jersey Department of Health and/or the Roselle Park Board of Health pertaining to periods of incubation, communicability, quarantine, and reporting.

The superintendent or his/her designee shall formulate regulations that ensure immunization records are reviewed and updated annually pursuant to N.J.A.C. 8:57-4.1 through 4.16. The superintendent shall also formulate regulations for this policy and for regular pupil health examinations at appropriate grade levels; before participation in sports programs; and for tuberculosis, scoliosis, hearing loss, visual acuity and any other physical examinations required by law. Any health defects revealed by any examination given by the school health services must be reported to the parent/guardian. The board shall review the regulations and adopt those required by law.

Adopted: March 16, 2010  
NJSBA Review/Update: October 13, 2015  
Readopted: July 25, 2017

### Key Words

Immunizations, Inoculations, Examinations, Pupil Physical Examinations, Student Physical Examinations, Health

HEALTH EXAMINATIONS AND IMMUNIZATIONS (continued)

<b>Legal References:</b> <u>N.J.S.A.</u> 18A:35-4.6 through -4.8 <u>N.J.S.A.</u> 18A:40-4  <u>N.J.S.A.</u> 18A:40-4.3  <u>N.J.S.A.</u> 18A:40-4.4 <u>N.J.S.A.</u> 18A:40-4.5  <u>N.J.S.A.</u> 18A:40-5  <u>N.J.S.A.</u> 18A:40-6 <u>N.J.S.A.</u> 18A:40-11  <u>N.J.S.A.</u> 18A:40-16 through -19  <u>N.J.S.A.</u> 18A:40-20 <u>N.J.S.A.</u> 18A:61D-8 through -10  <u>N.J.S.A.</u> 26:1A-9.1  <u>N.J.S.A.</u> 26:4-6 <u>N.J.S.A.</u> 26:2T-5 through -9 <u>N.J.A.C.</u> 6A:14-3.4 <u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u> <u>See particularly:</u> <u>N.J.A.C.</u> 6A:16-1.3, -2.1, -2.2, -2.3, -2.4, -4.1, -4.3 <u>N.J.A.C.</u> 6A:32-9.1 <u>N.J.A.C.</u> 8:57-2  <u>N.J.A.C.</u> 8:57-4.1 <u>N.J.A.C.</u> 8:57-4.2 <u>N.J.A.C.</u> 8:57-4.3 <u>N.J.A.C.</u> 8:57-4.4 <u>N.J.A.C.</u> 8:57-4.5 <u>N.J.A.C.</u> 8:57-4.6  <u>N.J.A.C.</u> 8:57-4.7 <u>N.J.A.C.</u> 8:57-4.8  <u>N.J.A.C.</u> 8:57-4.9 <u>N.J.A.C.</u> 8:57-4.10	<u>Parents Right to Conscience Act of 1979</u> Examination for physical defects and screening of hearing of pupils; health records Scoliosis; periodic examination; notice to parents or guardian Exemption Immunity from action of any kind due to provisions of act Method of examination; notice to parent or guardian In general Exclusion of pupils having communicable tuberculosis  Tuberculosis infection; determination of presence ... Immunization at public expense  Findings, declarations relative to Hepatitis B vaccinations.... Exemption of pupils from mandatory immunizations Prohibiting attendance of teachers or pupils  Findings, declarations relative to Hepatitis C Evaluation Programs to Support Student Development  Athletics Procedures Reporting of acquired immunodeficiency syndrome and infection with Human Immunodeficiency Virus Applicability Proof of immunization Medical exemptions Religious exemptions Provisional admission Documents accepted as evidence of immunization Records required Reports to be sent to the State Department of Health Records available for inspection Diphtheria and tetanus toxoids and pertussis vaccine
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HEALTH EXAMINATIONS AND IMMUNIZATIONS (continued)

<u>N.J.A.C.</u> 8:57-4.11	Poliovirus vaccine
<u>N.J.A.C.</u> 8:57-4.12	Measles virus vaccine
<u>N.J.A.C.</u> 8:57-4.13	Rubella vaccine
<u>N.J.A.C.</u> 8:57-4.14	Mumps vaccine
<u>N.J.A.C.</u> 8:57-4.15	Haemophilus influenza type b (Hib) conjugate vaccine
<u>N.J.A.C.</u> 8:57-4.16	Hepatitis B virus vaccine
<u>N.J.A.C.</u> 8:57-4.17	Varicella virus vaccine
<u>N.J.A.C.</u> 8:57-4.18	Pneumococcal conjugate vaccine
<u>N.J.A.C.</u> 8:57-4.19	Influenza vaccine
<u>N.J.A.C.</u> 8:57-4.20	Meningococcal vaccine
<u>N.J.A.C.</u> 8:57-4.21	Providing immunization
<u>N.J.A.C.</u> 8:57-4.22	Emergency power of the Commissioner, Department of Health and Senior
<u>N.J.A.C.</u> 8:61-2.1	Attendance at school by students or adults infected by Human Immuno-deficiency Virus (HIV)

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

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

**Possible**

<b><u>Cross References:</u></b> *1410	Local units
*4123	Classroom aides
*5111	Admission
*5113	Absences and excuses
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141	Health
*5141.21	Administering medication
*5200	Nonpublic school pupils
*6142.4	Physical education and health
*6145.1/6145.2	Intramural competition; interscholastic competition
*6162.5	Research
*6164.4	Child study team
*6171.4	Special education

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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5141.4

## CHILD ABUSE AND NEGLECT

The Roselle Park Board of Education believes that a child's physical and mental well-being must be maintained as a prerequisite to achievement through the formal educational process. The board therefore believes that it is important to identify and investigate suspected child abuse or neglect immediately. The school district will cooperate with the New Jersey Division of Child Protection and Permanency (DCP&P) in identifying and reporting all such cases, whether institutional or noninstitutional. The superintendent/designee shall act as liaison between DCP&P and the district. The liaison shall facilitate communication and cooperation between the district and DCP&P and act as primary contact between the schools and DCP&P.

The board directs the superintendent/designee to gather, maintain, secure and make available to DCP&P the relevant confidential district records of any pupil alleged either by school personnel or DCP&P to be the victim of abuse or neglect as defined by law. The board also directs the superintendent/ designee to cooperate with DCP&P in scheduling interviews with any employee, volunteer or pupil who may have information relevant to an investigation of child abuse.

In order to increase school employees' and volunteers' awareness of the symptoms of child abuse and neglect and cause them to be better informed on all aspects of abuse and neglect, the board directs the superintendent to provide information and inservice training on the subject to all school employees and volunteers.

The superintendent is therefore directed to develop procedures for compliance with statutory requirements that child abuse and neglect be reported. All procedures as well as this policy shall be reviewed by the Executive County Superintendent. Procedures shall:

- A. Impress on all staff members and volunteers having contact with pupils of their responsibility to report directly and immediately to DCP&P all cases of suspected abuse, abandonment, cruelty or neglect resulting in physical or mental injury, and the penalties for failing to do so. Point out that institutional abuse--abuse alleged to have taken place in the school or other institutional setting by paid school staff or a volunteer--must be reported on the same basis as noninstitutional abuse. Information reported shall include the name, age, and grade of the child, as well as the name and address of the child's parents/guardians. The report shall also include a description of the child's condition, nature and extent of his/her possible injuries, and any other information pertinent to the child abuse or neglect or identification of the suspected perpetrator;
- B. Require all school personnel and volunteers to report suspected instances of child abuse or neglect to the building principal after reporting to DCP&P, unless the reporting personnel believes that he/she may be endangering the welfare of the child or himself/herself or causing retaliation or discrimination against the child or himself/herself by such notice to the building principal;
- C. Provide for the annual delivery of information and inservice training to all school staff members and volunteers concerning child abuse and neglect. This shall include instruction on child abuse and neglect identification and reporting procedures;

CHILD ABUSE AND NEGLECT (continued)

- D. Provide for the delivery of information and inservice training to all new school district employees, both paid and voluntary, as part of their orientation;
- E. Require prompt action to facilitate treatment options for the children injured by abuse or neglect in order to protect their health and wellbeing;
- F. Provide for cooperation with DCP&P in scheduling interviews with any school personnel or volunteers who may have information relevant to the investigation;
- G. Provide for DCP&P investigators to interview alleged victims in the presence of the school principal, his/her designee, or any staff member with whom the child is comfortable;
- H. Permit DCP&P to remove pupils from school during the course of the school day when it is necessary to protect the child or take the child to a service provider. Removal shall take place when the principal is provided, either in advance or at the time removal is sought, with appropriate authorization as specified in N.J.S.A. 9:6-8.27 through -8.30;
- I. Require that a report of each case of unexplained absence which might be a cause of child abuse or neglect be reported to DCP&P as the law provides, and to other appropriate school staff;
- J. Require that appropriate school staff be assigned as a liaison to facilitate communication and cooperation, and act as the primary contact between the district and DCP&P in order to ensure continuance of shared information and training development;
- K. Release all pupil records of the child(ren) under investigation that are deemed relevant and maintain, secure and release all confidential information about child abuse cases, according to law;
- L. Fulfill other procedural requirements of the law pertaining to district response to child abuse, neglect and missing children.

