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5111 – Eligibility of Resident/Nonresident Pupils (M)

The Lopatcong Township Board of Education shall admit to its schools, free of charge, persons over five and under twenty years of age, pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education.

Eligibility to Attend School

The Board shall admit pupils eligible to attend school free of charges that are domiciled within the district as defined in N.J.A.C. 6A:22-3.1 et seq.

The Board shall also admit any pupil that is kept in the home of a person other than the pupil's parent or guardian, where the person is domiciled in the school district and is supporting the pupil without remuneration as if the pupil were his or her own child in accordance with N.J.A.C. 6A:22-3.2 et seq. A pupil is only eligible to attend school in the district pursuant to this provision if the pupil's parent or guardian files, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the pupil due to family or economic hardship and the pupil is not residing with the other person solely for the purpose of receiving a free public education. In addition, the person keeping the pupil must file, if so required by the district, a sworn statement that he or she: is domiciled within the district; is supporting the child without remuneration and intends to do so for a time longer than the school term; will assume all personal obligations for the pupil relative to school requirements; and a copy of his or her lease if a tenant, or a sworn landlord's statement if residing as a tenant without a written lease. Pursuant to N.J.S.A. 18A:38-1(c), any person who fraudulently allows a child of another person to use his or her residence and is not the primary financial supporter of that child; and any person who fraudulently claims to have given up custody of his or her child to a person in another district commits a disorderly persons offense.

A pupil is eligible to attend school free of charge pursuant to N.J.S.A. 18A:38-1(b) if the pupil is kept in the home of a person domiciled in the district, other than the parent or guardian, where the parent or 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 time of war or national emergency. Eligibility under this provision shall cease at the end of the current school year upon the parent or guardian return from active military duty.

A pupil is eligible to attend school free of charge pursuant to N.J.S.A. 18A:38-1(b) if the pupil's parent or guardian temporarily resides within the district and elects to have the pupil attend school in the district of temporary residence, notwithstanding the existence of a domicile elsewhere. Where required by the district, the parent or guardian shall demonstrate that such temporary residence is not solely for purposes of a pupil attending school within the district of temporary residence. Where one of a pupil's parents or guardians temporarily resides in the district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school shall be determined in accordance with the criteria of N.J.A.C. 6A:22-3.1(a)1.i.

A pupil is eligible to attend school in the district free of charge:



1. If the pupil's parent or guardian moves to another district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2 - Education of Homeless Children;
2. If the pupil is placed in the home of a district resident by court order (as defined in N.J.A.C. 6A:22-3.2(e)) or by a society, agency, or institution pursuant to N.J.S.A. 18A:38-2;
3. If the pupil had previously resided in the district and if the parent or 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, resulting in the relocation of the pupil out of the district, pursuant to N.J.S.A. 18A:38-3(b) in which case the district shall not be obligated for transportation costs; and
4. If the pupil resides on federal property within the State pursuant to N.J.S.A. 18A:38-7.7 et seq.

The physical condition of an applicant's housing, an applicant's compliance with local housing ordinances, or terms of lease shall not affect eligibility to attend school.

A pupil's immigration/visa status and their eligibility to attend school shall be in accordance with N.J.A.C. 6A:22-3.3(b) and [Board Regulation #5111 – Eligibility of Resident/Nonresident Pupils](#).

Proof of Eligibility

The district shall accept forms of documentation from persons attempting to demonstrate a pupil's eligibility for enrollment in the district in accordance with N.J.A.C. 6A:22-3.4 et seq. The district shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form of documentation, or a particular subset of documents, without regard to other evidence presented.

The district shall not require or request any information or document protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school. However, these protected documents or information, or pertinent parts thereof, may be voluntarily disclosed by the person(s) seeking enrollment in the district. However, the district may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.

Initial Assessment and Enrollment

Registration, initial determinations of eligibility and enrollment will be in accordance with N.J.A.C. 6A:22-4.1 et seq. The district shall use registration forms provided by the Commissioner of Education or locally developed forms that are consistent with the forms provided by the Commissioner. A district level school administrator designated by the Superintendent will be available, and clearly identified to applicants, to assist persons who are experiencing difficulties with the registration/enrollment process.

Initial determinations of eligibility shall be made upon presentation of an application for enrollment and enrollment shall take place immediately in all cases except those of clear, uncontested denials. Where an applicant has provided incomplete, unclear or questionable information, enrollment shall take place immediately, but the applicant will be placed on notice that removal will result if defects in the



application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2 et seq.

Where an applicant appears ineligible based on the information provided in the initial application, a preliminary written notice of ineligibility shall be provided, including an explanation of the right to appeal to the Commissioner of Education. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the district's determination and intent to appeal to the Commissioner. A pupil enrolled pursuant to this provision shall be notified that he or she will be removed, without a hearing before the Board, if no appeal is filed within the twenty-one day period established by N.J.S.A. 18A:38-1.

Where enrollment is denied and no intent to appeal is indicated, applicants shall be advised that they shall comply with compulsory education laws. In this case, the parent or guardian shall, where the pupil is between the ages of six and sixteen, be asked to complete a written statement that the pupil will be attending school in another district, attending a nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the event this written statement is not provided, the district level administrator designated by the Superintendent shall notify the school district of actual domicile or residence, or the Department of Children and Families to report a potential instance of "neglect" pursuant to N.J.S.A. 9:6-1, with the pupil's name, the name(s) of the parent/guardian/resident, the pupil's address to the extent known, and shall indicate the admission to the school district has been denied based on residency or domicile, and that there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.

Enrollment or attendance in the district shall not be denied based upon absence of the certified copy of birth certificate or other proof of a pupil's identity required within thirty days of initial enrollment pursuant to N.J.S.A. 18A:36-25.1.

Enrollment in the district shall not be denied based upon absence of pupil medical information, although actual attendance at school may be deferred as necessitated by compliance with rules regarding immunization of pupils, N.J.A.C. 8:57-4.1 et seq.

Enrollment in the district, attendance at school, or educational services where attendance in the regular education program appears inappropriate, shall not be denied based upon absence of a pupil's prior educational record. However, the applicant shall be advised that the initial educational placement of the pupil may be subject to revision upon receipt of records or further assessment of the pupil by the district.

Notice of Ineligibility

If the district finds the applicant ineligible to attend the schools of the district pursuant to N.J.A.C. 6A:22-1.1 et seq., or the application initially submitted is found to be deficient upon subsequent review or investigation, notice shall immediately be provided to the applicant consistent with sample form(s) to be provided by the Commissioner. Notices shall be in writing, in English and in the native language of the applicant, issued by the Superintendent and directed to the address at which the applicant claims



to reside. The Notice of Ineligibility shall be provided and shall include information as required in accordance with N.J.A.C. 6A:22-4.2 et seq.

Removal of Currently Enrolled Pupils

Nothing in N.J.A.C. 6A:22-4.3 et seq. and this Policy shall preclude the Board from seeking to identify, through further investigation or periodic requests for current validation of previously determined eligibility status, pupils enrolled in the district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances or newly discovered information.

When a pupil, enrolled and attending school in the district based on an initial determination of eligibility, is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board for removal of the pupil in accordance with N.J.A.C. 6A:22-4.3(b). No pupil shall be removed from school unless the parent, guardian, adult pupil or resident keeping an “affidavit pupil” (as defined in N.J.A.C. 6A:22-1.2) as the case may be, has been informed of his or her entitlement to a hearing before the Board of Education. Once the hearing is held, or if the parent, guardian, adult pupil or resident keeping an “affidavit pupil”, as the case may be, does not respond to the Superintendent’s notice within the designated time frame or appear for the hearing, the Board shall make a prompt determination of the pupil’s eligibility or ineligibility and shall immediately provide notice thereof in accordance with the requirements of N.J.A.C. 6A:22-4.2 et seq. The hearings required pursuant to N.J.A.C. 6A:22-4.3 et seq. may be conducted by the full Board or a Board Committee, at the discretion of the full Board. If the hearing(s) is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. No pupil may be removed except by vote of the Board taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

Appeal to the Commissioner

The district’s determination that a pupil is ineligible to attend the schools of the district may be appealed to the Commissioner by the parent, guardian, adult pupil or resident keeping an “affidavit pupil,” as the case may be. Such appeals shall proceed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 et seq. and shall proceed as a contested case pursuant to N.J.A.C. 6A:3. Pursuant to N.J.S.A. 18A:38-1(b)1, appeals of “affidavit pupil” eligibility determinations must be filed by the resident keeping the pupil.

Assessment and Calculation of Tuition

If no appeal to the Commissioner is filed following notice of a determination of ineligibility, the Board may assess tuition for any period of a pupil’s ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner. Tuition will be assessed and calculated in accordance with N.J.A.C. 6A:22-6.3 et seq. The district may petition the Commissioner for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10, through recording, upon request of the Board pursuant to N.J.A.C. 6A:3-12 on the judgment docket of the Superior Court, Law Division.



Nonresident Pupils

The admission of a nonresident child to school free of charge must be approved by the Board. No child otherwise eligible shall be denied admission on the basis of the child's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability. The continued enrollment of any nonresident pupil shall be contingent upon the pupil's maintenance of good standards of citizenship and discipline.

Children Who Anticipate Moving to or from the District

A nonresident child otherwise eligible for attendance whose parent or guardian anticipates district residency and has entered a contract to buy, build, or rent a residence in this district may be enrolled without payment of tuition for a period of time not greater than sixty calendar days prior to the anticipated date of residency. If any such pupil does not become a resident of the district within sixty calendar days after admission to school, tuition will be charged for attendance commencing the beginning of the sixty-first day and until such time as the pupil becomes a resident or withdraws from school.

Pupils, whose parent or guardian have moved away from the school district on or after the commencement of the last marking period of the school year, will be permitted to finish the school year in this district without payment of tuition. The Board may at its sole discretion, approve exceptions on a case-by-case basis. The parent or guardian is responsible for transporting the pupil to and from school.

Other Nonresident Children

Other nonresident children, otherwise eligible for attendance, may be admitted to school in this district with payment of tuition if their admission is warranted by the inaccessibility of school in their home district, the singular availability of an appropriate educational program in this district, the avoidance of transfer and readmission of a child whose legal custody is shared by a parent or guardian residing in this district, or other good cause. Pupils must maintain good academic and discipline standards in order to remain in district. Any services required above the general education cost per pupil will be paid by the nonresident parent or guardian.

Legal References

N.J.S.A. 18A:38-1 et seq.

N.J.A.C. 6A:14-3.3; 6A:17-2.1 et seq.; 6A:22-2.1 et seq.

Adopted: August 18, 2009

Revised: June 29, 2010



R5111 – Eligibility of Resident/Nonresident Pupils (M)

A. Definitions

1. “Affidavit pupil” means a pupil attending, or seeking to attend, school in a district pursuant to N.J.S.A. 18A:38-1(b) and N.J.A.C 6A:22-3.1(a)2.
2. “Appeal to the Commissioner” or “appeal” means contested case proceedings before the Commissioner of Education pursuant to N.J.A.C. 6A:3.
3. “Commissioner” means the Commissioner of Education or his/her designee.
4. “Guardian” means a person to whom a court of competent jurisdiction has awarded guardianship or custody of a child, provided that a residential custody order shall entitle a child to attend school in the residential custodian’s school district subject to a rebuttable presumption that the child is actually living with the custodian. “Guardian” also means the Department of Children and Families for purposes of N.J.S.A. 18A:38-1(e).
5. “Parent” means the natural or adoptive parent, foster parent, and surrogate parent’.

B. Eligibility to Attend School – Pupils Domiciled in the District

1. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend school in this school district if the pupil is domiciled within the district:
 - a. A pupil is domiciled in the district when he or she is living with a parent or guardian whose permanent home is located within the district. A home is permanent when the parent or guardian intends to return to it when absent and has no present intent of moving from it, notwithstanding the existence of homes or residences elsewhere.
 - (1) Where a pupil’s parent or guardian are domiciled within different districts, and where there is no court order or written agreement between the parent or guardian designating the district for school attendance, the pupil’s domicile is the district of the parent or guardian with whom the pupil lives for the majority of the school year, regardless of which parent has legal custody.
 - (2) Where a pupil’s physical custody is shared on an equal-time, alternating week/month or other similar basis such that the pupil is not living with one parent or guardian for a majority of the school year, and where there is no court order or written agreement between the parents designating the district for school attendance, the pupil’s domicile is the present domicile of the parent or guardian with whom the pupil resided on the last school day prior to October 16th preceding the date of the application.
 - (a) If a pupil resided with both parents or guardians, or with neither parent nor guardian, on the last school day prior to the preceding October 16th, the pupil’s domicile is the domicile of the parent or guardian with whom the parents or guardians indicate the pupil will be residing on



the last school day prior to the ensuing October 16. Where the parents or guardians do not designate, or cannot agree upon, the pupil's likely residence as of that date, or if on that date the pupil is not residing with the parent or guardian previously indicated, the pupil will attend school in the district where the parent or guardian with whom the pupil is actually living as of the last school day prior to October 16 is domiciled.