The board assures all school personnel and volunteers that no one will be discharged from employment or discriminated against in any way as a result of making in good faith any reports of child abuse and neglect.

Due process rights will be provided to school personnel or volunteers who have been reassigned or suspended as a result of an accusation of child abuse or neglect. Temporary reassignment or suspension of school personnel or volunteers alleged to have committed an act of child abuse or neglect shall occur if there is reasonable cause to believe that the life or health of the alleged victim or other children is in imminent danger due to continued contact between the school personnel and a child.

All references to a report of child abuse or neglect against school personnel shall be removed from employee personnel records immediately following the receipt of an official notice from DCP&P that such allegations were unfounded.

CHILD ABUSE AND NEGLECT (continued)

Adopted: March 16, 2010  
 NJSBA Review/Update: October 13, 2015  
 Readopted: January 16, 2018

Key Words

Pupil Safety, Child Abuse, Child Neglect, Student Safety

<b><u>Legal References:</u></b> <u>N.J.S.A.</u> 9:6-1 <u>et seq.</u>	Abuse, abandonment, cruelty and neglect of child; what constitutes
<u>See particularly:</u> <u>N.J.S.A.</u> 9:6-3.1; -8.9 through -8.14; -8.21; -8.27through -8.30; -8.34 through -8.36; -8.40; -8.46; -8.56	
<u>N.J.S.A.</u> 18A:6-7a, -10, -11, -13, -14, -18.1, -30, -30.1	Removal from personnel files of reference to complaint of child abuse or neglect determined to be unfounded
<u>N.J.S.A.</u> 18A:25-1	Transfer of teaching staff members
<u>N.J.S.A.</u> 18A:25-6, -7	Suspension of assistant superintendents, principals and teachers ...
<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:36-19a	Newly enrolled students; records and identification
<u>N.J.S.A.</u> 18A:36-24 <u>et seq.</u>	Missing children; legislative findings and declarations
<u>N.J.S.A.</u> 52:17B-9.8a <u>et seq.</u>	Marking of missing child's school record
<u>N.J.A.C.</u> 6A:16-5.1	School safety plans
<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:32-7.1 <u>et seq.</u>	Student records

**Possible**

<b><u>Cross References:</u></b> *5113	Absences and excuses
*5125	Pupil records
*5141.1	Accidents
*5142	Pupil safety

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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5141.6

## SUICIDE AND SELF-DESTRUCTIVE BEHAVIOR

The Roselle Park Board of Education believes the physical and mental well-being of all students must be maintained as a prerequisite to achievement through the formal educational process. The board recognizes that depression, self-destructive behavior and suicide are problems of increasing severity among children and adolescents. Students who experience severe family crises; drug and alcohol abuse (see board policy 5131.6 Substance Abuse and 5131.7 Weapons and Dangerous Instruments); suicide ideations, gestures, and attempts; and severe emotional traumas are at-risk. A student under severe stress cannot benefit fully from the educational program and may pose a threat to him or herself or others.

The board directs all school personnel to be alert to students who exhibits signs of potential self-destructive behavior or who threaten or attempt suicide. The school nurse or his or her designee shall provide training to staff for the identification of the signs/symptoms of depression and suicidal ideation; the connection of depression and suicidal behavior to harassment, intimidation and bullying; and school reporting procedures. The goal of training shall be to instruct school staff, parents/guardians, and students to:

- A. Understand the causes of self-destructive behavior and suicide;
- B. Recognize the early warning signs of self-destructive and suicidal behavior;
- C. Learn how to help in a suicidal crisis;
- D. Identify community resources and procedures that can help a self-destructive or suicidal person;
- E. Cope with the aftermath of such a tragedy.

Any suspicion of the signs/symptoms and the report of signs/symptoms from another student or staff member should be taken with the utmost seriousness and reported immediately to the building principal, who will notify the student's parent/guardian and other professional staff members in accordance with administrative regulations.

The superintendent or his or her designee shall ensure that a continuing cooperative affiliation is made with local community mental health agencies to assist in following the procedures in the event the necessary professional expertise is not adequately available within the school district during an emergency of this nature.

The student's parents/guardians shall be notified immediately of incidents or suspicion of potential self-destructive behavior. The cooperation of parents/guardians shall be sought for immediate intervention. If the parent/guardian is unwilling to cooperate, the school administration and/or crisis team shall contact appropriate agencies to request intervention on the student's behalf. In cases of child abuse or neglect, school personnel are required to contact the Division of Child Protection and Permanency.

SUICIDE AND SELF-DESTRUCTIVE BEHAVIOR (continued)

The child study team will be consulted for appropriate evaluation and/or recommendation for independent medical or psychiatric services for a potentially at-risk student. In the event that the parent or guardian objects to the recommended evaluation or indicates an unwillingness to cooperate in the best interests of the student, school personnel should contact the New Jersey Division of Child Protection and Permanency to request that the agency intervention on the student's behalf.

The Superintendent shall prepare and disseminate regulations for the guidance of staff members in recognizing the pupil who contemplates suicide, in responding to threatened or attempted suicide, and in preventing contagion when a pupil commits suicide.

The district will provide 2 hours of suicide prevention instruction to teaching staff members and administrators as per N.J.S.A. 18A:6-1 1 School officials are empowered to require that affected students undergo mental health evaluation or psychiatric evaluation for any relevant issue arising on Board of Education property. Affected students are inclusive of following symptoms/signs/issues: behavioral abnormalities, hostility/ harassment/hazing/bullying, depression, suicidal ideation, substance/polysubstance abuse with or without associated personality changes, psychotic episode(s) such as hallucination/delusion and catatonia, incoherence, and acute mental status.

As deemed necessary by the district's mental health personnel, the mental health evaluation will take place by a professional medical provider licensed by the State of New Jersey.

For evaluation referrals involving mental issues, the Roselle Park school district will seek parental consent to access public and/or private medical/health insurance to cover customary costs of the mental health evaluation. If the affected student seeks independent treatment from the a medical provider, the student's parent(s) or guardian(s) bear the full responsibility for payment for any services rendered. If the affected student does not fully cooperate with a particular mental health evaluation regimen resulting in inconclusive or invalid observations and/or clinical testing results, then the affected student's parent(s) or guardian(s) may be requested to bear responsibility for total costs of a repeat mental health evaluation if one is deemed necessary by the Roselle Park School District's Director of Special Services, Child Study Team or Intervention and Referral Services Team.

Adopted: February 20, 2007  
NJSBA Review/Update: October 13, 2015  
Readopted: July 25, 2017

Key Words

Crisis, Self-Mutilation, Self Destructive, Suicide, Depression, Cutting

**Legal References:** N.J.S.A. 2A:62A-23 to 26 AED emergency medical services, 1999 statute  
N.J.S.A. 18A:16-6, -6.1 Indemnity of officers and employees against civil actions  
N.J.S.A. 18A:35-4.6 et seq. Parents Right to Conscience Act of 1979

SUICIDE AND SELF-DESTRUCTIVE BEHAVIOR (continued)

<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	Lectures to teachers
<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: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, -1.4, -2.1, -2.3, -2.4	
<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	Operation and Maintenance of School Facilities
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:26-12.3	

**Possible**

**Cross References:**

*1410	Local units
*3510	Operation and maintenance of plant
*3516	Safety
*4112.4/4212.4	Employee health
*4131/4131.1	Staff development; inservice education/visitations/conferences
*5125	Student records
*5131	Conduct/discipline
*5131.1	Harassment, intimidation and bullying
*5131.6	Substance abuse
*5131.7	Weapons and dangerous instruments
*5141.1	Accidents
*5141.2	Illness
*5141.21	Administering medication
*5142	Student safety
*5145.11	Questioning and apprehension
*5145.12	Search and seizure
*6142.4	Physical education and health

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

# REGULATION

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5141.6

## SUICIDE AND SELF-DESTRUCTIVE BEHAVIOR

The following regulations are established for guidance of staff members in recognizing the pupil who contemplates suicide, in responding to threatened or attempted suicide, and in preventing contagion when a pupil commits suicide. Because a prompt response may be essential to a pupil's life, the designation of a district position in these regulations includes the person who holds that position and, if the position holder is absent or unavailable, the person temporarily charged with the responsibilities of the position.

### A. Recognition of Potential Suicide

All school personnel, both teaching staff members and support staff members, shall be alert to any sign that a pupil may be contemplating suicide. Such signs include, but are not necessarily limited to, a pupil's

1. Overt suggestion, regardless of its context, that he/she is considering or has considered suicide or has worked out the details of a suicide attempt;
2. Evidence of preparation of a will, intention to dispose of his/her effects and belongings, or otherwise get life in order;
3. Obsession with death or afterlife;
4. Possession of a weapon or other means of suicide or obsession with such means;
5. Sense of hopelessness or unrelieved sadness;
6. Lethargy or despondency, or, conversely, a tendency to become more impulsive or aggressive than usual;
7. Drop in academic achievement, slacking off of energy and effort, or inability to focus on studies;
8. Isolation from others by loss of friends, withdrawal from friends, lack of companionship, or family disintegration;

### B.

1. Depressed mood;
2. Changes in sleep and/or appetite patterns;
3. Decline in school performance;
4. Increased social withdrawal;
5. Loss of interest and pleasure in previously enjoyable activities;
6. Increased irritability and behavior problems;
7. Verbal expressions about self-death;
8. Use of alcohol or drugs;
9. History of physical, mental, emotional or sexual abuse;
10. History of learning disabilities combined with sense of failure;
11. Frequent sleeping disorders or complaints;
12. Sudden interest in dangerous or uncharacteristic risk-taking activities;
13. Inattention to personal hygiene;
14. Rebelliousness, belligerence;
15. Depression or grief following loss of emotionally supportive "significant other" relationships;
16. Sudden lifting of severe depression; and
17. Recent withdrawal from therapy or psychological counseling.



SUICIDE AND SELF-DESTRUCTIVE BEHAVIOR (regulation continued)C. Response to Potential Suicide

1. Any indication of a potential suicide, whether personally witnessed or received by report from another, must be taken seriously and must be reported to the Principal immediately.
2. The Principal shall immediately inform a district mental health professional who shall investigate the matter promptly and conduct such evaluations as may be appropriate.
3. The Principal or district mental health professional will inform the pupil's parent(s) or legal guardian(s), in a conference if possible, of the signs demonstrated by the pupil and of the district's concern and seek parental approval of the pupil's evaluation. In the event parental abuse or neglect is suspected, the Principal or the employee who forms the suspicion will immediately so inform the Division of Child Protection and Permanency of the perceived suicide risk in accordance with Policy No. 5141.6. If the threat of suicide is immediate and serious, mental health professional shall determine the potential of the threat by directly questioning the pupil.

Intervention for Potential Suicide

## A. A Potentially Suicidal Student

1. The staff member who has reason to believe that a student is potentially suicidal shall notify the school nurse and the principal immediately and may notify the school counselor or child study team member;
2. The student shall be supervised by an adult staff member at all times;
3. To assure the safety of the student, the school nurse or a counselor trained in suicide prevention will meet immediately with the student to assess the situation;
4. When it is determined that there is a reasonable basis for concern, the principal shall contact the parent/guardian to review all aspects of the incident;
5. The following may be required:
  - a. If parent/guardian is unable to pick up student, the student will be transported to the nearest local hospital by ambulance;
  - b. If parent/guardian refuses to pick up student, appropriate social agency will be called;
  - c. The principal will notify the classroom teacher of actions taken by confidential communication.
  - d. The principal will as soon as practical inform the superintendent of the incident and the actions taken;
  - e. The superintendent shall inform the board president.

## B. Attempted Suicide Outside of School

1. When any staff member hears of an attempted suicide, they will notify the school nurse;
2. The school counselor or the school nurse shall contact the parents/guardians to offer assistance and referral services;
3. The nurse will notify the principal of the incident and any actions taken;
4. The principal shall notify the superintendent of the incident and any actions taken.

SUICIDE AND SELF-DESTRUCTIVE BEHAVIOR (regulation continued)

## C. Attempted Suicide in School

1. First aid will be administered by the school nurse and 911 shall be alerted immediately;
2. An available staff member shall notify the principal immediately;
3. THE STUDENT SHALL BE KEPT UNDER CLOSE SUPERVISION AT ALL TIMES;
4. The principal will contact the parent/guardian immediately;
5. The school nurse or a staff member designated by the principal will accompany the student to the hospital via first aid squad if the parent/guardian is not present;
6. The principal will notify the superintendent;
7. The superintendent shall inform the board president.
8. The school nurse will file an incident report, place it in a confidential file, and notify the program director and superintendent/principal.

## D. Prior to a student's return to school, the following procedures must be adhered to:

1. Parent/guardian must notify the nurse at least 24 hours in advance of the anticipated date of their child's return to school;
2. The parent/guardian shall provide the written certification of a physician that the student is well enough to return to school;
3. A conference may be required that may include the school nurse, the principal, the school counselor, parent/guardian, and the student as appropriate before the student may return to school. The purpose of this conference is to develop a re-entry plan for the child;
4. A physician's analysis and/or hospital discharge summary, which includes a report of the student's diagnosis and prognosis, is required to be presented at this conference.

## E. Completed Suicide

1. The school nurse or the principal shall verify any reported suicide of a student before any actions may be taken;
2. The principal shall meet with the staff to review the report. A crisis intervention team may be established at this time;
3. The teachers will be given guidelines for discussing the situation in the classroom setting;
4. All media inquiries shall be handled by the superintendent.
5. Student will be allowed to attend the funeral with parental permission. Any staff member directly involved with the student will be allowed to attend services.

Self-Injury

Self-injury is any deliberate, non-suicidal behavior that inflicts physical harm on your body and is aimed at relieving emotional distress.

Physical pain is often easier to deal with than emotional pain, because it causes 'real' feelings. Injuries can prove to an individual that their emotional pain is real and valid. Self-injurious behavior may calm or awaken a person. Self-injury only provides temporary relief. It does not release the underlying inner conflict. Self-injury can become a habitual, chronic and repetitive response to the stresses of day-to-day life and can escalate in frequency and severity.

SUICIDE AND SELF-DESTRUCTIVE BEHAVIOR (regulation continued)

## A. Self-injury can include but is not limited to:

1. Cutting;
2. Burning;
3. Banging and bruising;
4. Non-suicidal overdosing; and
5. Deliberate bone-breaking.

## B. People who self-injure usually make a great effort to hide their injuries and scars, and are often uncomfortable about discussing their emotional inner or physical outer pain.

Procedures for Identification and Intervention for Self-Injuring Behavior

## A. Risk Factor Associated with Self-Injury

Self-injury is a coping mechanism and it is important to recognize and respond to the underlying reasons behind a person's self-injury. Risk factors include, but are not limited to:

1. Low self-esteem;
2. Perfectionism;
3. Mental health issues such as depression and anxiety;
4. The onset of a more complicated mental illness such as schizophrenia, bi-polar disorder or a personality disorder;
5. Problems at home or school;
6. Physical, emotional or sexual abuse;

## B. Warning Signs

As noted above, there may be no warning signs, but some of the things below might indicate that a student is suffering internally which may lead to self-injury:

1. Drug and/or alcohol misuse or risk taking behavior;
2. Negativity and lack of self-esteem;
3. Out of character behavior;
4. Bullying other students;
5. A sudden change in friends or withdrawal from a group.

## C. Physical signs that self-injury may be occurring:

1. Obvious cuts, scratches or burns that do not appear of an accidental nature;
2. Frequent 'accidents' that cause physical injury;
3. Regularly bandaged arms and/or wrists;
4. Reluctance to take part in physical exercise or other activities that require a change of clothes;
5. Wearing long sleeves and trousers even during hot weather.

SUICIDE AND SELF-DESTRUCTIVE BEHAVIOR (regulation continued)

D. Intervention for Suspected Self-Injury

1. When a teaching staff member or other instructional personnel suspects that a student may be self-injuring, he/she shall report the name of that student immediately to the school nurse and the principal;
2. In the absence of the principal, his/her duties under this policy shall be performed by an administrative designee;
3. The principal will consult with the school nurse to determine if a referral to emergency medical services is necessary. The final decision to refer a student shall rest with the principal;

*NOTE: In instances where the student is physically dangerous to him/herself or others, the principal shall summon the local law enforcement and/or emergency medical services for the purpose of transporting the student to the emergency room.*

4. The principal shall notify the parents/guardians, if the student has an injury to come to school. The principal shall request a conference to discuss the matter.
5. The principal shall notify the superintendent of the incident and actions taken;
6. The injured student shall be monitored by the school nurse until safely released to the parents/guardians or back to class as appropriate;

Adopted: February 20, 2007

Revised: March 16, 2010

NJSBA Review/Update: October 13, 2015

Readopted:

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5142

## PUPIL SAFETY

The Roselle Park Board of Education recognizes the safety of its pupils as a consideration of utmost importance. The superintendent shall consult law enforcement agencies, health and social service providers, emergency management planners and other school and community resources in the development of the plans, procedures and mechanisms for school safety. The superintendent shall oversee development of a districtwide safety program with emphasis on accident prevention.

### Facilities

The superintendent shall maintain all facilities and equipment in proper condition to provide a safe learning environment, ensuring compliance with state law on the handling, labeling and storing of hazardous substances. Safety regarding all aspects of playground equipment and activity will be maintained and supervised in compliance to law and code.

### Staff Education and Training

All teachers shall be familiar with the provisions of this program that particularly concern them.

The superintendent shall inform all newly employed staff of school safety rules and regulations within 60 days of the effective date of their employment. All district employees will receive the appropriate inservice training to recognize and respond appropriately to safety concerns including emergencies and crises, in accordance with the district safety plans, procedures and mechanisms. The district safety plan will be updated annually and all employees will be notified of updates and changes to the safety plan in writing. Regulations concerning use and maintenance of eye protective devices shall be scrupulously enforced by all staff.

### Student Supervision

The staff must maintain complete classroom and playground supervision during regular school hours. The superintendent shall seek the cooperation of parents/guardians to prevent any children being unsupervised on school property during lunch hour and during morning arrival and afternoon dismissal times. Further, the superintendent shall seek the cooperation of the police and other appropriate agencies in providing for the safety of pupils on or around school property. The board shall adopt the necessary regulations governing supervision of pupil safety.