- (b) Where the domicile of the pupil with disabilities as defined in N.J.A.C. 6A:14 cannot be determined pursuant to N.J.A.C. 6A:22-3.1, nothing shall preclude an equitable determination of shared responsibility for the cost of such pupil's out-of-district placement.
- (3) Where a pupil is living with a person other than a parent or guardian, nothing in N.J.A.C. 6A:22-3.1 is intended to limit the pupil's entitlement to attend school in the parent or guardian's district of domicile pursuant to the provisions of N.J.A.C. 6A:22.
- (4) The district shall not be required to provide transportation for a pupil residing outside the district for all or part of the school year, other than that based upon the home of the parent or guardian domiciled within the district to the extent required by law, as a result of being the district of domicile for school attendance purposes pursuant to the provisions of this N.J.A.C. 6A:22.
- b. A pupil is domiciled in the district when he or she has reached the age of eighteen or is emancipated from the care and custody of a parent or guardian and has established a permanent home within the district. A home is permanent when the pupil intends to return to it when absent and has no present intent of moving from it, notwithstanding the existence of homes or residences elsewhere.
- c. A pupil is domiciled in the district when the pupil has come from outside the state and is living with a person domiciled in the district who will be applying for legal guardianship of the pupil upon expiration of the six-month "waiting period" of State residency required pursuant to N.J.S.A. 2A:34-30(e) and N.J.S.A. 2A:34-31. However, any such pupil may later be subject to removal proceedings if application for legal guardianship is not made within a reasonable period of time following expiration of the mandatory waiting period or if guardianship is applied for and denied.
- d. A pupil is domiciled in the district when his or her parent or guardian resides within the district on an all-year-round basis for one year or more, notwithstanding the existence of a domicile elsewhere.
- e. A pupil is domiciled in the district if the Department of Children and Families in the Department of Human Services is acting as the pupil's guardian and has placed the pupil in the district.



2. When a pupil's dwelling is located within two or more local school districts, or bears a mailing address that does not reflect the dwelling's physical location within a municipality, the district of domicile for school attendance purposes shall be that of the municipality to which the majority of the dwelling's property tax is paid, or to which the majority the unit's of property tax is paid by the owner of a multi-unit dwelling.
 - a. Where property tax is paid in equal amounts to two or more municipalities, and where there is no established assignment for pupils residing in the affected dwellings, the district of domicile for school attendance purposes will be determined through assessment of individual proofs as provided pursuant to N.J.A.C. 6A:22-3.4 et seq. This provision shall not preclude the attendance of currently enrolled pupils who were permitted to attend school in the district prior to the provision's initial promulgation on December 17, 2001.
3. Where a pupil's parent or guardian elects to exercise such entitlement, nothing in N.J.A.C. 6A:22-3.1 is intended to foreclose a pupil's entitlement to attend school in the district of domicile notwithstanding that the pupil is qualified to attend school in a different district pursuant to N.J.S.A. 18A:38-1(b) or the temporary residency (less than one year) provision of N.J.S.A. 18A:38-1(d).

C. Eligibility to Attend School – Other Pupils Eligible to Attend School

1. A pupil over five and under twenty years of age pursuant to N.J.S.A 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend school in the district pursuant to N.J.S.A 18A:38-1(b) if that pupil is kept in the home of a person other than the pupil's parent or guardian, where the person is domiciled in the school district and is supporting the pupil without remuneration as if the pupil were his or her own child.
 - a. A pupil is not eligible to attend school in this district pursuant to this provision unless:
 - (1) The pupil's parent or guardian has filed, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the pupil due to family or economic hardship and that the pupil is not residing with the other person solely for the purpose of receiving a free public education; and
 - (2) The person keeping the pupil has filed, if so required by the district:
 - (a) A sworn statement that he or she is domiciled within the district, is supporting the child without remuneration and intends to do so for a longer time than the school term, and will assume all personal obligations for the pupil relative to school requirements; and
 - (b) A copy of his or her lease if a tenant, or a sworn landlord's statement if residing as a tenant without a written lease.
 - b. A pupil shall not be deemed ineligible under this provision because required sworn statements(s) cannot be obtained, where evidence is presented that the underlying



- requirements of the law are being met notwithstanding the inability of the resident or pupil to obtain the sworn statement(s).
- c. A pupil shall not be deemed ineligible under this provision where evidence is presented that the pupil has no home or possibility of school attendance other than with a district resident who is not the pupil's parent or guardian but is acting as the sole caretaker and supporter of the pupil.
 - d. A pupil shall not be deemed ineligible under this section solely because a parent or guardian gives gifts or makes limited contributions, financial or otherwise, toward the welfare of the pupil, provided the resident keeping the pupil receives no payment or other remuneration from the parent or guardian for regular maintenance of the pupil.
 - e. Pursuant to N.J.S.A. 18A:38-1(c), any person who fraudulently allows a child of another person to use his or her residence, is not the primary financial supporter of that child, and who fraudulently claims to have given up custody of his or her child to a person in another district commits a disorderly persons offense.
2. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend school in the district pursuant to N.J.S.A. 18A:38-1(b) if the pupil is kept in the home of a person domiciled in the district, other than the parent or guardian, where the parent or 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. Eligibility under this provision shall cease at the end of the current school year upon the parent or guardian return from active military duty.
 3. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend school in the district pursuant to N.J.S.A. 18A:38-1(d) if the pupil's parent or guardian temporarily resides within the district and elects to have the pupil attend school in the district of temporary residence, notwithstanding the existence of a domicile elsewhere:
 - a. The parent or guardian, when required by the district, shall demonstrate that such temporary residence is not solely for purposes of a pupil's attending school within the district of temporary residence;
 - b. Where one of a pupil's parents or guardians temporarily resides in the district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school shall be determined in accordance with N.J.A.C. 6A:22-3.1(a)1i. However, no pupil shall be eligible to attend school based on a parent's or guardian's temporary residence in a district unless the parent or guardian demonstrates, when required by the district, that such temporary residence is not solely for purposes of a pupil's attending school within the district.
 4. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend



school in the district pursuant to N.J.S.A. 18A:38-1(f) if the pupil's parent or guardian moves to another district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2, Education of Homeless Children.

- a. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend school in the district pursuant to N.J.S.A. 18A:38-2 if the pupil is placed in the home of a district resident by court order or by a society, agency, or institution as referenced in that statute. "Court order" as used in this paragraph does not encompass orders of residential custody, under which claims of entitlement to attend school in a district are governed by provisions of N.J.S.A. 18A:38-1 and the applicable standards set forth in N.J.A.C. 6A:22.
- b. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend school in the district pursuant to N.J.S.A. 18A:38-3(b) if the pupil had previously resided in the district and if the parent or 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, resulting in the relocation of the pupil out of the district. A district admitting a pupil pursuant to N.J.S.A. 18A:38-3(b) shall not be obligated for transportations costs.
- c. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend school in the district pursuant to N.J.S.A. 18A:38-7.7 et seq. if the pupil resides on Federal property within the State.

D. Housing and Immigration Status

1. The physical condition of an applicant's housing, or an applicant's compliance with local housing ordinances or terms of lease will not affect eligibility to attend school.
2. Immigration/visa status shall not affect eligibility to attend school. Any pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, who is domiciled in the district or otherwise eligible to attend school in the district pursuant to N.J.A.C. 6:22-3.2 shall be enrolled without regard to, or inquiry concerning, immigration status. However, the provisions of N.J.S.A. 18A:38-1 and N.J.A.C. 6A:22 shall not apply to pupils who have obtained or are seeking to obtain a Certificate of Eligibility for Nonimmigrant Status (INS form I-20) from the district in order to apply to the INS for issuance of a visa for the purpose of limited study on a tuition basis in a United States public secondary school ("F-1 Visa").

- E. Nothing in this Policy and Regulation or N.J.A.C. 6A:22 shall be construed to limit the discretion of the Board to admit nonresident pupils, or the ability of a nonresident pupil to attend school with or without payment of tuition, with the consent of the district Board pursuant to N.J.S.A. 18A:38-3(a).



F. Proof of Eligibility

1. The district shall accept a combination of any of the following or similar forms of documentation from persons attempting to demonstrate a pupil's eligibility for enrollment in the district:
 - a. Property tax bills, deeds, contracts of sale, leases, mortgages, signed letters from landlords and other evidence of property ownership, tenancy or residency;
 - b. Voter registrations, licenses, permits, financial account information, utility bills, delivery receipts, and other evidence of personal attachment to a particular location;
 - c. Court orders, State agency agreements and other evidence of court or agency placements or directives;
 - d. Receipts, bills, cancelled checks, insurance claims or payments, and other evidence of expenditures demonstrating personal attachment to a particular location, or, where applicable, to support of the pupil;
 - e. Medical reports, counselor or social worker assessments, employment documents, unemployment claims, benefit statements, and other evidence of circumstances demonstrating, where applicable, family or economic hardship, or temporary residency;
 - f. Affidavits, certifications and sworn attestations pertaining to statutory criteria for school attendance, from the parent, guardian, person keeping an "affidavit pupil," adult pupil, person(s) with whom a family is living, or others as appropriate;
 - g. Documents pertaining to military status and assignment; and
 - h. Any other business record or document issued by a governmental entity.
2. The district may accept forms of documentation not listed above, and shall not exclude from consideration any documentation or information presented by a person seeking to enroll a pupil.
3. The district shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form of documentation, or a particular subset of documents, without regard to other evidence presented.
4. The district shall not require or request, as a condition of enrollment in school, any information or document protected from disclosure by law, or pertaining to criteria which are not legitimate bases for determining eligibility to attend school. These include but are limited to:
 - a. Income tax returns;
 - b. Documentation or information relating to citizenship or immigration/visa status, except as set forth in N.J.A.C. 6A:22-3.3(b);
 - c. Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and
 - d. Social security numbers.
5. Documents or information of the type referenced in 4. above, or pertinent parts thereof, may be considered by the district if voluntarily disclosed by the applicant seeking enrollment.



However, the district may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.

G. Initial Assessment and Enrollment

1. The district shall use registration forms provided by the Commissioner, or locally developed forms that:
 - a. Are consistent with the forms provided by the Commissioner;
 - b. Do not seek information prohibited by N.J.A.C. 6A:22 or any other provision of statute or rule;
 - c. Summarize the criteria for attendance set forth in N.J.S.A. 18A:38-1 for applicant reference, and specify the nature and form of any sworn statements to be filed;
 - d. Clearly state the purpose, in relation to such criteria, for which requested information is being sought; and
 - e. Provide notice to applicants that any initial determination of eligibility is subject to a more thorough review and re-evaluation, and that there is a potential for assessment of tuition in the event that an initially admitted applicant is later found ineligible.
2. The district shall ensure that sufficient numbers of registration forms, and sufficient numbers of trained registration staff, are available to ensure prompt determinations of eligibility and enrollment. Applications for enrollment may be taken by appointment, but such appointments must be promptly scheduled and may not unduly defer a pupil's attendance at school.
 - a. If the district uses separate forms for "affidavit pupil" applications, rather than a single form for all types of application for enrollment, such forms shall comply in all respects with the provisions of G.1. above. Where such forms are used, the district shall provide them to any person attempting to register a pupil of whom he or she is not the parent or guardian, whether or not they are specifically requested. The district shall not demand or suggest that legal guardianship or custody must be obtained before enrollment will be considered for a pupil living with a person other than the parent or guardian, nor shall the district demand or suggest that "affidavit pupil" proofs be produced by an applicant seeking to enroll a pupil of whom the applicant has legal guardianship or custody.
 - b. A district level school administrator designated by the Superintendent shall be available, and clearly identified to applicants, to assist persons who are experiencing difficulties with the enrollment process.
3. Initial determinations of eligibility shall be made upon presentation of an application for enrollment, and enrollment shall take place immediately in all cases except those of clear, uncontested denials.
 - a. Where an applicant has provided incomplete, unclear or questionable information, enrollment shall take place immediately, but the applicant shall be placed on notice that removal will result if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2.



- b. Where an applicant appears ineligible based on information provided in the initial application, a preliminary written notice of ineligibility shall be provided, including an explanation of the right to appeal to the Commissioner of Education. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the district's determination and intent to appeal to the Commissioner.
- (1) An applicant whose pupil is enrolled pursuant to this provision shall be notified that the pupil will be removed, without a hearing before the Board, if no appeal is filed within the twenty-one day period established by N.J.S.A. 18A:38-1.
4. Where enrollment is denied and no intent to appeal is indicated, applicants shall be advised that they shall comply with compulsory education laws and shall, where the pupil is between the ages of six and sixteen, be asked to complete a written statement indicating the pupil will be attending school in another district, attending a nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of this written statement from the parent or legal guardian, the district level school administrator designated by the Superintendent shall notify the school district of actual domicile or residence, or the Department of Children and Families to report a potential instance of "neglect" pursuant to N.J.S.A. 9:6-1 ("willfully failing to provide regular school education as required by law"). The administrator designated by the Superintendent shall provide the district or the Department of Children and Families, as the case may be, with the pupil's name, the name(s) of the parent/guardian/resident, and the pupil's address to the extent known, and shall indicate that admission to the district has been denied based on residency or domicile, and that there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.
 5. Where enrollment is denied and an intent to appeal is indicated, or where enrollment is provisional subject to further review or information, enrollment or attendance at school shall not be conditioned on advance payment of tuition in whole or part.
 6. The Superintendent, or designee, shall ensure that information suggesting an applicant may be homeless is identified during the registration process, so that, where appropriate, procedures may ensue in accordance with N.J.A.C. 6A:17-2 – Education of Homeless Children.
 7. Enrollment or attendance in the district shall not be denied based upon absence of the certified copy of birth certificate or other proof of a pupil's identity required within thirty days of initial enrollment pursuant to N.J.S.A. 18A: 36-25.1.
 8. Enrollment in the district shall not be denied based upon absence of pupil medical information, although actual attendance at school may be deferred as necessitated by compliance with rules regarding immunization of pupils, N.J.A.C. 8:57-4.1 et seq.
 9. Enrollment in the district, attendance at school, or educational services where attendance in the regular education program appears inappropriate, shall not be denied based upon absence of a pupil's prior educational record. However, the applicant shall be advised that the initial



educational placement of the pupil may be subject to revision upon receipt of records or further assessment of the pupil by the district.

H. Notice of Ineligibility

1. If the district finds the applicant ineligible to attend the schools of the district pursuant to N.J.A.C. 6A:22, or the application initially submitted is found to be deficient upon subsequent review or investigation, notice shall immediately be provided to the applicant consistent with sample form(s) provided by the Commissioner. Notices shall be in writing, in English and in the native language of the applicant, issued by the Superintendent and directed to the address at which the applicant claims to reside.
2. Notices of ineligibility shall include:
 - a. In cases of denial, a clear description of the specific basis on which the determination of ineligibility was made, sufficient to allow the applicant to understand the basis for the decision and determine whether to appeal. Such description shall identify the specific section of N.J.S.A. 18A:38-1 under which the application was decided;
 - b. In cases of provisional eligibility, a clear description of the missing documents or information that shall be provided in order to attain final eligibility status under the applicable provision of N.J.S.A. 18A:38-1;
 - c. A clear statement of the applicant's right to appeal to the Commissioner of Education within twenty-one days of the date of the notice, along with an informational document provided by the Commissioner describing how to file an appeal;
 - d. A clear statement that the pupil is entitled to attend school for the twenty-one day period during which an appeal can be made to the Commissioner, but that, if missing information is not provided or an appeal is not filed, the pupil will not be permitted to attend school beyond the 21st day following the date of the notice;
 - e. A clear statement that the pupil is entitled to continue attending school during the pendency of an appeal to the Commissioner;
 - f. A clear statement that, if an appeal is filed with the Commissioner and the applicant does not sustain the burden of demonstrating the pupil's entitlement to attend the schools of the district, or the applicant abandons the appeal through withdrawal, failure to prosecute or any means other than settlement, the applicant may be assessed, by order of the Commissioner enforceable in Superior Court, tuition for any period of ineligible attendance, including the initial twenty-one day period and the period during which the appeal was pending before the Commissioner;
 - g. A clear statement of the approximate rate of tuition, pursuant to N.J.A.C. 6A:22-6.3, that an applicant may be assessed for the year at issue if the applicant does not prevail on appeal, or elects not to appeal;
 - (1) If removal is based on the pupil having moved from the district, the notice of ineligibility shall also provide information as to whether district policy permits



continued attendance, with or without tuition, for pupils who move from the district during the course of the school year.

- h. The name of a contact person in the district who can provide assistance in explaining the contents of the notice; and
- i. Notice that, where no appeal is filed, the parent or guardian shall still comply with compulsory education laws, and that, in the absence of a written statement from the parent or guardian that the pupil will be attending school in another district, attending a nonpublic school, or receiving instruction elsewhere than at a school, the district level administrator designated by the Superintendent shall notify the school district of actual domicile/residence, or the Department of Children and Families of a potential instance of “neglect” pursuant to N.J.S.A. 9:6-1 (“willfully failing to provide regular school education as required by law”)., Such staff shall provide the pupil’s name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission to the district based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere, for purposes of facilitating enforcement of the State compulsory education requirement (N.J.S.A. 18A:38-25).

I. Removal of Currently Enrolled Pupils

1. Nothing in N.J.A.C. 6A:22 and this Regulation shall preclude the Board from seeking to identify, through further investigation or periodic requests for current validation of previously determined eligibility status, pupils enrolled in the district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances or newly discovered information.
2. When a pupil, enrolled and attending school in the district based on an initial determination of eligibility, is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board for removal of the pupil.
 - a. The Superintendent shall issue a preliminary notice of ineligibility meeting the requirements of N.J.A.C. 6A:22-4.2. However, such notice shall also provide for a hearing before the Board prior to a final decision on removal.
3. No pupil shall be removed from school unless the parent, guardian, adult pupil or resident keeping an “affidavit pupil,” as the case may be, has been informed of his or her entitlement to a hearing before the Board of Education.
4. Once the hearing is held, or if the parent, guardian, adult pupil or resident keeping an “affidavit pupil,” as the case may be, does not respond to the Superintendent’s notice within the designated time frame or appear for hearing, the Board shall make a prompt determination of the pupil’s eligibility or ineligibility and shall immediately provide notice thereof in accordance with the requirements of N.J.A.C. 6A:22-4.2.
5. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by a committee, at the discretion of the full Board, which shall make a recommendation to the full Board for action.



No pupil may be removed except by vote of the Board of Education taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

J. Appeal to the Commissioner

1. A district determination that a pupil is ineligible to attend the schools of the district may be appealed to the Commissioner by the parent, guardian, adult pupil or resident keeping an “affidavit pupil,” as the case may be. Such appeals shall proceed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 et seq. and shall proceed as a contested case pursuant to N.J.A.C. 6A:3. Pursuant to N.J.S.A. 18A:38-1(b)1, appeals of “affidavit pupil” eligibility determinations shall be filed by the resident keeping the pupil.

K. Assessment and Calculation of Tuition

1. If no appeal to the Commissioner is filed by the parent, guardian, adult pupil, or district resident keeping an “affidavit pupil” following notice of a determination of ineligibility, the Board may assess tuition for any period of a pupil’s ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner.
 - a. If the responsible party does not pay the tuition assessment, the Board may petition the Commissioner pursuant to N.J.A.C. 6A:3 for an order assessing tuition, enforceable in accordance with to N.J.S.A. 2A:58-10 through recording, on request of the Board pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.
2. If an appeal to the Commissioner is filed by the parent, guardian, adult pupil, or district resident keeping an “affidavit pupil,” where the petitioner does not sustain the burden of demonstrating entitlement to attend the schools of the district, or abandons the appeal through withdrawal, failure to prosecute or any means other than settlement agreeing to waive or reduce tuition, the Commissioner may order assessment of tuition for any period of a pupil’s ineligible attendance in a district, including the twenty-one day period for filing of an appeal and the period during which the hearing and decision on appeal were pending.
 - a. Upon the Commissioner’s finding that an appeal has been abandoned, the Board may remove the pupil from school and seek tuition for the period of ineligible attendance pursuant to N.J.A.C. 6A:22-6.1(a). However, if the record of the appeal includes a calculation reflecting the rate(s) of tuition for the year(s) at issue, the per diem rate of tuition for the current year, and the date on which the pupil’s ineligibility began, the Commissioner may order payment of tuition as part of his or her decision. If the record does not include such a calculation, but the Board has filed a counterclaim for tuition, the counterclaim shall proceed to a hearing notwithstanding that the petition has been abandoned.
 - b. An order of the Commissioner assessing tuition is enforceable through recording on the judgment docket of the Superior Court, Law Division, pursuant to N.J.S.A. 2A:58-10.



3. Tuition assessed pursuant to the provisions of this N.J.A.C. 6A:22-6 shall be calculated on a per pupil basis for the period of a pupil's ineligible enrollment, by applicable grade/program category and consistent with the provisions of N.J.A.C. 6A:23-3.1. The individual pupil's record of daily attendance shall not impact on such calculation.
4. Nothing in N.J.A.C. 6A:22 precludes an equitable determination, by the Board or the Commissioner, that, when the particular circumstances of a matter so warrant, tuition shall not be assessed for all or part of any period of a pupil's ineligible attendance in the district.

Adopted: August 18, 2009

Revised: June 29, 2010



5112 – Entrance Age

The Board of Education will admit to this district children otherwise eligible by law or Board policy that have attained the age requirements set by law and this Board of Education. The Board requires documentary verification of the age and birth date of any child for whom admission to this district is sought.

Preschool Disabled

A child is eligible for entrance into a program of special education that has attained his/her third birthday and has been found by the Child Study Team to be eligible for a program for the preschool disabled in accordance with rules of the State Board of Education.

Kindergarten

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

1. That child will have attained the age of five years on or before October 1st of that school year;
2. Proof shall be furnished of immunization against the communicable diseases at the time of enrollment or such immunization shall be completed within thirty days from date of entry into the school; and
3. 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:

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

Legal References

N.J.S.A. 18A:36-19; 18A:38-5; 18A:38-6; 18A:44-1;

N.J.S.A. 18A:44-2; 18A:46-6; 18A:46-6.1

N.J.A.C. 6A:14-3.3

Adopted: August 18, 2009



5114 – Children Displaced by Domestic Violence

The Board of Education will cooperate with the County Office of Education, as appropriate and feasible, in the education of children temporarily displaced by domestic violence. Any pupil attending the schools of this district, whether regularly enrolled in this or another district, who has been admitted to a shelter for victims of domestic violence will be permitted and encouraged to continue an appropriate educational program with minimal disruption.

The Board will cooperate with other educational institutions in the sharing of pertinent pupil records and in the establishment of sending-receiving relationships on behalf of displaced children. The confidentiality of all matters concerning displaced children will be strictly observed, and no information regarding the present residence of the child will be released.

Legal References

N.J.S.A. 18A:38-1 et seq.

Adopted: August 18, 2009



5116 – Education of Homeless Children

The Board of Education will admit and enroll homeless children in accordance with State laws and New Jersey Administrative Code. The Board of Education adopts this Policy to be in compliance with law and Code to ensure the enrollment of homeless children in school and to respond to appeals made by parent(s) or legal guardian(s) or other parties related to their enrollment.

The district will determine a child is homeless when he or she resides in a publicly or privately operated shelter designed to provide temporary living accommodations, including: hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers. A child is also determined homeless when he or she resides in a public or private place not designated for or ordinarily used as a regular sleeping accommodation, including: cars or other vehicles excluding mobile homes; tents or other temporary shelters; temporary shelters provided to migrant workers and their children on farm sites; and the residence of relatives or friends with whom the homeless child is temporarily residing out of necessity because the family lacks a regular or permanent residence of its own.

The district of residence for a homeless child is responsible for the education of the child and will assume all responsibilities as required in N.J.A.C. 6A:17-2.4 et seq. The district of residence is the district in which the parent(s) or legal guardian(s) last resided prior to becoming homeless. The district liaison for the education of homeless children is a designated guidance counselor. The liaison will facilitate communication and cooperation between the district of residence and the district where the homeless child is temporarily residing and will develop procedures to ensure that a homeless child temporarily residing in the district is enrolled and attending school pursuant to N.J.A.C. 6A:17-2.6.

When a homeless child is living temporarily in the school district, the district liaison, upon receiving notification from the parent(s) or legal guardian(s), the Department of Human Services, a shelter director, an involved agency, or a case manager, will notify the liaison of the district of residence within twenty-four hours of the notification. Upon notification of the need for enrollment of a homeless child, the liaison in the district of residence will coordinate enrollment procedures immediately based upon the best interest of the child pursuant to N.J.A.C. 6A:17-2.6(b).

The Superintendent or designee of the district of residence shall decide the district of enrollment of the homeless child in accordance with N.J.A.C. 17-2.6 et seq.