No pupil shall leave the school before the end of the school day without permission of the principal. No pupil shall run errands on school business off the school property.

The curriculum shall include courses in safety as required by state law. In development of courses, the safety of participating pupils shall be a primary consideration.

PUPIL SAFETY (continued)

Employers of work/study pupils are required to report to the principal of the high school if a pupil has not reported for work within one hour of the expected arrival time. Other pupils leaving before regular dismissal must be met in the school office and signed out by a parent/guardian or a person authorized to act in his/her behalf.

A record shall be kept indicating the legal custodian of each pupil. Such custodian shall be responsible for informing the superintendent of any change in the pupil's custody. If one parent/guardian has been awarded custody of the pupil in a divorce, the other parent/guardian shall present to the principal a letter authorizing him/her to accompany the child from school before the child may be released. The principal may take reasonable steps to verify the letter. It is the responsibility of the person or agency having custody to inform the school that such authorization will be required.

Supervision of Students During Dismissal

Dismissal will be supervised. District staff will be assigned to specific locations and given defined responsibilities to supervise student dismissal in each district school facility. Regular and early dismissal will be supervised according to the same protocol unless otherwise specified. The superintendent is responsible for overseeing the development of protocols that are tailored to the age and needs of the students at each school facility. At a minimum these protocols shall include:

- A. Staff assigned to supervise dismissal and their locations and responsibilities;
- B. Where children will be retained awaiting appropriate escort and/or designated transportation;
- C. Provisions for supervision when a parent/escort is unable to pick up their child at the appropriate dismissal time; and
- D. Location and presence of municipal crossing guards.

The board will review the dismissal procedures annually.

Supervision of Non-bused Students at Dismissal

The board shall require that the parent/guardian notify the school in advance of any arrangements for students requiring appropriate escort or designated transportation. The board requires signed permission for a student to be dismissed to walk home unescorted.

All documented arrangements will be considered permanent for the entire school year.

Parents/guardians leaving students at school that are to be escorted home will be reported to the proper authorities.

The superintendent or designee is responsible for the collection of all dismissal arrangements requested by the parents/guardians. The superintendent or designee is responsible for keeping a record of the dismissal arrangements and implementing the appropriate dismissal supervision in accommodation of these arrangements.

PUPIL SAFETY (continued)

Notification of Dismissal Protocols

The superintendent or his designee shall ensure that parents are notified of the following:

- A. School calendar including school closure and early dismissal dates and times; and any adjustments to the calendar;
- B. The school dismissal policy;
- C. Dismissal protocol for all bused students, non-bused students and students in after-school programs or activities;
- D. Supervision arrangements for students at dismissal;
- E. Emergency plan for supervision of students left at school;
- F. After school program opportunities;
- G. Procedures for enrolling students in after school programs.

The parent/guardian is responsible for reviewing the school calendar and complying with all school dismissal times and procedures. It is the parents/guardians responsibility to resume the custody of their child at the end of each school day.

The superintendent will develop procedures:

- A. For parents/guardians to provide signed acknowledgement of receipt of the school calendar, including all school closure and early dismissal dates, and the school dismissal policy and procedures;
- B. For parents/guardians to indicate and define the circumstances that the student is to be released from the school's care at dismissal;
- C. For the collection and retention of all documents pertaining to receipt of calendar and escort/transportation arrangements.

Voluntary Fingerprinting Program

The board of education shall provide a voluntary fingerprinting program for the protection of its pupils. This program shall be carried out in cooperation with the county sheriff's office and local law enforcement officials in accordance with the requirements of law.

All pupils in grades kindergarten through nine shall be eligible to participate with written authorization of their parent/guardian. Completed fingerprint cards shall be given to the parent/guardian and shall not be retained by the school district or the law enforcement agency.

The superintendent is directed to provide an orientation program for those pupils for whom fingerprinting has been authorized, and to develop appropriate administrative regulations for the implementation of the voluntary fingerprinting program in the district.

PUPIL SAFETY (continued)Potentially Missing Children

Attendance practices, the dismissal precautions addressed in this policy and voluntary fingerprinting are part of the district's effort toward early identification of potentially missing children.

The superintendent will develop procedures that ensure cooperation with law enforcement for substances, weapons and safety. This may include cooperation with law enforcement in the activation of an "Amber Alert" which provides for the rapid dissemination of information, including a description of the missing child through broadcast media.

Release to an Individual Impaired by Drugs/Alcohol Prohibited

The board believes that allowing a child to be released into the custody of a parent/guardian or other authorized individual who appears to be impaired by drugs or alcohol can have tragic consequences. Therefore, the board prohibits release of a pupil into the custody of any person who appears to be physically and/or emotionally impaired to the extent that harm could come to the pupil if released to such a person. The superintendent/designee shall make the final determination as to whether an individual is impaired.

Possessions

Parents/guardians are requested not to permit their children to bring expensive or fragile objects to school and to label or otherwise identify clothing, books and personal items. The board is not responsible for items destroyed or stolen from lockers.

Megan's Law

Only law enforcement agencies in the community receive notification of the presence of Tier One offenders. The superintendent and principals in affected schools shall receive notification from the county prosecutor's office or local law enforcement officials when Tier Two or Tier Three sex offenders move into the district. Principals shall inform those employees/ volunteers whose duties regularly put them in a position to observe unauthorized persons on or near the property of the school. Principals shall determine who to notify on the basis of this definition, as well as on specific job duties carried out in their schools. If private vendors perform any of these functions, the principal shall inform the vendor. Notification may include, but is not limited to:

- A. Aides;
- B. Bus drivers;
- C. Coaches;
- D. Maintenance staff;
- E. Professional support staff;
- F. School level administrative staff;



PUPIL SAFETY (continued)

- G. Security personnel;
- H. Teachers' aides;
- I. Teachers.

School personnel are notified only in their capacity as such and shall not disseminate information about an offender to anyone not specifically identified by the county prosecutor or Attorney General. Any school employee who does so may be disciplined. If a school employee has reason to believe that an offender who has been the subject of a notification is a danger to someone outside the school environs, he/she shall immediately contact the local law enforcement agency or the county prosecutor.

District personnel shall not notify the following of the presence of Tier Two or Tier Three offenders:

- A. Members of PTO, PTA, HSA, etc;
- B. Organizations using school facilities;
- C. Other schools;
- D. Press.

The principal shall provide registration forms to any organization that uses the school facilities, including parent-teacher organizations, which wish to be notified by the county prosecutor's office of the presence of a Tier Two or Tier Three offender in the community.

In addition to the school personnel identified by the principal, students and parents/guardians shall be notified of the presence of Tier Three offenders. The prosecutor's office and local law enforcement shall supply the school with notices for them when a school is located in the area where a vulnerable population is likely to encounter a Tier Three offender. Dissemination of these notices shall be in accord with law and accomplished in cooperation with the county prosecutor's office. Confidentiality shall be a prime consideration in all communications with students and parents/guardians, and all directives of the county prosecutor and Attorney General's offices shall be observed.

When a student has been identified as a sex offender, all procedures of notification shall apply. When a parent/guardian has been identified as an offender, he/she may continue to participate in all appropriate parent/guardian activities, unless prohibited by legal constraint.

Newly hired staff and newly enrolled students and their parents/guardians shall be trained and informed of the presence of Tier Two and Tier Three offenders, unless the county prosecutor has notified the principal that notice cannot be given.

Students and district employees shall not be liable in any civil or criminal action for providing or failing to provide information relevant to notification. The superintendent shall prepare regulations to implement this policy and all directives of the county prosecutor's office to ensure careful adherence to Megan's Law.

PUPIL SAFETY (continued)School Violence Awareness Week and Annual Public Hearing

The school shall observe "School Violence Awareness Week". This week will include discussions, presentations, and training for both students and staff, focused on the topic of preventing violence in school. Law enforcement personnel will be invited to join school teaching staff presenting age appropriate opportunities for students to discuss issues including but not limited to conflict resolution, student diversity and tolerance.

The board of education shall hold a public hearing on violence and vandalism pursuant to N.J.S.A. 18A: 17-46 and N.J.A.C. 6A: 16-5.3. The requirements of the public hearing are covered in greater detail in file code 5131.5 of this manual.

Adopted: March 16, 2010

NJSBA Review/Update: October 2015

Readopted: July 25, 2017

Key Words

Pupil Safety, Safety, Student Safety

<b><u>Legal References:</u></b> <u>N.J.S.A.</u> 2C:7-2 <u>et seq.</u>	Registration and Notification of Release of Certain Offenders
<u>N.J.S.A.</u> 2C:39-5	Unlawful possession of weapons
<u>N.J.S.A.</u> 18A:6-2	Instruction in accident and fire prevention
<u>N.J.S.A.</u> 18A:16-2	Physical examinations; requirement
<u>N.J.S.A.</u> 18A:17-42, -43 and -45 through -48	Public School Safety Law
<u>N.J.S.A.</u> 18A:20-21	Supervisors and other employees
<u>N.J.S.A.</u> 18A:35-5	Maintenance of physical training courses; features
<u>N.J.S.A.</u> 18A:35-5.1 through -5.3	Lyme disease prevention; public school health curriculum
<u>N.J.S.A.</u> 18A:36-24 through -25	Missing children; legislative findings and declarations...
<u>N.J.S.A.</u> 18A:36-29 <u>et seq.</u>	Voluntary fingerprinting ...
<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:41-1 <u>et seq.</u>	Fire drills and fire protection
<u>N.J.S.A.</u> 30:5B-26 through -29	Child care before and after school hours ...
<u>N.J.S.A.</u> 34:5A-1 <u>et seq.</u>	<u>Worker and Community Right to Know Act</u>
<u>N.J.S.A.</u> 39:4-183.1a	Traffic control devices
<u>N.J.S.A.</u> 52:27D-123.9 <u>et seq.</u>	Definitions relative to playground safety
<u>N.J.A.C.</u> 5:23-11 to 11.4	Playground Safety Subcode
<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development

PUPIL SAFETY (continued)See particularly:

N.J.A.C. 6A:16-2.1, -5.1,  
-5.2, -5.5, -5.6, -5.7, -6.1,  
-6.2, -6.3, -6.4, -6.5

N.J.A.C. 6A:19-6.1 et seq. Safety and Health Standards

See particularly:

N.J.A.C. 6A:19-6.5

N.J.A.C. 6A:26-12.1 et seq. Operation and Maintenance of Facilities

See particularly:

N.J.A.C. 6A:26-12.2, -12.5

N.J.A.C. 6A:27-11.1 et seq. Safety

Jerkins v. Anderson, 191 N.J. 285 (June 14, 2007)

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

*1250	Visitors
*1410	Local units
*3000/3010	Concepts and roles in business and noninstructional operations
*3516	Safety
3530	Insurance management
*3541.33	Transportation safety
*4112.4/4212.4	Employee health
*4231/4231.1	Staff development; inservice education/visitations/conferences
*5020	Role of parents/guardians
*5113	Absences and excuses
*5124	Reporting to parents/guardians
*5125	Pupil records
*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
*5141.1	Accidents
*5141.2	Illness
*5141.4	Child abuse and neglect
*5141.8	Sports related concussion and head injury
*5141.21	Administering medication
*5145.12	Search and seizure
*6114	Emergencies and disaster preparedness
*6142.12	Career education

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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5142.1

## SAFETY PATROLS

The board believes that student safety patrols can contribute greatly to the development of good traffic habits and can provide opportunities for growth in leadership skills.

Therefore, the chief school administrator shall develop regulations for the formation of safety patrols.

These regulations shall include, but not be limited to, provision for:

- A. Appointment of a faculty advisor to select, instruct and discipline members of the safety patrol;
- B. Informing candidates and their parents/guardians of the purpose and activities of the patrol and the possible hazards;
- C. Obtaining signed, written consent from the parent/guardian for the student's involvement in the safety patrol;
- D. An outline of duties suitable to each school building;
- E. Cooperation with the police.

Adopted: March 16, 2010

<b><u>Legal References:</u></b>	N.J.S.A. 18A:42-1	Safety patrol by pupils
	N.J.A.C. 6A:26-12.2(a)(3)	Policies and procedures

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5142.11

## GANG AND GANG-RELATED ACTIVITY

The Roselle Park Board of Education recognizes the need for appropriate rules and regulations to ensure a safe and healthy environment that is conducive to teaching and learning.

In that regard, the District recognizes the existence of criminal gangs in our society, and the importance and necessity of deterring all persons from emulating gangs or contributing to the proliferation of gangs. A gang in this policy is defined as "any ongoing organization, association, or group, whether formal or informal, having as one of its primary activities the commission of criminal acts and having a common name or common identifying signs, colors, and/or symbols."

C. The Roselle Park Board of Education prohibits the following on school property or at school related functions, and off school property, if it involves intimidation or an attack on another student in the District:

1. Initiating, advocating, or promoting a gang or any gang-related activities;
2. Tagging or defacing school property with gang names, slogans, and/or insignias;
3. Conducting gang initiations;
4. Threatening another with bodily injury and/or inflicting bodily injury on another in connection with a gang or gang-related activity;
5. Inciting, soliciting, or recruiting others for gang membership or gang-related activities;
6. Aiding or abetting any of the above activities by one's presence or support.

Any student found to have engaged in any of the above shall be subject to school discipline, including but not limited to detention, suspension, and/or expulsion. The matter shall also be referred to the Roselle Park Police Department. For any disciplinary matter covered by the above or by any other part of the school's disciplinary code, a finding that the conduct was gang-related or gang-affiliated shall be considered an aggravating factor in determining the appropriate punishment.

B. The Board further prohibits the following in school and at school-related events;

1. Wearing of gang apparel, accessories, signs, insignias, or symbols on one's clothing or person.
2. Display of gang apparel, accessories, signs, insignias, or symbols on personal property.
3. Communication in any method (verbally or non-verbally) designed to convey gang membership or affiliation.

The Superintendent or his/her designee shall determine, in consultation with law enforcement

GANG AND GANG-RELATED ACTIVITY (continued)

officials, what types of specific apparel, accessories, signs, insignias, and symbols are to be prohibited at each school under this policy, and may adopt regulations hereunder. The regulations and this policy shall be publicized to all students and parents via the District's web site, student handbooks or any other reasonable means. The list may be part of a broader dress code applicable to all students at the school.

The preferred response to the wearing or display of items prohibited by policy or regulation (unaccompanied by any other disciplinary code violation) is intervention in lieu of discipline.

The decision to intervene in lieu of imposing discipline is left to the discretion of the school administrator, based upon all of the circumstances, including the nature of the violation, the adequacy of notice that the item was prohibited and the student's overall behavior in the school setting. Intervention may include counseling, meetings with parents and/or police recommendations for attending informational programs on gangs. The purpose of such intervention is to discuss the school's observations and concerns and to offer the student and the parents information and an opportunity to ask questions or provide other information.

Adopted: September 18, 2007

Revised: March 16, 2010

**Legal References:**     N.J.S.A. 2C:44-3h

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5145

## PUPIL RIGHTS

The Board of Education recognizes that pupils possess both the right to a free public education and the rights of citizenship. In granting pupils the educational opportunities to which they are entitled, the Board shall provide them with the nurture, counsel, and custodial care appropriate to pupils' ages and maturity. At the same time, the Board will respect the right of each pupil 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/her own thoughts.

Attendant on the rights guaranteed to each pupil are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and compliance with the policies and regulations of this district.

As pupils 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 pupil and the pupil's need for continuing guidance and control.

A pupil 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/her parent(s) or legal guardian(s). The adult pupil is fully responsible for his/her educational performance, attendance, compliance with district regulations, and care of school property. The parent(s) or legal guardian(s) of each adult pupil will be informed of the rights of the pupil and will continue to be informed of the pupil's progress in school.

Adopted: February 21, 2006

Revised: March 16, 2010

**Legal References:**     N.J.S.A. 9:17B-1  
                                  N.J.S.A. 18A:36-20

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5145.4

## EQUAL EDUCATIONAL OPPORTUNITY

The district shall provide equal and bias-free access for all pupils to all school facilities, courses, programs, activities and services and give them maximum opportunity to achieve their potential regardless of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, 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.

### 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.



EQUAL EDUCATIONAL OPPORTUNITY (continued)

“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:

- D. 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
- E. Has the effect of insulting or demeaning any student or group of students; or
- F. 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. 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, religion, disability or socioeconomic status. The board shall ensure that:

EQUAL EDUCATIONAL OPPORTUNITY (continued)

- A. School classrooms and facilities will be barrier free;
- B. Attention will be directed at attaining minority representation within each school that approximates the district's overall minority representation;
- C. The district curriculum will be aligned with the State's Core Curriculum Content Standards and address the elimination of discrimination by narrowing the achievement gap;
- D. All students have access to counseling services;
- E. Physical education program is equitable and co-educational.

Procedures shall be made available for pupils and/or parents/guardians who wish to file a grievance protesting alleged discriminatory or sexually (or other) harassing action. An immediate report of the allegation should be made to the affirmative action officer or superintendent. Violations of this policy or its related procedures shall be cause for appropriate disciplinary action.

Hate Crimes/Bias Incidents

An employee of the board who becomes aware in the course of his/her employment that a student or other staff person has committed a hate crime or is about to commit one shall immediately inform the building principal and superintendent. All incidents of hate/bias shall be reported whether they occur during school hours on school grounds or otherwise.

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.

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: March 16, 2010  
 NJSBA Review/Update: October 2015  
 Readopted: August 22, 2017

EQUAL EDUCATIONAL OPPORTUNITY (continued)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. 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:30-1.1et seq. Evaluation of the Performance of School Districts

Davis v. Monroe County Board of Education, 526 U.S. 62(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 for All Handicapped Children Act) --Part B

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

Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297)

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

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

EQUAL EDUCATIONAL OPPORTUNITY (continued)

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/her 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**

**Cross References:** \*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

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5145.5

## PHOTOGRAPHS OF PUPILS

Taking pictures of district pupils and buildings for commercial purposes is prohibited without written approval of the chief school administrator.