Unless parental rights have been terminated by a court of competent jurisdiction, the parent(s) or legal guardian(s) retains all rights under N.J.A.C. 6A:17-2.1 et seq.

If a dispute occurs regarding the determination of homelessness, the Superintendent of the involved district(s) or the parent(s) or legal guardian(s) of the child must immediately notify the Executive County Superintendent, who will decide the status of the child within two working days. If a dispute remains between the parent(s) or legal guardian(s) and/or the districts following the Executive County Superintendent's determination, the parent(s) or legal guardian(s) or the involved Board(s) of Education may appeal to the Commissioner of Education for determination pursuant to N.J.A.C. 6A:3 et seq.



If the district is designated as the district of residence and disputes such designation, or where no designation can be agreed upon by districts, the Superintendents of the involved districts shall immediately notify the Executive County Superintendent who will make a determination within two working days. The district may appeal the Executive County Superintendent's determination to the Department of Education pursuant to N.J.A.C. 6A:23-5.2(d), (e), and (f).

If a dispute occurs regarding the determination of the district of enrollment made by the district of residence, the Superintendent of the district of residence shall immediately notify the Executive County Superintendent. The County Superintendent will determine within two working days where the child shall be enrolled based on the child's best interest pursuant to N.J.A.C. 6A:17-2.6(b). If the Executive County Superintendent's decision is disputed, the Department of Education shall provide for mediation in accordance with N.J.A.C. 6A:17-2.8(c)1.

A dispute or appeal will not delay the homeless child's immediate entrance into school. The homeless child will be enrolled in the district designated by the Executive County Superintendent pending resolution of the dispute or appeal. Disputes and appeals involving the services provided to a homeless child with educational disabilities will be made pursuant to N.J.A.C. 6A:14.

Financial responsibility, including the payment of tuition for the homeless child, will be in accordance with N.J.A.C. 6A:17-2.9 et seq. The district of residence shall list the child on its annual Application for State School Aid (ASSA) pursuant to N.J.S.A. 18A:7F-33 for as long as the parent(s) or legal guardian(s) remains homeless and the child is enrolled in another school district. If a district of residence cannot be determined for a homeless child or if a district of residence is outside of the State, the State will assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12(d). The State will pay the tuition, in accordance with N.J.A.C. 6A:17-2.9(c)1., to the school district in which the child is currently enrolled for as long as the child and his or her parent(s) or legal guardian(s) remain homeless.

Legal References

N.J.A.C. 6A:17-2.1 et seq.

Adopted: August 18, 2009



R5116 – Education of Homeless Children

A. Definitions

1. “District liaison for the education of homeless children” means the person identified in each school district that facilitates all of the activities needed to ensure the enrollment of homeless children.
2. “District of residence” means the district in which the parent last resided prior to becoming homeless.
3. “Homeless child” means a child or youth who lacks a fixed, regular and adequate residence, pursuant to N.J.S.A. 18A:7B-12 and N.J.A.C. 6A:17-2.3.
4. “Parent” means the natural or adoptive parent, legal guardian, foster parent, surrogate parent, and person acting in the place of a parent such as the person with whom the child legally resides or a person legally responsible for the child’s welfare.
5. “Superintendent” means Superintendent and/or Chief School Administrator.

B. Determination of Homeless Status

1. The district will determine a child is homeless when he or she resides in any of the following:
 - a. A publicly or privately operated shelter designed to provide temporary living accommodations, including: hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers.
 - b. A public or private place not designated for or ordinarily used as a regular sleeping accommodation, including: cars or other vehicles excluding mobile homes; tents or other temporary shelters; temporary shelters provided to migrant workers and their children on farm sites.
 - c. The residence of relatives or friends with whom the homeless child is temporarily residing out of necessity because the family lacks a regular or permanent residence of its own.

C. Responsibilities of the District of Residence

1. The district of residence for a homeless child is responsible for the education of the child and will:
 - a. Determine the district in which the child shall be enrolled after consulting with the parent pursuant to N.J.A.C. 6A:17-2.6;
 - b. Pay the cost of tuition pursuant to N.J.A.C. 6A:23-3.1 when the child attends school in another district; and
 - c. Provide for transportation for the child pursuant to N.J.A.C. 6A:27-6.2.
2. The determination of the homeless child’s district of residence will be made by the Superintendent or designee of the school district(s) involved pursuant to N.J.A.C. 6A:17-2.5.



This determination will be based upon information received from the parent, the Department of Human Services, a shelter provider, another school district, an involved agency or a case manager.

3. The district Board of Education identified as the district of residence in accordance with N.J.S.A. 18A:7B-12 for a homeless child is the district of residence for as long as the parent remains homeless.

D. Designation of District Liaisons and Their Responsibilities

1. The Superintendent identifies a designated guidance counselor as the district liaison for the education of homeless children. The liaison will facilitate communication and cooperation between the district of residence and the district where the homeless child is temporarily residing. The district liaison will develop procedures to ensure a homeless child temporarily residing in the district is enrolled and attending school pursuant to N.J.A.C. 6A:17-2.6.
2. When a homeless child is living temporarily in a school district, the district liaison, upon receiving notification from the parent, the Department of Human Services, a shelter director, an involved agency, or a case manager, will notify the liaison of the district of residence within twenty-four hours of the notification.
3. Upon notification of the need for enrollment of a homeless child, the liaison in the district of residence will coordinate enrollment procedures immediately based upon the best interest of the child pursuant to N.J.A.C. 6A:17-2.6(b).

E. District Enrollment

1. The Superintendent or designee of the district of residence will decide in which district the homeless child will be enrolled as follows:
 - a. To continue the homeless child's education in the school district of last attendance if the district of last attendance is not the district of residence;
 - b. To enroll the homeless child in the district of residence; or
 - c. To enroll the homeless child in the school district where the child is temporarily living.
2. The Superintendent of the district of residence will decide the district of enrollment of a homeless child based on what is determined to be in the best interest of the child after considering:
 - a. The continuity of the child's educational program;
 - b. The preference of the parent as to where the child should attend school;
 - c. The eligibility of the child for special instructional programs, including but not limited to bilingual, gifted and talented, special education, early childhood and vocational programs; and
 - d. The distance, travel time, and safety factors in coordinating transportation services from the temporary residence to the school.



3. The Superintendent of the district of residence will determine the child's district enrollment in a timely manner after consultation with the parent as follows:
 - a. Enrollment decisions will be made within three school days of notification of the need for enrollment. When the decision is made, the child will be enrolled immediately; and
 - b. Consultation with the parent regarding the enrollment decision and the right to appeal the decision will be documented in writing.
4. When a decision is made to enroll the child in a district other than the district of residence, the Superintendent of the district of residence will forward to the new district all relevant school and health records. When the parent is homeless due to conditions of domestic violence, the transfer of pupil records will be subject to the provisions of N.J.A.C. 6:3-6.
5. When a homeless child with educational disabilities is enrolled in a district other than the district of residence, the child will be placed in a program consistent with the goals and objectives of the child's individualized educational program. Within thirty days after placement, the district where the child is placed will review and revise the individualized educational program pursuant to N.J.A.C. 6A:14.
6. When the district of residence for a homeless child cannot be determined, the Superintendent of the district in which the child is temporarily residing will enroll the child immediately in the district of temporary residence or the district of last attendance.

F. Parental Rights

1. Unless parental rights have been terminated by a court of competent jurisdiction, the parent retains all rights under N.J.A.C. 6A:17-2.1 et seq.

G. Disputes and Appeals

1. If a dispute occurs regarding the determination of homelessness, the Superintendent of the involved district(s) or the parent of the child will immediately notify the Executive County Superintendent, who will decide the status of the child within two working days. If a dispute remains between the parent and the involved district(s) following the Executive County Superintendent's determination, the parent or the involved Board(s) of Education may appeal to the Commissioner of Education for a determination pursuant to N.J.A.C. 6A:3.
2. If a district designated as the district of residence disputes such designation, or where no designation can be agreed upon by the involved districts, the Superintendents of the involved districts will immediately notify the Executive County Superintendent who will make a determination within two working days. The district may appeal the Executive County Superintendent's determination to the Department of Education pursuant to N.J.A.C. 6A:23-5.2 (d), (e), and (f).
3. If a dispute occurs regarding the determination of the district of enrollment made by the district of residence, the Superintendent of the district of residence will immediately notify the Executive County Superintendent. The County Superintendent will determine within two



working days where the child will be enrolled based on the child's best interest pursuant to N.J.A.C. 6A:17-2.6(b).

- a. If the Executive County Superintendent's decision is disputed, the Department of Education will provide for mediation as follows:
 - (1) The request must be made to the Department of Education in writing.
 - (2) Requests for mediation will cite the issues in dispute and the relief sought.
 - (3) A mediation conference must be conducted within five school days after the request is made at a time and place reasonably convenient to all parties in the dispute.
 - (4) If the mediation does not result in an agreement, an appeal may be made to the Commissioner of Education pursuant to N.J.A.C. 6A:3 et seq.
4. Any dispute or appeal shall not delay the homeless child's immediate entrance into school. The homeless child will be enrolled in the district designated by the Executive County Superintendent pending resolution of the dispute or appeal.
5. Disputes and appeals involving the services provided to a homeless child with educational disabilities will be made pursuant to N.J.A.C. 6A:14.

H. Tuition

1. If the homeless child is enrolled in a district other than the district of residence, the district of residence will pay the costs of tuition for the child to that district pursuant to N.J.S.A. 18A:38-19 and N.J.A.C. 6A:23-3.1.
2. The district of residence will list the child on its annual Application for State School Aid (ASSA) pursuant to N.J.S.A. 18A:7F-33 for as long as the parent remains homeless and the child is enrolled in another school district.
3. If the district of residence cannot be determined for a homeless child or if the district of residence is outside of the State, the State will assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12(d). The State will pay the tuition to the school district in which the child is currently enrolled for as long as the child and his or her parent remain homeless.
 - a. When the State assumes fiscal responsibility for the tuition of a homeless child, the State will pay to the district in which the child is enrolled the appropriate T&E amount, pursuant to N.J.S.A. 18A:7F-3, and any appropriate additional cost factor for special education, pursuant to N.J.S.A. 18A:7F-19.

Adopted: August 18, 2009



5120 – 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.

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.

Adopted: August 18, 2009



5130 – Withdrawal from School (M)

The Board of Education believes that the educational goals of this district are best implemented by a pupil's exposure to the entire educational program and that every pupil enrolled in this district should be encouraged to complete the program of instruction appropriate to his/her needs. No pupil below the age of sixteen will be permitted to withdraw from school.

The Superintendent shall alert teaching staff members to identify those pupils who may consider eighth grade graduation the termination of their education. Any pupil who indicates that he/she may drop out of school before entry to the ninth grade should be reported to the Building Principal and be provided with counseling.

Adopted: August 18, 2009



R5130 – Withdrawal from School (M)

Every pupil in this district shall be encouraged to complete the program of instruction in which he/she is enrolled, in cooperation with school staff members. Although the enrollment and attendance of persons over the age of sixteen cannot be compelled by law, school personnel shall make every reasonable effort to determine whether the school is meeting the educational needs of a pupil who requests withdrawal.

A. Request for Permanent Withdrawal

1. The pupil must obtain a withdrawal form to be taken home for the signature of his/her parent(s) or legal guardian(s).
2. The pupil must meet with the guidance counselor to discuss the reasons for the requested withdrawal.
3. The guidance counselor will review the pupil's file to determine whether the pupil has received the educational services to which he/she is entitled.
4. The pupil will be offered an exit conference with the guidance counselor, at which the pupil will be informed of:
 - a. The desirability of continuing education at some future time toward the award of a high school diploma through an Adult High School Program,
 - b. The possibility of readmission until the pupil is twenty years of age (or, if the pupil is disabled, until the end of the school year in which his/her twenty-first birthday occurs),
 - c. The possibility of further education in the Armed Forces of the United States and the application of such training toward a high school diploma pursuant to N.J.A.C. 6:27-4.1, and
 - d. The continuing availability of high school counseling services.
5. The guidance counselor will report the withdrawal and the reasons for the withdrawal to the Superintendent to satisfy state reporting requirements.

B. Transferring Pupils

1. A pupil requesting transfer to another school, public or private, must obtain a transfer form for approval by the pupil's parent(s) or legal guardian(s).
2. A parent(s) or legal guardian(s) who withdraws a pupil from this district shall be asked to designate the name and location of the school or school district in which he/she intends to enroll the pupil. The Building Principal shall be alert to the receipt of a request for records from that school district, for the purpose of implementing Board Policy #8462 – Reporting Potentially Missing or Abused Children.

C. Pupil's Responsibilities

A pupil, who withdraws, permanently or by transfer, must:



1. Return all books, uniforms, and other school property to the appropriate school staff member, who shall give a proper receipt for returned items;
2. Clear out his/her locker(s) and turn in any locks owned by the district;
3. Clear any obligations, for materials or fines, to the school library;
4. Pay any fines due for damaged or lost textbooks; and
5. Submit a properly authorized withdrawal or transfer form.

D. Records

1. The records of a pupil who transfers to another school will be sent to that school in accordance with Board Regulation #8330 – Pupil Records.
2. The permanent records of a pupil who withdraws from school will be retained in accordance with Board Regulation #8330 – Pupil Records.

Adopted: August 18, 2009



5200 – Attendance (M)

The Board of Education requires the pupils enrolled in the schools of this district attend school regularly in accordance with the laws of the State. The educational program offered by this district is predicated on the presence of the pupil and requires continuity of instruction and classroom participation. The regular contact of pupils with one another in the classroom and their participation in a well-planned instructional activity under the tutelage of a competent teacher are vital to this purpose.

Attendance at school may be excused for certain absences as defined by the Board. All absences for reasons other than excused, shall be unexcused.

Pupils absent from school for any reason are responsible for the completion of assignments missed because of their absence. No pupil excused for a religious holiday shall be deprived of an award or eligibility to compete for an award or the opportunity to make up a test given on the religious holiday.

Prolonged or repeated absences, excused or unexcused, from school or from class, deprive the pupil of the classroom experience deemed essential to learning and may result in retention at grade level.

Pupils shall be subjected to the school district response for unexcused absences during the school year as outlined in N.J.A.C. 6A:16-7.8(a)4 and [Board Regulation #5200 – Attendance](#). In addition, unexcused absences from school or from classes within the school day shall subject a pupil to the disciplinary rules of the Board, which may include the denial of a pupil's participation in co-curricular activities and/or athletic competition. Repeated trancies that interfere with efforts of this Board and its staff in the maintenance of good order and the continuity of classroom instruction may result in the suspension or expulsion of any pupil from the course of study during which absences have occurred or the suspension or expulsion in accordance with [Board Policy and Regulation #5610 – Suspension](#) and [Board Policy #5620 – Expulsion](#).

The Superintendent shall calculate and monitor the average daily attendance rate for the district and for each school in the district. Whenever the average daily attendance rate for the district or for a school in the district does not meet the New Jersey Department of Education requirements, the Superintendent or designee shall develop performance objectives to improve pupil attendance pursuant to N.J.A.C. 6A:32-12.2(a)3.

Legal References

N.J.S.A. 18A:36-14 et seq.; 18A:38-25 et seq.

N.J.S.A. 34:2-21.1 et seq.

N.J.A.C. 6A:16-7.8

Adopted: August 18, 2009



R5200 – Attendance (M)

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 school if he/she has been present at least four instruction hours during the school day.
 - b. A Kindergarten pupil will be considered to have attended school if he/she has been present at least 1.5 hours during the Kindergarten session to which the pupil is assigned.
 - c. A pupil not present in school because of his/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,
 - b. Family illness or death,
 - c. Educational opportunities approved in advance by the Building Principal,
 - d. Excused religious observances, pursuant to N.J.S.A. 18A:36-14 through 16,
 - e. Where appropriate, when consistent with Individualized Education Programs, the Individuals with Disabilities Act, accommodation plans under 29 U.S.C. §§ 794 and 705(20), and individualized health care plans pursuant to N.J.A.C. 6A:16-2.3,
 - f. The pupil’s suspension from school,
 - g. The pupil’s required attendance in court,
 - h. Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day,
 - i. An absence for a reason not listed above, but deemed excused by the Building Principal or Assistant Principal, upon a written request by the pupil’s parent or legal guardian to the Building Principal or designee stating the reason for the absence and requesting permission for the absence to be an excused absence,
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 will also be considered truant if he/she:
 - a. Leaves school without permission when school is still in session,
 - b. Leaves class because of illness and does not report to the school nurse or main office as directed, or
 - c. 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.
5. A vacation or planned absence form must be completed by a parent/guardian and forwarded to the Building Principal or designee prior to the planned absence from school. These absences will be considered excused absences and will not be subject to an action plan under the truancy policy guidelines. Pupils must complete any work missed, including tests and homework assignments within thirty calendar days of their return to school.

B. Notice to School of a Pupil’s Absence

1. The parent or guardian or adult pupil is requested to call the school office before 8:00 a.m. of the morning of the pupil’s absence.
2. The parent or guardian of a pupil who attended morning session but will not attend afternoon session should call the school office before 8:00am 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 main office secretary, who will assist in the arrangement of make-up work.

C. Readmission to School After an Absence

1. A pupil returning from an absence of any length must present to the Building Principal/designee a written statement, dated and signed by the parent or guardian 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 three or more consecutive school days must be accompanied by a physician’s statement of the pupil’s illness.
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, in accordance with Board Policy #8451 – Control of Communicable Disease.

D. Instruction

1. Teachers are expected to cooperate in the preparation of home assignments for pupils who anticipate an excused absence.
2. A pupil who anticipates an excused absence due to a temporary or chronic health condition may be eligible for home instruction in accordance with Board Policy #2412 – Home Instruction Due to Health Condition. The parent or guardian or adult pupil must request home instruction.
3. Pupils absent for any reason are expected to make up the work missed. Teachers will provide make-up assignments as necessary.
4. In general, pupils will be allowed two day(s) to make up missed work for each one day of absence. Teachers shall make reasonable accommodations to extend time for pupils.



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.

E. Denial of Course Credit

1. An elementary pupil will be retained at grade level, in accordance with [Board Policy #5410 – Promotion and Retention](#), when he/she has been absent eighteen days or more school days, whatever the reason for the absence, except that absences for the observance of religious holidays and during a 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 assigned courses of study.

F. School District Response To Unexcused Absences During the School Year

1. For up to four cumulative unexcused absences, the Building Principal or designee shall:
 - a. Make a reasonable attempt to notify the pupil's parent or legal guardian of each unexcused absence prior to the start of the following school day;
 - b. Conduct an investigation of the cause of each unexcused absence, including contact with the pupil's parent or legal guardian;
 - c. Develop an action plan in consultation with the pupil's parent or legal guardian designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;
 - d. Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11, if a potentially missing or abused child abuse situation is detected; and
 - e. Cooperate with law enforcement and other authorities and agencies, as appropriate.
2. For between five and nine cumulative unexcused absences, the Building Principal or designee shall:
 - a. Make a reasonable attempt to notify the pupil's parent or legal guardian of each unexcused absence prior to the start of the following school day;
 - b. Conduct a follow-up investigation, including contact with the pupil's parent or legal guardian, to determine the cause of each unexcused absence;
 - c. Evaluate the appropriateness of the action plan developed pursuant to F.1.c. above;
 - d. Revise the action plan, as needed, to identify patterns of unexcused absences and establish outcomes based upon the pupil's needs and specify the interventions for achieving the outcomes, supporting the pupil's return to school and regular attendance that may include any or all of the following:
 - (1) Refer or consult with the building's Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
 - (2) Conduct testing, assessments, or evaluations of the pupil's academic, behavioral, and health needs;



- (3) Consider an alternate educational placement;
 - (4) Make a referral to a community-based social and health provider agency or other community resource;
 - (5) Refer to the court program designated by the New Jersey Administrative Office of the Courts; and
 - (6) Proceed in accordance with the provisions of N.J.S.A. 9:6 et seq. and N.J.A.C. 6A:16-11, if a potentially missing or child abuse situation is detected.
 - e. Cooperate with law enforcement and other authorities and agencies, as appropriate.
 3. For cumulative unexcused absences of ten or more, the pupil between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-27, and the Building Principal or designee shall:
 - a. Make a mandatory referral to the court program required by the New Jersey Administrative Office of the Courts;
 - b. Make a reasonable attempt to notify the pupil's parent or guardian of the mandatory referral;
 - c. Continue to consult with the parent or legal guardian and the involved agencies to support the pupil's return to school and regular attendance;
 - d. Cooperate with law enforcement and other authorities and agencies, as appropriate; and
 - e. Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required.
 4. For pupils with disabilities, the attendance plan and punitive and remedial procedures of N.J.A.C. 6A:16-7.8 and this Policy and Regulation shall be applied, where applicable, in accordance with the pupil's Individualized Education Programs, pursuant to 20 U.S.C. §1400 et seq.; the Individuals with Disabilities Education Improvement Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plans under 29 U.S.C. §§794 and 705(20); and individualized health care plans, pursuant to N.J.A.C. 6A:16-2.3.
 5. All receiving schools pursuant to N.J.A.C. 6A:14-7.1(a) shall act in accordance with F.1. above for each pupil with up to four cumulative unexcused absences.
 - a. For each pupil attending a receiving school with five or more cumulative unexcused absences, the absences shall be reported to the sending district by the receiving school.
 - (1) The sending school district shall proceed in accordance with the district Board of Education policies and procedures pursuant to F. above and the provisions of F.2. through F.4. above, as appropriate.

G. Discipline

1. Pupils may be denied participation in co-curricular activities if their attendance fails to meet the standards set forth in Board Policy #2430 – Co-Curricular Activities.
2. No pupil who is absent from school for observance of a religious holiday may be deprived of any award or of eligibility for or opportunity to compete for any award because of the absence.



3. In addition to the requirements as outlined in F.3.a. through e. above, a pupil deemed truant shall be subject to appropriate pupil discipline.
4. The absence of a pupil missing from school for unexplained reasons will be handled in accordance with Board Regulation #8462 – Reporting Potentially Missing or Abused Children.

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 8:30am, to the office secretary responsible, who will verify pupil absences for recording pupil attendance.
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 truant pupil may be suspended or expelled for trancies in accordance with Board Policy #5610 – Suspension and Board Policy #5620 – Expulsion.
2. A pupil who has been retained at grade level for excessive absences may appeal that action in accordance with Board Policy #5410 – Promotion and Retention.

J. Attendance Improvement Plan

1. The Superintendent, or designated principals, 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 for the district or for a school does not meet the New Jersey Department of Education requirements, performance objectives to improve pupil attendance pursuant to N.J.A.C. 6A:32-12.2(a)3 shall be developed.

Adopted: August 18, 2009



5230 – Late Arrival and Early Dismissal

The Board of Education requires that pupils be in attendance for the full school day in order to benefit from the instructional program. That requirement will be waived only when compelling circumstances require that a pupil be late to school or dismissed from school before the end of the school day.

The Building Principal may excuse for cause the late arrival and early dismissal of a pupil on the prior written request of the pupil's parent(s) or legal guardian(s). Good cause may include, but need not be limited to, medical and dental appointments that cannot be scheduled outside the school day, medical disability, interviews for private school admission entrance and court appearances.

No pupil will be permitted to leave the school before the end of the school day except in the presence of the pupil's parent(s) or legal guardian(s), or an agent of the parent(s) or legal guardian(s) who has written authorization, or in the custody of agents of the state acting in their legal capacity.

A pupil must be in school for at least four hours of instructional time to be considered to have attended school that day.

The Building Principal shall maintain a record of the parent(s) or legal guardian(s) of each pupil. If one parent has been assigned custody of the pupil by court order or separation agreement and wishes to limit the noncustodial parent's access to the pupil, the parent in custody must inform the Building Principal of any such limitation and may request that his/her authorization be required before the noncustodial parent is granted access. In the absence of such notice, the Building Principal will presume that a pupil may be released into the care of either parent.

A pupil who suffers an incapacitating medical disability will be released from school only in the presence of an adult.

Adopted: August 18, 2009



R5230 – Late Arrival and Early Dismissal

A. Definitions

1. “Late arrival” means the arrival of a pupil after the beginning of the pupil’s school day for an excused purpose. A late arrival is not an instance of tardiness for the purpose of applying [Board Regulation #5240 – Tardiness](#).
2. “Early dismissal” means the release of a pupil from school prior to the end of the pupil’s school day for an excused purpose; “early dismissal” includes the release of a pupil for a period of time that occurs during the pupil’s school day. An early dismissal is not an absence for the purpose of applying [Board Regulation #5200 – Attendance](#).
3. “Dismissal from class” means a pupil’s brief absence from his/her assigned class for a reason that has been approved in advance. A “dismissal from class” is not a class “cut” for the purpose of applying [Board Regulation #5200 – Attendance](#).

B. Acceptable Excuses

The following circumstances justify a pupil’s late arrival. The list is not meant to be exhaustive, and the Building Principal should use his/her best judgment in determining whether or not there is good cause for the pupil’s late arrival.

1. The pupil’s disability from illness or injury, including any necessary emergency visits to a physician or dentist;
2. A bona fide family emergency;
3. The observance of a religious holiday;
4. Religious instruction;
5. Medical or dental appointment that cannot be scheduled at a time other than during the school day;
6. The pupil’s required attendance in court;
7. An interview with an admissions officer of a private school.