"Commercial purposes" in this context is defined to mean for sale or for use in connection with the advertisement or promotion of goods or services.

"School pupils" in this context means boys and girls enrolled in the school during that part of the day they are at school, on the school grounds, or engaged in any activity under the direction and supervision of the school.

Pictures of children with educational disabilities shall not be disseminated in any way unless permission is granted by parents/guardians. Photographs of children placed in the district by the Division of Youth and Family Services (DYFS) shall not be published without permission of the division case worker.

### Photographs on the District Web Site

Pictures of district pupils shall not be posted on the web site, except under the following conditions:

- A. Prior written permission has been obtained from the pupil's parent/guardian or from the adult pupil;
- B. Group photographs may identify the group, but not the individuals in the group;
- C. Prior written permission has been obtained from the pupil's parent/guardian or from the adult pupil, if the pupil is receiving an award or special recognition.

Adopted: March 16, 2010

<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:36-35	Disclosure of certain student information on internet prohibited without parental consent
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)

<b><u>Cross References:</u></b>	*1100	Communicating with the public
	*1110	Media

PHOTOGRAPHS OF PUPILS (continued)

*1120	Board of education meetings
*1140	Distribution of materials by pupils and staff
*1250	Visitors
1320	Participation in out-of-school community activities
*5125	Pupil records
*5141.4	Child abuse and neglect
*5145.12	Search and seizure
6142.10	Technology
6145.3	Publications
6145.4	Public performances and exhibitions
*6171.4	Special education

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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5145.6

## PUPIL GRIEVANCE PROCEDURE

Each school shall establish procedures for the consideration of pupil problems and for the processing of their complaints and appeals. These procedures should be developed through the cooperative efforts of pupils, faculty and administrators. The chief school administrator or designee shall establish and maintain procedures for appeals beyond the decision of the principal. Details of those procedures should be made known to pupils and staff, and pupils who wish to use them should be assured of access to the appropriate personnel within a reasonable period of time.

Adopted: March 16, 2010

<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:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:16-7.1	Code of student conduct

Possible

<b><u>Cross References:</u></b>	1251	Loitering or causing disturbance
	*1312	Community complaints and inquiries
	*5113	Absences and excuses
	*5114	Suspension and expulsion
	*5131	Conduct/discipline
	5131.4	Campus disturbances
	*5145.4	Equal educational opportunity

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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5145.11

## QUESTIONING AND APPREHENSION

In order to protect pupils' rights during the time they are under school control, the principal shall interview every person who wishes to question a pupil on school property during the school day. The chief school administrator shall be informed of such incidents.

### Law Enforcement Officers

- A. If a law enforcement officer has an arrest warrant, the principal shall ensure that all procedural safeguards as prescribed by law are observed. No pupil shall be taken from the school without the knowledge of the principal or other person in charge of the school. The principal shall make every reasonable effort to notify parents/guardians. The chief school administrator shall be informed whenever such apprehensions take place.
- B. If a law enforcement officer has a juvenile complaint or wants to question a student on school property, the principal shall request that the questioning be delayed if possible until the parents/ guardians can be present. If the officer refuses and the principal is convinced that the situation justifies questioning, he/she must attempt to have the parents/guardians informed immediately and shall remain with the student during the questioning.
- C. If the law enforcement officer is an agent of the Division of Youth and Family Services (DYFS), the agent shall determine whether the presence of a parent/guardian or school employee is appropriate.

### Private Persons

If a private person wishes to question a pupil on school property during the school day, generally parents/guardians shall be notified of the request and give their permission before the principal will permit the private person to question the pupil. In cases involving possible harm to another pupil which might be prevented by early information, the principal may permit such questioning if the parent/guardian cannot be reached. The principal shall be present during the questioning.

### Weapons and Substance Abuse Questioning by Staff

When questioning any pupil about possible possession, use, or distribution of proscribed substances, drug paraphernalia, alcohol, firearms or other deadly weapons, staff shall follow the procedures adopted by the board in compliance with administrative code.



QUESTIONING AND APPREHENSION (continued)

Generally

The chief school administrator shall notify the board president when the police have sought to question a pupil in school, and the outcome of the incident. The district shall make every effort to establish close and cordial relationships with local law enforcement and other agencies, while ensuring that the parents/guardians are informed and pupil rights protected.

Adopted: March 16, 2010

**Legal References:**

<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:35-5	Comprehensive Drug Reform Act of 1986
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:16-4.1	Adoption of policies and procedures for the intervention of student alcohol and other drug abuse
<u>N.J.A.C.</u> 6A:16-5.1 et seq.	School Safety
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-5.7 through -5.8	
<u>N.J.A.C.</u> 6A:16-6.1 et seq.	Law Enforcement Operations for Substances, Weapons, and Safety
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-6.1, -6.2, -6.3	
<u>N.J.A.C.</u> 6A:32-7 et seq.	Student records
<u>New Jersey Constitution</u> , Article I, para. 7	
<u>U.S. Constitution</u> , Amendment IV, V, XIV	
<u>The New Jersey School Search Policy Manual</u> , <u>New Jersey Attorney General</u> (1998)	
<u>In re Gault</u> , 387 U.S. 1 (1967)	
<u>A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials</u> (1999 Revisions)	

**Cross References:**

*1410	Local units
*5114	Suspension and expulsion
*5131	Conduct/discipline
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
*5145.12	Search and seizure

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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5145.12

## SEARCH AND SEIZURE

School lockers remain the property of the district even when used by pupils. Lockers are subject to administrative search in the interests of school safety, sanitation, discipline, enforcement of school regulations and to search by law enforcement officials on presentation of a proper warrant. Pupils and their parents/guardians shall be informed of this policy when lockers are assigned.

A pupil's person and possessions may be searched by a school official provided that the official has reasonable grounds to suspect that the search will turn up evidence that the pupil has violated or is violating either the law or the rules of the school. Under no circumstances shall a search be conducted based solely upon an anonymous tip and/or a rumor that contraband is present. The extent or scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the pupil and the nature of the infraction. A physical search may only be conducted by a staff member of the same sex as the pupil. Before instituting such a search, except in cases of emergency, the principal shall try to inform the parents/guardians and request their presence.

School personnel shall not conduct strip searches or body cavity searches of any pupils under any circumstances.

### Searches for Controlled Dangerous Substances/Drug Paraphernalia/Alcohol/Firearms/Other Deadly Weapons

Searches conducted by staff when there is suspicion that laws and policies on safe and drug free schools are being violated shall be based on the reasonable grounds required by this policy. The privacy interests of students are outweighed by the substantial interest of teachers and administrators in maintaining a drug-free environment in the classroom and on school grounds, and consequently, locker searches and vehicle searches on school grounds need satisfy only the "reasonable suspicion" standard adopted by the courts in T.L.O and State v. Best. When law enforcement officials conduct the search, the more stringent grounds required by law must be applied. See policies 5131.6 and 5131.7.

Adopted: March 16, 2010

<b><u>Legal References:</u></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> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:36-19.2	Student lockers or other storage facility; inspection; notice to students

SEARCH AND SEIZURE (continued)

N.J.S.A. 18A:37-6.1 Strip and body cavity searches prohibited  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:16-6.1 et seq. Law Enforcement Operations for Substances, Weapons and Safety

State in interest of T.L.O., 94 NJ 33 (1983); New Jersey v. T.L.O., 469 U.S. 325, 53 (1985)

Vernonia School District 47J v. Acton et ux., Guardians ad litem for Acton, 515 U.S. 646, 115 S.Ct. 2386 (1995)

Joye v. Hunterdon Central Regional High School Board of Education, 176 N.J. 568 (2003)

Board of Education of Independent School District No. 92 of Pottawatomie Count et al. v. Earls et al., 536 U.S. 822 (2002)

The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

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

State v. Best 403 N.J Super 428 (App. Div. 2008) cert. granted 996 A. 2d 1078 (2009) The privacy interests of students are outweighed by the substantial interest of teachers and administrators in maintaining a drug-free environment in the classroom and on school grounds. Vehicle searches on school grounds need satisfy only the “reasonable suspicion” standard adopted in T.L.O.

**Cross References:**

\*1410 Local units  
 \*5114 Suspension and expulsion  
 \*5131 Conduct/discipline  
 \*5131.6 Drugs, alcohol, tobacco (substance abuse)  
 \*5131.7 Weapons and dangerous instruments  
 \*5145.11 Questioning and apprehension

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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5200

## NONPUBLIC SCHOOL PUPILS

New Jersey statute and regulations of the state board of education require the board of education to provide certain services and supplies to those New Jersey children whose parents/guardians enroll them in nonpublic schools within the confines of the district. Out-of-state pupils enrolled in nonpublic schools within the district are not included.

### Nursing Services

The board of education shall, within the funding limitations as determined by the state's appropriations and nonpublic school enrollment, provide the mandated nursing services for pupils enrolled full-time in nonpublic schools located within the district. Specified nursing services include:

- A. Assistance with medical examinations including dental screening;
- B. Hearing screenings;
- C. Maintenance of student health records and notification of local or county health officials of improperly immunized pupils;
- D. Conducting of scoliosis examinations for pupils between the ages of 10 and 18.