C. Late Arrival

1. A pupil who arrives late at school shall report to the office and pick up a late arrival permission slip. The permission slip will include the date and the time of the pupil’s arrival. The pupil will proceed to his/her assigned class and present the permission slip to the teaching staff member in charge, who will verify the date and time.

D. Early Dismissal Generally

1. A pupil’s early dismissal must be approved by the Building Principal in advance. Except for emergencies, an early dismissal that is not approved in advance will be considered to be an absence.



2. The parent(s) or legal guardian(s) or adult pupil shall submit a written request for approval of an early dismissal to the Building Principal. The request must include the reason for the pupil's early dismissal and a statement of why it is necessary to excuse the pupil before the end of the pupil's school day.
3. A pupil must obtain an approved early dismissal permission slip from the Main office and present the slip to the teaching staff member in charge of the class or activity from which the pupil is to be dismissed. The permission slip will include the date and time of approved dismissal. The teaching staff member in charge must verify the date and time.

E. Early Dismissal for Illness or Injury

1. A pupil who suffers a significant illness or injury during the course of the school day will be treated in accordance with Board Policy and Regulation #8441 – Care of Injured and Ill Persons.
2. A pupil who suffers a minor illness or injury will be sent to the school nurse.
3. If the school nurse determines that a pupil should be sent home, the pupil's parent(s) or legal guardian(s) or the responsible adult designated by the parent(s) or legal guardian(s) will be telephoned to pick up the pupil.
4. No pupil shall be released from school before the end of the school day except in the presence of the pupil's parent(s) or legal guardian(s) or an agent of the parent(s) or legal guardian(s).

F. Early Dismissal for Family Emergency

1. A pupil's parent(s) or legal guardian(s), or caretaker may request the pupil's early release for a bona fide family emergency. Early dismissal for family emergency must be approved by the Building Principal.
2. A pupil will be released to a parent(s) or legal guardian(s) who reports to the school office and explains satisfactorily to the Building Principal that good and sufficient reason justifies the pupil's release from school before the end of the pupil's school day.
3. A pupil will be released to an agent of the parent(s) or legal guardian(s) provided the parent(s) or legal guardian(s), or a caretaker personally known to the Building Principal has requested the pupil's release by:
 - a. Written request signed by the parent(s) or legal guardian(s), or caretaker and verified by telephone call to the signer, or
 - d. A telephone call that is verified by a return telephone call to the pupil's residence or, if the call does not originate in the pupil's home, by interrogation of the caller to test his/her knowledge of specific facts about the pupil.
4. The Building Principal shall verify the identity of the agent to whom the pupil is released by examination of documents or by verification of characteristics supplied by the parent(s) or legal guardian(s), or caretaker.



5. If the Building Principal believes that a genuine emergency may exist but cannot verify the identity of the person who requests release of the pupil, the Building Principal shall arrange for the pupil's transportation by an administrator and one other school staff member directly to the custody of the parent(s) or legal guardian(s), or designated agent of the parent or legal guardian.
6. The Building Principal shall maintain a record of each pupil's parent(s) or legal guardian(s). The record shall include any legally sufficient notice given the Building Principal by a parent(s) or legal guardian(s) in sole custody that the noncustodial parent's access to the pupil has been limited. In the absence of such notice, the Building Principal shall presume that the pupil may be released into the care of either parent(s) or legal guardian(s).

Adopted: August 18, 2009



5240 – Tardiness

The Board of Education believes that promptness is an important element of school attendance. Pupils who are late to school or to class miss essential portions of the instructional program and create disruptions in the academic process for themselves and other pupils.

Tardiness to school or class that is caused by a pupil's illness, an emergency in the pupil's family, the observance of a religious holiday, a death in the pupil's family, or by the pupil's compliance with a request or directive of an administrator will be considered justified and is excused. All other incidents of tardiness will be considered unexcused.

Legal References

N.J.S.A. 18A:36-14; 18A:36-15; 18A:36-25 et seq.

Adopted: August 18, 2009



R5240 – Tardiness

A. Definitions

1. A pupil is tardy to school when the pupil reports to his/her assigned homeroom after the designated starting time for the school building without approval for the delay.
2. A pupil is tardy to class when the pupil reports to his/her assigned classroom or other place of instruction without approval for the delay.
3. A pupil who is late to school or class for an excused purpose pursuant to [Board Policy #5230 – Late Arrival and Early Dismissal](#) is not tardy for the purpose of this Regulation.

B. Procedures for Tardy Arrivals

1. A pupil who is tardy to school must report to the office to present a written note explaining the reason for the tardiness. The pupil must sign in and receive a late pass for admission to class.
2. A pupil who is tardy to class may be sent by the teacher to the office to explain the reason for the tardiness and obtain a late pass for admission to class.
3. No pupil who arrives at school after attendance has been taken will be admitted to class without a late pass.

Adopted: August 18, 2009



5250 – Excusal from Class or Program

The Board of Education directs that a pupil be excused from any part of the instructions in health education, family life education, sex education, or instruction that includes dissection of animals that the parent(s) or legal guardian(s) of the pupil or the adult pupil finds morally, conscientiously, or religiously offensive. A request for excusal must be presented in a signed statement and submitted to the Building Principal.

An excused pupil shall be assigned to an alternate program of independent study on a substitute topic within the health education, family life education, or sex education program. The parent's or legal guardian's right of excusal applies to any alternate program as well.

No excused pupil will be penalized by loss of credit as a result of his/her excusal, but a pupil will be held accountable for successful completion of any alternate program assigned.

Legal References

N.J.S.A. 18A:35-4.7

Adopted: August 18, 2009



5300 – Use of Defibrillator(s)

The Lopatcong Township Board of Education is committed to providing a safe environment for its pupils, teachers, support staff, parent(s) or legal guardian(s), and other visitors to its schools. To help safeguard the health of individuals in its schools, the Board is implementing a program for the use of Automated External Defibrillators (AEDs) in the case of Sudden Cardiac Arrest. Sudden Cardiac Arrest is a condition that occurs when the electrical impulses of the human heart malfunction causing a disturbance in the heart's electrical rhythm. This erratic and ineffective electrical rhythm causes complete cessation of the heart's normal function of pumping blood resulting in death if not immediately treated. The most effective treatment for this condition is the administration of an electrical current to the heart by a defibrillator.

An AED is used to treat victims who experience Sudden Cardiac Arrest. It is only to be applied to victims, who are unconscious and are without pulse, signs of circulation, and normal breathing. The AED will analyze the heart rhythm and advise the operator if a shockable rhythm is detected. If a shockable rhythm is detected, the AED will charge to the appropriate energy level and advise the operator to deliver a shock. Research has shown that immediate intervention increases a victim's chance of survival. Therefore, access to an AED can save lives.

The Board will acquire directly or through donations at least one AED for each of its schools. The Superintendent is responsible for designating a program coordinator and identifying appropriate school personnel to be trained in the use of the AED (Authorized AED Users). The Superintendent will also be responsible for overseeing the development of regulations and procedures for the use and maintenance of the AEDs. These regulations will include:

1. The training and certification of school staff members;
2. Placement of the AEDs in each school building;
3. Coordination with appropriate emergency responders;
4. Defining the circumstances and procedures for using the AEDs;
5. Specific reporting requirements after AED use; and
6. The testing and maintenance of the AEDs according to the manufacturer's recommendations.

The AED shall be used in emergency situations warranting its use by individuals specifically trained in use of the device (Authorized AED Users). In the event that a trained person is not available, the AED may be administered by any volunteer responder present at the scene of the emergency (Volunteer Responders). The AED shall only be used to treat victims who are eight years of age or older and who display all the symptoms of Sudden Cardiac Arrest. If the victim is less than eight years of age or fifty-five pounds or less, the Infant/Child Reduced Energy Defibrillation Electrodes must be used. Following use all equipment shall be cleaned and/or decontaminated as necessary by an Authorized AED User.



Authorized AED Users

An Authorized AED User is a school district employee who has successfully completed a CPR/AED training program approved by the American Red Cross, American Heart Association, or other program recognized by the Department of Health and Senior Services within the last two years and has a current certification card. These individuals may include but are not limited to nurses, physical education teachers, custodians, administrators, office staff, teachers, or support personnel. In addition, for the purposes of this Policy, AED trained members of the Lopatcong Emergency Squad or Police Department are considered Authorized AED Users.

Any person or entity who, in good faith, acquires or provides a defibrillator, renders emergency care or treatment by the use of a defibrillator, or supervises such care or treatment and who has complied with the requirements of the New Jersey AED Law (C.L.1999, c.34), shall be immune from civil liability for any personal injury as a result of such care or treatment or as a result of any acts or omissions by the person or entity in providing, rendering, or supervising the emergency care of treatment. The immunity provided shall include the prescribing licensed physician and the person or entity that provided the training in cardio-pulmonary resuscitation and use of the defibrillator. This immunity does not apply to licensed paramedics, Emergency Medical Technicians-D, or First Responders-D.

Volunteer Responders

Anyone can, at their discretion, provide voluntary assistance to victims of medical emergencies. The extent to which these individuals respond shall be appropriate to their training and experience. These responders are encouraged to contribute to emergency response only to the extent they are comfortable. The emergency medical response of these individuals may include CPR, AED, or medical first aid. Outside groups using the school buildings have permission to use the AEDs for Sudden Cardiac Arrest medical emergencies.

Adopted: August 18, 2009



R5300 – Use of Automated External Defibrillator(s)

A. Purpose

The purpose is to provide guidance in the management or administration of a school-based AED program. Sudden Cardiac Arrest (SCA) is a condition that occurs when the electrical impulses of the human heart malfunction causing a disturbance in the heart's electrical rhythm called ventricular fibrillation (VF). This erratic and ineffective electrical heart rhythm causes complete cessation of the heart's normal function of pumping blood resulting in sudden death. The most effective treatment for this condition is the administration of an electrical current to the heart by a defibrillator, delivered within a short time of the onset of VF. An AED is used to treat victims who experience SCA. It is only to be applied to victims who are unconscious, without pulse signs of circulation and normal breathing. The AED will analyze the heart rhythm and advise the operator if a shockable rhythm is detected. If a shockable rhythm is detected, the AED will charge to the appropriate energy level and advise the operator to deliver a shock.

B. Definitions

For purposes of this Policy only, the following definitions shall apply:

1. "Authorized AED User" means a school district employee who has successfully completed a CPR/AED training program approved by the American Red Cross, American Heart Association, or other program recognized by the Department of Health and Senior Services within the last two years and has a current certification card. In addition, AED trained members of the Lopatcong Emergency Squad or Police Department are considered Authorized AED Users.
2. "Automated External Defibrillator" means an automated computerized medical device programmed to analyze heart rhythms, recognize rhythms that require defibrillation, and provide visual and voice instructions for the device operator, including, if indicated, to push the button to deliver an electric shock.
3. "Defibrillation" means administering an electrical impulse to an individual in order to stop ventricular fibrillation or rapid ventricular tachycardia.
4. "Sudden Cardiac Arrest" means a significant life-threatening event when a person's heart stops or fails to produce a pulse that is adequate to provide blood circulation.
5. "Volunteer Responder" means anyone that provides voluntary assistance to victims of medical emergencies. The extent to which these individuals respond shall be appropriate to their training and experience.



C. Automated External Defibrillator Program .

1. AED Program Coordinator

The AED Program Coordinator will be an employee of the Lopatcong Township School District, selected by the Superintendent, who will manage the program for both schools. The duties and responsibilities of the AED Program Coordinator include, but are not limited to:

- a. Developing, implementing, and maintaining the school district's procedures and protocols for AED use and its emergency response plan;
- b. Communicating with the Medical Advisor and AED Building Coordinators;
- c. Coordinating Authorized AED User training and certification that meets all the necessary requirements;
- d. Maintaining a list of all Authorized AED Users;
- e. Participating in AED use reviews, data collection, and other quality assurance activities;
- f. Ensuring compliance with the Board's policies and procedures for the AED program;
- g. Ensuring compliance with State and local regulations regarding AED use; and
- h. Ensuring all AEDs in the district are properly maintained.

2. Medical Advisor

The Medical Advisor of the AED Program is the physician of the Lopatcong Township School District. The duties and responsibilities of the Medical Advisor include, but are not limited to:

- a. General oversight over the AED program;
- b. Writing a prescription for the AEDs;
- c. Providing medical consultation and expertise;
- d. Working with the AED Program Coordinator to establish AED response protocols, including the appropriate use of CPR and the AED;
- e. Reviewing all incidents involving the use of the AED; and
- f. Providing post-incident debriefing support.

3. AED Building Coordinator

The AED Building Coordinator will be an employee of the Lopatcong Township School District, selected by the Building Principal, who will manage the program in their school. This position will usually be held by the school nurse. The duties and responsibilities of the AED Building Coordinator include, but are not limited to:

- a. Ensuring that the AEDs and related response equipment are maintained;
- b. Developing and maintaining school-specific emergency response plans and procedures;
- c. Ensuring compliance with the procedures and protocols of the AED Program;



- d. Ensuring compliance with all applicable State and local regulations pertaining to AED use at the school; and
- e. Conducting post-event check procedures on the AED and completing and submitting the appropriate incident form to the AED Program Coordinator.

4. Authorized AED User

The duties and responsibilities of the Authorized AED User include, but are not limited to:

- a. Successfully completing all training and skills evaluations required;
- b. Following the guidelines of the AED program and remaining current on all certifications required of the AED program;
- c. Responding to Sudden Cardiac Arrests according to the AED procedures and response protocol, including activating the internal emergency response system and providing prompt basic life support including CPR, use of the AED, and/or medical first aid according to their training and experience; and
- d. Notifying the AED Building Coordinator when they have responded to a Sudden Cardiac Arrest and used the AED or any other medical emergency, and completing all required forms.

5. School Office Responsibilities

When school is in session, the duties and responsibilities of the office staff include, but are not limited to:

- a. Receiving emergency medical calls from internal locations;
- b. Using an established checklist to access the emergency and determine the appropriate level of response;
- c. Contacting the external community (911) response team;
- d. Deploying AED trained employees to emergency location; and
- e. Assigning someone to meet responding EMS units and directing EMS personnel to the site of the medical emergency.

6. Equipment

a. Approved AED Equipment:

The LIFEPAK CR Plus Automated External Defibrillators (AEDs) have been approved for this program. The AED conforms to the State/county standards.

- (1) The AED will be brought to all medical emergencies.
- (2) The AED should be used on any person who displays all the symptoms of cardiac arrest. The AED will be placed on the victim only after the following symptoms are confirmed:
 - Victim is unresponsive;



- Victim is not breathing or is breathing ineffectively;
- Victim has no signs of circulation such as pulse and coughing, or movement.

Note: The infant/child reduced energy electrodes should be used on victims below age eight or fifty-five pounds.

b. Additional Resuscitation Equipment

Each AED will have one set of defibrillation electrodes connected to the device and one spare set of electrodes with the AED. One resuscitation kit will be connected to the handle of the AED. This kit contains two pair latex-free gloves, one razor, one set of trauma shears, and one facemask barrier device.

c. Location of AEDs

The location of the AEDs will be specific to each school, but should allow the device to be easily seen by staff. The locations should allow staff members to retrieve the device outside of normal school hours. During school hours, the AED will be at the following designated locations:

Elementary School

- South hallway outside gymnasium
- Outside main office

Middle School

- Second floor outside library
- Hallway between gym and health room
- Entrance along Buckley Hill Drive

7. Initial Training

a. Trained Employees:

Trained employees must complete training adequate to provide basic first-aid, CPR and AED that will be provided on site. AED training must be a course approved by the State. The Business office shall maintain training records for the trained employees.

b. Volunteer Responders:

Volunteer responders will possess various amounts of training in emergency medical response and their training may be supplied by sources outside of the school district.

Volunteer responders can assist in emergencies, but must only participate to the extent allowed by their training and experience. Volunteer responders may have training adequate to administer first aid, CPR and use the AEDs deployed throughout the school. Any volunteer wishing to potentially use one of the AEDs deployed on the school grounds should have successfully completed a State approved AED course including



CPR within the last two years. The school district will not maintain training records for the volunteer responders.

c. Refresher Training

Trained employees will renew their AED/CPR training every two years.

D. AED Response Protocols

To provide trained employees of the school district with uniform guidelines to follow when responding to sudden cardiac arrest incidents and in intervening with an AED.

1. Emergency Response

- a. Assess scene safety. Rescuers are volunteers and are not expected to place themselves at risk in order to provide aid to others; instead, the scene or environment around a victim must be made safe prior to attempts to assist.
- b. Determine victim's unresponsiveness.
- c. Activate system:
 - (1) At any school phone dial 911.
 - (2) At any public phone or cellular phone dial 911 or local emergency number.

If during school hours:

- (1) Call main office and alert them to emergency and location of unconscious person.
- (2) Main office staff will assign someone to retrieve AED and meet responding volunteer at emergency scene.
- (3) The office staff will assign someone to wait at the facility entry to direct Emergency Medical Services (EMS) to the victim's location.

If outside school hours:

- (1) Determine if there is an Authorized AED Responder present and request their assistance.
- (2) Assign someone to retrieve AED.
- (3) Assign someone to wait at the facility entry to direct Emergency Medical Services (EMS) to the victim's location.

- d. CPR-trained individuals will assess the emergency and, if needed, begin CPR until the AED has arrived:
 - (1) Open airway (A).
 - (2) Check for breathing (B). If the victim is not breathing, or if their breathing is ineffective, give two slow breaths. If the victim is breathing, place them in the recovery position and monitor their breathing closely. Observe universal precautions by using gloves and ventilation mask, if available.



- (3) Check for signs of circulation (C) such as pulse, coughing, or movement.
 - (4) If there are no signs of circulation, apply AED immediately. If an AED is not immediately available, begin chest compressions and breathing (CPR) until AED arrives.
Note: If a rescuer is trained in CPR and the victim is a child under eight years old or under fifty-five pounds and has no known cardiac condition, perform one minute of infant/child CPR prior to activating the emergency response system and getting the AED.
- e. Turn on the AED.
 - f. Apply the electrode pads (according to diagram on back of electrode pads) to the victim's bare chest:
 - (1) Peel the electrode pads, one at a time, from the backing or liner.
 - (2) Shave or clip the victim's chest hair if it is so excessive that it prevents a good seal between electrode pads and skin.
 - (3) Wipe the victim's chest clean and dry if the victim's chest is dirty or wet.
 - (4) Press the electrode pads firmly to skin.
 - (5) Note: If the victim is under eight years old or under fifty-five pounds, remove pre-connected adult defibrillation electrodes, connect the Infant/Child Reduced Energy Defibrillation Electrodes to the AED and proceed with steps (1), (3), and (4). Do not delay therapy to determine precise age or weight of child. If in doubt, defibrillate with pre-connected defibrillation electrodes.
 - g. Stand clear of victim while machine evaluates the victim's heart rhythm.
 - h. Refrain from using portable radios or cell phones within four feet of the victim while the AED is evaluating heart rhythm.
 - i. If shock is advised:
 - (1) Clear the area, making sure no one is touching the victim.
 - (2) Push SHOCK button when prompted (if the AED is a fully automatic unit, the shock occurs without rescuer interaction).
 - (3) Device will analyze the victim's heart rhythm and shock up to three times.
 - (4) After three shocks, device will prompt to check pulse (or for breathing and movement) and if absent, start CPR.
 - (5) If pulse or signs of circulation such as normal breathing and movement are absent, perform CPR for one minute.
 - (6) Device will countdown one minute of CPR and will automatically evaluate the victim's heart rhythm when CPR time is over.



If no shock is advised:

- (1) Device will prompt rescuer to check pulse (or breathing and movement) and if absent, start CPR.
 - (2) If pulse or signs of circulation such as normal breathing and movement are absent, perform CPR for one minute.
 - (3) If pulse or signs of circulation are present, check for normal breathing.
 - (4) If the victim is not breathing normally, give rescue breaths according to training.
 - (5) AED will automatically evaluate victim's heart rhythm after one minute.
- j. If the victim regains signs of circulation, such as breathing and movement, place them on their side, in the recovery position, and monitor their breathing closely.
- k. Continue cycles of heart rhythm evaluations, shocks (if advised) and CPR until EMS personnel arrive.
- l. Leave AED attached to victim until EMS arrives and disconnects AED.
- m. Turn over care of the victim to EMS personnel once they have arrived; follow the directions of EMS personnel for further actions.
- n. The victim must be transported to the hospital.

2. Post-Event Review

Following each deployment of the response team member, or if a volunteer responder uses an AED, a review shall be conducted to learn from the experience. The AED Program Coordinator or designee shall conduct and document the post-event review. All key participants in the event shall participate in the review. Included in the review shall be the identification of actions that went well and the collection of opportunities for improvement as well as critical incident stress debriefing. A summary of the post-event review shall be sent to the school district safety committee. The school district safety coordinator according to the record retention policy shall maintain a copy of the post-event review summary.

3. System Verification and Review

The medical emergency response system is ultimately successful if necessary medical assistance is provided to victims in a timely and safe manner. Since actual use of this system procedure is expected to be very infrequent, other measures of effectiveness are required.

4. Annual System Assessment

Once each calendar year, the AED Program Coordinator or designee shall conduct and document a system readiness review. This review shall include review of the following elements:

- a. Training records; and



b. Equipment operation and maintenance records.

5. AED Maintenance

a. AED Readiness

All AED equipment must be in good repair and subject to regular maintenance inspections. The AED Building Coordinator, in exercising oversight over AED maintenance, shall take reasonable measures to ensure that:

- (1) AEDs are maintained and tested according to manufacturer's guidelines;
- (2) AEDs are installed according to manufacturers' specifications and procedures;
- (3) All AED units receive monthly maintenance checks to insure that all equipment is in ready-to-use condition and that the AED battery and a replacement battery are fully operational and ready to use; and
- (4) Following use of emergency response equipment, all equipment shall be cleaned and/or decontaminated as required.

b. Routine Maintenance

The AED will perform a self-diagnostic test that includes a check of battery strength and an evaluation of the internal components. A volunteer, assigned by the AED Program Coordinator or designee, will perform a monthly AED check following the procedure checklist. The procedure checklist will be initialed at the completion of the monthly check. The procedure checklist will be posted with the AED.

- (1) If the OK icon is NOT present on the readiness display, contact the AED Program Coordinator or designee immediately.
- (2) If the battery icon is visible, the CHARGE-PAK charging unit needs to be replaced. The AED may be continued to be used, if needed.
- (3) If the wrench icon is visible, the AED needs service. The AED may be attempted to be used, if needed. Continue to provide CPR until another AED is brought to the victim or EMS arrives to take over care.
- (4) If the expiration date on the electrode is near, notify the AED Program Coordinator or designee immediately.

Adopted: August 18, 2009



5305 – Health Services Personnel

The Board of Education shall appoint at least one school physician pursuant to N.J.S.A. 18A:40-1. The Board will appoint a lead school physician to serve as health services director if more than one school physician is required. The school physician shall be currently licensed by the New Jersey Board of Medical Examiners in medicine or osteopathy whose training and scope of practice includes child and adolescent health and development. The school district shall conduct a criminal history background check on any physician before entering into an agreement for delivery of services.

The school physician shall provide, at a minimum, the following services:

1. Consultation in the development and implementation of school district policies, procedures, and mechanisms related to health, safety, and medical emergencies pursuant to N.J.A.C. 6A:16-2.1(a);
2. Consultation to school district medical staff regarding the delivery of school health services, which includes special health care needs of technology supported and medically fragile children, including those covered by 20 U.S.C. § § 1400 et seq., Individuals with Disabilities Education Improvement Act;
3. Consultation to the Board of Education, school district administrators, and staff as needed;
4. Physical examinations conducted in the school physician's office or other comparably equipped facility for pupils who do not have a medical home or whose parent(s) or legal guardian(s) has identified the school as the medical home for the purpose of a sports physical examination;
5. Provision of written notification to the parent(s) or legal guardian(s) stating approval or disapproval of the pupil's participation in athletics based upon the medical report;
6. Direction for professional duties of other medical staff;
7. Written standing orders that shall be reviewed and reissued before the beginning of each school year;
8. Establishment of standards of care for emergency situations and medically-related care involving pupils and school staff;
9. Assistance to the certified school nurse or non-certified nurse in conducting health screenings of pupils and staff and assistance with the delivery of school health services;
10. Review, as needed, of reports and orders from a pupil's medical home regarding pupil health concerns;
11. Authorization of tuberculin testing for conditions outlined in N.J.A.C. 6A:16-2.2(c);
12. Review, approval, or detail of reasons for denial of a pupil's physician's determination of anticipated confinement and resulting need for home instruction; and
13. Consultation with the school district certified school nurse(s) to obtain input for the development of the school Nursing Services Plan pursuant to N.J.A.C. 6A:16-2.1.



The Board shall employ a certified school nurse to provide nursing services while school is in session pursuant to N.J.S.A. 18A:40-1 and 3.3. The certified school nurse shall work under the direction of the school physician and Superintendent.