The district shall extend to pupils enrolled full-time in nonpublic schools in the district who are injured or become ill at school or during participation on a school team or squad the emergency care provided to public school pupils up to the limit of state aid provided.

No district shall be required to make expenditures for purposes of this act in excess of the amount of state aid received for these purposes.

### Federal Requirements

All requirements of federal law shall be obeyed, particularly those addressed in provision of Title 1 program services, and IDEA. (See policies 6171.3 At-risk and Title 1 and 6171.4 Special education.)

### Implementation

The chief school administrator shall develop rules, regulations and procedures for the efficient and economical delivery of such services and supplies as are mandated by law. Wherever possible, already existing means and procedures for delivering those same supplies and services

NONPUBLIC SCHOOL PUPILS (continued)

to the pupils attending the district's public schools shall be utilized

Adopted: March 16, 2010

<b><u>Legal References:</u></b>	<p><u>N.J.S.A.</u> 18A:39-1 et seq.</p> <p><u>N.J.S.A.</u> 18A:40-3.2 et seq.</p> <p><u>N.J.S.A.</u> 18A:40-23 et seq.</p> <p><u>N.J.S.A.</u> 18A:40A-1 et seq.</p> <p><u>See particularly:</u></p> <p><u>N.J.S.A.</u> 18A:40A-5, -17(c)</p> <p><u>N.J.S.A.</u> 18A:46-19.1 et seq.</p> <p><u>N.J.S.A.</u> 18A:46A-1 et seq.</p> <p><u>N.J.S.A.</u> 18A:58-37.3</p> <p><u>N.J.A.C.</u> 6A:14-1.1 et seq.</p> <p><u>See particularly:</u></p> <p><u>N.J.A.C.</u> 6A:14-6.1 et seq.</p> <p><u>N.J.A.C.</u> 6A:16-1.4(a)9</p> <p><u>N.J.A.C.</u> 6A:16-2.5</p> <p><u>N.J.A.C.</u> 6A:23-6.1(b)</p> <p><u>N.J.A.C.</u> 6A:23-6.2</p> <p><u>N.J.A.C.</u> 6A:27-2.1 et seq.</p> <p><u>N.J.A.C.</u> 6A:30-1.1 et seq.</p> <p><u>N.J.A.C.</u> 6A:32-14.1</p> <p>20 <u>U.S.C.A.</u> 1400 et seq. - Individuals with Disabilities Education Act (formerly Education for All Handicapped Children Act)--Part B</p> <p><u>No Child Left Behind Act of 2001</u>, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.</p> <p><u>Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988</u> (P.L. 100-297)</p> <p><u>Agostini v. Felton</u>, 521 U.S. 203 (1997), overruling <u>Aguilar v. Felton</u>, 473 U.S. 402 (1985)</p>	<p>Transportation [To and From Schools] of pupils</p> <p>Medical and Nursing Personnel</p> <p>Nursing Services for Nonpublic School Pupils</p> <p>Substance Abuse</p> <p>Remedial services for handicapped children in nonpublic schools ...</p> <p>Auxiliary services (nonpublic school pupils)</p> <p>Purchase and loan of textbooks</p> <p>Special Education</p> <p>District policies and procedures</p> <p>School health services to nonpublic school students</p> <p>Eligibility</p> <p>Responsibility of the district board of education</p> <p>Nonpublic School Transportation</p> <p>Evaluation of the Performance of School Districts</p> <p>Review of mandated programs and services</p>
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NONPUBLIC SCHOOL PUPILS (continued)

Mitchell v. Helms, No. 98-1648, 2000 U.S. Lexis 4485 (June 28, 2000)  
\_\_\_\_ U.S. \_\_\_\_ (June 28, 2000)

Parents for Student Safety, Inc. v. Board of Education of the Morris School District, 1986 S.L.D. (February 5), St. Bd. rev'g 1984 S.L.D. (August 24)

Manual for the Evaluation of Local School Districts

**Cross References:**

- \*1330 Use of school facilities
- \*1600 Relations between other entities and the district
- \*3541.1 Transportation routes and services
- \*5131.6 Drugs, alcohol, tobacco (substance abuse)
- \*5141.1 Accidents
- \*5141.2 Illness
- \*5141.3 Health examinations and immunizations
- \*6145.1/6145.2 Intramural competition; interscholastic competition
- \*6171.3 At-risk and Title 1
- \*6171.4 Special education
- 6174 Summer school

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

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5300

## USE OF DEFIBRILLATOR(S)

The Board of Education is committed to providing the highest quality of care to its students, staff and visitors. Consistent with this commitment, the Board will have available a defibrillator in a central location in the 3 elementary school buildings, the middle school building and the high school building, for use during the school day and for all after school activities and events.

The School Nurse will ensure the defibrillator is tested and maintained according to the manufacturer's operational guidelines during the school year (1st day of school in September through the last day of school in June). The local first aid, ambulance and rescue squad and/or other appropriate emergency medical providers will be informed that a defibrillator is available in the 3 elementary school buildings, the middle school building and the high school building and its exact location in the buildings.

The defibrillators will be located in central location so that it can be readily accessible by staff members that have been trained in cardio-pulmonary resuscitation and the use of a defibrillator.

The Director of Special Services will be responsible to arrange for training in cardio-pulmonary resuscitation and the use of a defibrillator for designated staff members. The staff member training will be in accordance with N.J.S.A. 2N: 62A-25. Successful completion and current certification from the American Red Cross, American Heart Association or other training programs recognized by the New Jersey Department of Health and Senior Services in cardiopulmonary resuscitation and the use of a defibrillator is required. A person will not use the defibrillator until he/she has successfully completed a recognized training program and holds a current certification.

Disciplinary action will be taken against any person, student, staff or visitor tampering with the defibrillator (AED) apparatus. That person will be responsible for the cost of repair or replacement of the AED.

Adopted: March 21, 2009

Revised: March 16, 2010

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5331

## EMERGENCY ADMINISTRATION OF EPINEPHRINE VIA EPINEPHRINE AUTO INJECTOR

The Roselle Park Board of Education allows for the emergency administration of epinephrine via Epinephrine Auto Injector to a pupil for anaphylaxis. The school nurse shall have the primary responsibility for the administration of the Epinephrine Auto Injector as prescribed by a private physician. The school nurse is to recruit and train, in consultation with the building principal, another employee of the school district to administer epinephrine via Epinephrine Auto Injector to a pupil for anaphylaxis when the nurse is not physically present at the scene as referenced in Policy 5330.

The Board of Education disclaims any and all responsibility for the diagnosis and treatment of anaphylaxis. The Board will permit the dispensation of medication in school only when the pupil's health and continuing attendance in school so require and when the medication is administered in accordance with administrative procedure and acceptable medical practices.

Adopted: March 3, 2009

Adopted: March 16, 2010

**Legal References:**     N.J.S.A. 18A:40-12.5  
                                  N.J.S.A. 18A:40-12.6  
                                  P.L. 1997, c.368



# REGULATION

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5331

## ADMINISTRATIVE PROCEDURE FOR THE EMERGENCY USE OF THE EPINEPHRINE

1. The parents or guardians of the pupil shall provide to the Board of Education written orders from the private physician or advanced practice nurse stating that the pupil requires the administration of epinephrine for anaphylaxis. The school nurse is to recruit and train, in consultation with the building principal, another employee from the school district to administer epinephrine via Epinephrine Auto Injector to a pupil for anaphylaxis when the nurse is not physically present at the scene, as referenced in Policy 5330.
2. If the specific private physician's orders for immediate medical intervention include administration of the Epinephrine Auto Injector and any additional prescribed and/or over the counter medications, a nonmedical employee of the school district will only be permitted to administer the Epinephrine Auto Injector.
3. Pupils with or without a history of anaphylactic reactions (as documented by a private physician, advanced practice nurse, or clinical records) and do not have the capacity for self-administration may require the emergency administration of epinephrine and a designee may be assigned and trained to administer the epinephrine via auto injector.
4. The parents/guardians must provide to the school the prescribed medication. Parents/guardians are fully responsible for keeping track of the expiration date of the medication and replacing the medication when it has expired.
5. School personnel designated by the school nurse to administer the epinephrine via Epinephrine Auto Injector must be properly trained by the school nurse or certification program using standardized training protocols established by the Department of Education in consultation with the Department of Health and Senior Services. The district may provide CPR certification classes for designees twice yearly.
6. The parents/guardians of the pupil must consent in writing to the administration of the Epinephrine Auto Injector by the designated personnel.
7. The private physician's orders and written consent agreeing to a designee to administer the epinephrine is effective for one school year and must be renewed annually.
8. Parent/guardian is responsible to notify the school nurse and/or building principal in writing if their child attends or will be attending any after school activities or programs sponsored by the Roselle Park Board of Education.

ADMINISTRATIVE PROCEDURE FOR THE EMERGENCY  
USE OF THE EPINEPHRINE (continued)

9. The pupil's parent/guardian must be informed that the school district and its employees shall have no liability as a result of any injury arising from the proper administration of the Epinephrine Auto Injector, and the parents/guardian shall sign a statement acknowledging their understanding that the school district shall have no liability as a result of any injury arising from the proper administration of the Epinephrine Auto Injector and that the parents/guardians shall indemnify and hold harmless against the district and its employees against any claims arising from the Epinephrine Auto Injector administration.

Adopted: March 3, 2009

Revised: March 16, 2010

**Legal References:**     N.J.S.A. 18A:40-12.5  
                                  N.J.S.A. 18A:40-12.6  
                                  P.L. 1997, c.368

# REGULATION

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5331.1

## EPINEPHRINE AUTO INJECTOR PARENT CONFERENCE PROTOCOL

1. Set up formal/informal communication between parent/guardian, school nurse, classroom teacher, principal, classroom aid, athletic trainer, coach and other personnel as necessary for individual case.
2. Discuss assigning designee to administer epinephrine auto injector in the absence of the school nurse.
3. Discuss necessary forms to be completed by parent and private physician and give to parent for completion.
4. If applicable, discuss issue of food consumption. Discuss plans of protecting student from foods that must be avoided.
  - a. snacks in school
  - b. lunch
  - c. parties
  - d. extended-day
  - e. field trips
  - f. friends
  - g. student notification (meeting with student, parents, teachers, nurse, etc.)

Compose summation/care plan to be kept on file and shared with parent/guardian.

Adopted: March 3, 2009  
Revised: March 16, 2010

# POLICY

Roselle Park Board of Education  
Roselle Park, New Jersey

File Code: 5460

## HIGH SCHOOL GRADUATION

The Board of Education will recognize the successful completion of the secondary school instructional program by the award of a state-endorsed diploma certifying the pupil has met all state and local requirements for high school graduation. The Board will annually certify to the County Superintendent each pupil who has been awarded a diploma has met the requirements for graduation.

### Curriculum Requirements

A graduating pupil must have earned a minimum of one-hundred twenty credits and must have successfully completed the following program of study:

1. Four years of College Preparatory English — 20 credits;
2. Two years of United States History, taken in 10th and 11th grades- 10 credits;
3. One year of World History — 5 credits (9th grade);
4. Physical Education must be taken each year you are in high school. 3.75 credits per year = 15 credits;
5. Three years of Health Education including Family Life and First Aid;
6. Three years of Mathematics (Algebra 1 required) — 15 credits;
7. Two years of Science (Biology required in 10th grade) — 10 credits;
8. One year of Arts — Fine/Industrial — 5 credits;
9. One semester each — Computer Applications — Cultural Arts — 5 credits;
10. Passing Sate High School Proficiency Assessments;
11. Total of 120 credits required.

A credit is defined as the equivalent of a class period of instruction which meets for a minimum of forty minutes one time per week during the school year. Advanced Placement (AP) and College Credit Courses may fulfill credit completion requirements.

Or

HIGH SCHOOL GRADUATION (continued)

The 120 credit requirement may be met in whole or in part through program completion as follows:

1. District Boards of Education may determine and establish a set number of curricular activities or programs aimed at achieving the New Jersey Core Curriculum Content Standards for promotion and graduation purposes.
2. Curricular activities and programs may be organized around an interdisciplinary model based on themes involving the New Jersey Core Curriculum Content Standards, such as the following:
  - a. Arts and humanities;
  - b. Business and Information Systems;
  - c. Mathematics, Science, and Technology, or
  - d. Health and Human Services.
3. Programs shall be planned for individuals and/or a group based on specific instructional objectives.
4. The Principal shall certify completion of curricular activities or programs based upon specified instructional objectives.
5. Group programs based upon specific instructional objectives shall be approved in the same manner as other approved courses. Individual programs shall be on file in the local district and subject to review by the Commissioner or his/her designee.

Additional Graduation Requirements

1. Attendance requirements as indicated in Policy No. 5200
2. Other requirements established by the Board of Education as indicated below:
  - 2.5 credits – Computer Applications
  - 2.5 credits – in Cultural Arts.
3. Demonstrated proficiency in all sections of the High School Proficiency Assessment (HSPA), Alternate Proficiency Assessment (APA) or Special Review Assessment (SRA) process applicable to the class graduating in the year all other graduation requirements are met.

Special Review Assessment

A twelfth grade pupil who has satisfied all other state and local graduation requirements but performs below the state specified level of proficiency in one or more of the HSPA areas will be provided a Special Review Assessment conducted in accordance with rules of the State Board of Education. The findings of the Special Review Assessment will be recorded and will be

HIGH SCHOOL GRADUATION (continued)

independently evaluated by a review panel of at least three teaching staff members not currently instruct' g the pupil. A review panel's recommendation that the pupil's demonstrable skills meet state standards must be endorsed by the Principal, the Superintendent, and the County Superintendent for approval prior to March 1. Be re the Board may award the pupil a diploma, approval from the County Superintendent must be received by the school district. This review procedure is intended to protect pupils who do not test well and shall not be used to excuse unmotivated or careless pupils or to elevate the number of diplomas awarded by this Board.

Pupils who do not demonstrate proficiency shall be provided repeat opportunities to demonstrate proficiency through the HSPA/SRA assessments until age twenty or twenty-one if they are disabled.

Attendance

Regular attendance is required for the successful completion of a course of study and graduation. Pupils are expected to be present in every scheduled class except as their attendance is excused in accordance with Board Policy Nos. 5200 and 5240. A pupil absent from a class scheduled for a course of study more than twenty days on which the class meets shall not receive credit for that course except that a pupil whose absence is for good cause and has demonstrated the required proficiencies may apply for and receive course credit notwithstanding an excessive number of absences.

Remediation Services

Pupil progress shall be assessed in accordance with Policy No. 2622. Pupils deemed to be at risk of failure on any section of the HSPA shall be identified and offered services in accordance with Policy No. 2414.

Pupils with Disabilities

In order to graduate, pupils with disabilities must meet all the graduation requirements established by State Board rules and this policy, including proficiency levels on the HSPA, curriculum requirements, and attendance standards, unless the pupil's Individualized Education Plan (IEP) specifies alternate requirements for a state endorsed diploma. The pupil's IEP may include On Alternate Proficiency Assessment (APA).

The IEP of a pupil with a disability who enters a high school program shall specifically address the graduation requirements. The pupil shall meet the high school graduation requirements according to N.J.A.C. 6:8-7, unless exception is specified in the pupil's IEP. The IEP shall specify the requirements that will qualify the pupil with a disability for the State endorsed diploma issued by the school district responsible for his/her education.

If a pupil attends a school other than that of the school district of residence which is empowered to grant a diploma, the pupil shall have the choice of receiving the diploma of the school attended or the diploma of the school district of residence.

HIGH SCHOOL GRADUATION (continued)

Pupils with disabilities who meet the standards for graduation according to this section shall have the opportunity to participate in graduation exercises and related activities on a nondiscriminatory basis.

A pupil with disabilities may be exempted from the HSPA and curricular proficiencies if the IEP sets goals and objectives that do not include the range of HSPA skills and curricular proficiencies; a pupil may be exempted from taking the HSPA if the IEP establishes that the pupil would be adversely affected by taking the HSPA. An IEP that does not include the proficiencies measured by the HSPA and the curriculum generally required for graduation must include a rationale for the exceptions and alternate proficiencies required for the pupil's graduation.

A pupil with disabilities who has not been exempted from the proficiencies or has performed below the State minimum levels of proficiency in one or more areas on the HSPA shall participate in the Special Review Assessment.

Pupils of Limited English-Speaking Ability

Pupils of limited English-speaking proficiency shall demonstrate proficiency through the HSPA, or the SRA process in English, or the SRA in their native language along with an English proficiency assessment, or the SRA process in English with accommodations.

Notification

A copy of all state and local high school graduation requirements shall be distributed to each pupil who enters or transfers into the high school and to the pupil's parent(s) or legal guardian(s). A copy of the school districts requirements for a state endorsed diploma and those programs to assist pupils in attaining the state endorsed diploma shall be distributed to each pupil and to the pupil's parent(s) or legal guardian(s).

Each pupil and his/her parent(s) or legal guardian(s) will be notified during the school year of the pupil's progress toward meeting graduation requirements. The parent(s) or legal guardian(s) of a pupil who demonstrates significant deficiencies in meeting requirements will be so notified within ten days of the date on which the deficiencies are discovered and will be offered an opportunity for immediate consultation with appropriate teaching staff members.

The Superintendent shall report annually, at a public meeting not later than September 30, the numbers of pupils graduated, denied graduation, graduated under an IEP, and graduated under the special review assessment procedures. A copy of the district graduation requirements will be filed with the Commissioner of Education.

Adopted: October 21, 2008  
Revised: March 16, 2010

HIGH SCHOOL GRADUATION (continued)

**Legal References:**    N.J.S.A. 18A:7C-1 et seq.  
                                 N.J.S.A. 18A:35-1  
                                 N.J.S.A. 18A:35-9  
                                 N.J.S.A. 18A:35-7  
                                 N.J.S.A. 18A:36-17  
                                 N.J.A.C. 6A:8-1  
                                 N.J.A.C. 6A:14-4.12 et seq.