The certified school nurse shall possess an educational certificate for school nurse or school nurse/non-instructional pursuant to N.J.S.A. 18A:40-3.2 and N.J.A.C. 6A:9-13.3 and 13.4. The certified school nurse shall possess a current license as a registered nurse from the State Board of Nursing and valid, current Providers Cardiopulmonary Resuscitation/Automated External Defibrillator (AED) certification as issued by the American Heart Association, the American Red Cross, the National Safety Council, or other entities determined by the Department of Health and Senior Services to comply with the American Heart Association's CPR guidelines.

The certified school nurse shall receive training in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards including, but not limited to, those of the National Institutes of Health and the American Academy of Allergy, Asthma, and Immunology.

The role of the certified school nurse shall include, but not be limited to:

1. Carrying out written orders of the medical home and standing orders of the school physician;
2. Conducting health screenings which include height, weight, blood pressure, hearing, vision, and scoliosis pursuant to N.J.A.C. 6A:16-2.2 and monitoring vital signs and general health status for emergent issues for pupils suspected of being under the influence of alcohol and controlled dangerous substances pursuant to N.J.S.A. 18A:40-4;
3. Maintaining pupil health records, pursuant to N.J.S.A. 18A:40-4 and N.J.A.C. 6A:16-2.4;
4. Recommending to the school Building Principal those pupils who shall not be admitted to or retained in the school building based on a parent's failure to provide evidence of the child's immunization according to the schedules specified in N.J.A.C. 8:57-4;
5. Annually reviewing pupil immunization records to confirm with the medical home that the medical condition for the exemption from immunization continues to be applicable, pursuant to N.J.A.C. 8:57-4.3;
6. Recommending to the school Building Principal exclusion of pupils who show evidence of communicable disease, pursuant to N.J.S.A. 18A:40-7 and 8;
7. Directing and supervising the emergency administration of epinephrine and training school staff designated to serve as delegates, pursuant to N.J.S.A. 18A:40-12.6;
8. Administering asthma medication through use of a nebulizer;
9. Directing and supervising the health services activities of any school staff to whom the certified school nurse has delegated a nursing task;
10. Classroom instruction in areas related to health pursuant to N.J.A.C. 6A:9-13.3;



11. Reviewing and summarizing available health and medical information regarding the pupil and transmitting a summary of relevant health and medical information to the Child Study Team for the meeting pursuant to N.J.A.C. 6A:14-3.4(h);
12. Writing and updating, at least annually, the individualized health care plan and the individualized emergency healthcare plan for pupils' medical needs and instructing staff as appropriate;
13. Writing and updating, at least annually, any written healthcare provisions required under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794(a), for any pupil who requires them;
14. Implementing and assisting in the development of healthcare procedures for pupils in the event of an emergency;
15. Instructing teachers on communicable disease and other health concerns, pursuant to N.J.S.A. 18A:40-3; and
16. Providing other nursing services consistent with the nurse's educational services certification endorsement as a school nurse issued by the State Board of Examiners and current license approved by the State Board of Nursing.

A certified school nurse who possesses the school nurse/non-instructional certificate is not authorized to teach in areas related to health pursuant to N.J.A.C. 6A:9-13.4.

The Board may appoint a non-certified nurse under the supervision of a certified school nurse to supplement the services of a certified school nurse as outlined in N.J.S.A. 18A:40-3.3. The non-certified nurse shall be assigned to the same school building or complex as the certified school nurse pursuant to N.J.S.A. 18A:40-3.3.

A non-certified nurse shall possess a current license as a registered nurse from the State Board of Nursing and a valid, current Providers Cardiopulmonary Resuscitation/AED certification as issued by the American Heart Association, the American Red Cross, the National Safety Council, or other entities determined by the Department of Health and Senior Services to comply with American Heart Association CPR guidelines.

A non-certified nurse is limited to providing the following services:

1. Carrying out written orders of the medical home and standing orders of the school physician;
2. Conducting health screenings pursuant to N.J.A.C. 6A:16-2.2 which includes height, weight, blood pressure, hearing, vision, and scoliosis;
3. Maintaining pupil health records pursuant to N.J.S.A. 18A:40-4 and N.J.A.C. 6A:16-2.4;
4. Recommending to the school Building Principal those pupils who shall not be admitted to or retained in the school building based on a parent's failure to provide evidence of the pupil's immunization according to the schedules specified in N.J.A.C. 8:57-4;



5. Recommending to the school Building Principal exclusion of pupils who show evidence of communicable disease pursuant to N.J.S.A. 18A:40-7 and 8;
6. Implementing school district healthcare procedures for pupils in the event of an emergency;
7. Instructing teachers on communicable disease and other health concerns pursuant to N.J.S.A. 18A:40-3; and
8. Providing other nursing services consistent with the nurse's current license approved by the State Board of Nursing.

Legal References

N.J.A.C. 6A:16-2.3 et seq.

Adopted: August 18, 2009



5306 – Health Services to Nonpublic Schools (M)

A Board of Education having nonpublic schools within the school district boundaries shall provide nursing services to pupils enrolled in the nonpublic school pursuant to N.J.S.A. 18A:40-23 et seq. and N.J.A.C. 6A:16-2.5.

The Board shall provide for the extension of emergency care provided to public school pupils to those pupils who are enrolled full-time in the nonpublic school who are injured or become ill at school or during participation on a school team or squad pursuant to N.J.A.C. 6A:16-1.4 and 6A:16-2.1(a)4. The Board may provide additional services to those required under N.J.A.C. 6A:16-2.5(a) under conditions as outlined in N.J.A.C. 6A:16-2.5(c).

The health services shall be provided by a registered nurse licensed in the State of New Jersey who is an employee of the school district, an employee of a third-party contractor, or an independent contractor. The health services provided to the nonpublic school pupil shall not include instructional services.

A nonpublic school may decline nursing services required under N.J.A.C. 6A:16-2.5 by submitting notification to the Board of Education signed by the Chief School Administrator of the nonpublic school pursuant to N.J.S.A. 18A:40-29. A pupil who is enrolled in a nonpublic school and whose parent(s) or legal guardian(s) objects to the pupil receiving any services provided under N.J.A.C. 6A:16-2.5 shall not be compelled to receive the services except for a physical or medical examination to determine whether the pupil is ill or infected with a communicable disease pursuant to N.J.S.A. 18A:40-30.

The Board shall consider the provision of health services to nonpublic schools based upon the considerations outlined in N.J.A.C. 6A:16-2.5(h)1-3. The Superintendent or designee shall confer annually with the administrator of the nonpublic school to advise the nonpublic school of the amount of funds allocated to the nonpublic school by the Department of Education; to agree on the basic health services to be provided and additional medical services which may be provided as set forth in N.J.S.A. 18A:40-23 et seq.; to assure the nonpublic school the County Office of Education shall provide assistance in the event an agreement cannot be reached regarding the health services and additional medical services to be provided to the nonpublic school; to assure the nonpublic school receiving services receives a copy of N.J.S.A. 18A:40-23 to 31 and N.J.A.C. 6A:16-2.5; and to assure a description of the provision of nursing services is reflected in the school district's Nursing Services Plan.

The Board providing health services to a nonpublic school(s) shall annually submit information to the Executive County Superintendent on or before October 1 that includes: a written statement verifying the required annual conference was held with the nonpublic school; a copy of the contract with another agency to provide the services, if applicable; a copy of the Board meeting minutes approving the contract; and a description of the type and number of services that were provided during the previous school year on a form approved by the Commissioner of Education. A copy of the information



submitted to the Executive County Superintendent shall also be provided to the Chief School Administrator of the nonpublic school(s).

Legal References

N.J.S.A. 18A:40-23 et seq.

N.J.A.C. 6A:16-2.5 et seq.

Adopted: August 18, 2009



R5306 – Health Services to Nonpublic Schools (M)

A Board of Education having nonpublic schools within the school district boundaries shall provide nursing services to pupils enrolled in the nonpublic school pursuant to N.J.S.A. 18A:40-23 et seq. and N.J.A.C. 6A:16-2.5.

A. Nursing services shall be provided to pupils enrolled in a nonpublic school as follows pursuant to N.J.S.A. 18A:40-23 et seq.:

1. Who are full-time based upon the nonpublic school enrollment on the last school day prior to October 16 of the preceding school year;
2. The provision of services shall be only to pupils of a nonpublic school that provided to the Board of Education a report of the type and number of services provided during the previous school year;
3. The provision of nursing services as follows:
 - a. Assistance with medical examinations including dental screening;
 - b. Screening of hearing;
 - c. The maintenance of pupil health records and notification of local or county health officials of any pupil who has not been properly immunized.
4. Scoliosis examinations of pupils between the ages of ten and eighteen.

B. The Board of Education shall provide for the extension of emergency care provided to public school pupils to those pupils who are enrolled full-time in the nonpublic school who are injured or become ill at school or during participation on a school team or squad pursuant to N.J.A.C. 6A:16-1.4 and 2.1(a)4.

C. The Board of Education may provide additional services to those required under A. above under the following conditions:

1. Such additional medical services may only be provided when all basic nursing services required under A. and B. above have been provided or will be provided;
2. Such additional medical services may include the necessary equipment, materials, and services for immunizing pupils who are enrolled full-time in the nonpublic school from diseases as required by N.J.A.C. 8:57-4, Immunization of Pupils in School;
3. Equipment comparable to that in use in the school district may be purchased by the school district to loan without charge to the nonpublic school for the purpose of providing services under this section. However, such equipment shall remain the property of the district Board of Education; and
4. Costs of supplies comparable to that in use in the school district and transportation costs may be charged to the funds allocated for each participating nonpublic school provided that they are



directly related to the provision of the required basic nursing services and additional medical services which may be provided.

- D. Health services shall be provided by a registered nurse licensed in the State of New Jersey who is an employee of the school district, an employee of a third-party contractor, or an independent contractor.
- E. The health services provided to a nonpublic school pupil shall not include instructional services.
- F. A nonpublic school may decline nursing services required under N.J.A.C. 6A:16-2.5 by submitting notification to the Board of Education signed by the Chief School Administrator of the nonpublic school pursuant to N.J.S.A. 18A:40-29.
- G. A pupil who is enrolled in a nonpublic school and whose parent(s) or legal guardian(s) objects to the pupil receiving any services provided under N.J.A.C. 6A:16-2.5 shall not be compelled to receive the services except for a physical or medical examination to determine whether the pupil is ill or infected with a communicable disease pursuant to N.J.S.A. 18A:40-30.
- H. The Board of Education shall consider the provision of health services based upon the following:
 - 1. The funding for services shall be based upon the nonpublic school enrollment on the last school day prior to October 16 of the preceding school year;
 - 2. The provision of services shall be only to a pupil of a nonpublic school that provided to the Board of Education a report of the type and number of services provided during the previous school year; and
 - 3. The funds expended by the Board of Education for administrative costs shall be limited to the actual costs or six percent of the funds allocated for each participating nonpublic school, whichever is less.
- I. The Superintendent or designee shall confer annually with the administrator of the nonpublic school for the following purposes:
 - 1. To advise the nonpublic school of the amount of funds allocated to the nonpublic school by the Department of Education or otherwise made available by the school district for the provision of health services for the full-time pupils enrolled in the nonpublic schools;
 - 2. To agree on the basic health services to be provided and additional medical services which may be provided as set forth in N.J.S.A. 18A:40-23 et seq.;
 - 3. To assure that in the event the Superintendent or designee and the nonpublic school administrator cannot reach agreement regarding the health services and additional medical services to be provided, the County Office of Education shall provide assistance;
 - 4. To assure that each nonpublic school which receives nursing services has a copy of N.J.S.A. 18A:40-23 to 31 and N.J.A.C. 6A:16-2.5; and



5. To assure a description of the provision of nursing services is reflected in the school district's Nursing Services Plan.
- J. For the purposes of monitoring and recordkeeping, the Board of Education providing health services to nonpublic schools shall annually submit the following information to the Executive County Superintendent of Education on or before October 1st and shall provide a copy to the Chief School Administrator of the nonpublic schools within school district boundaries:
1. A written statement verifying that the required conference was held with the nonpublic school;
 2. A copy of the contract with another agency to provide the services, if applicable, and approved minutes of the Board of Education meeting approving the contract, which describes the methods by which the health services to nonpublic school pupils will be provided for the ensuing year, including a rationale for the distribution of funds; and
 3. A description of the type and number of services that were provided during the previous school year on a form approved by the Commissioner of Education.

Adopted: August 18, 2009



5307 – Nursing Services Plan (M)

The Board of Education shall annually adopt the school district's Nursing Services Plan at a regular meeting and submit it to the Executive County Superintendent of Education for review and approval.

The Superintendent, or designee, shall develop the Nursing Services Plan in consultation with the school physician and certified school nurse.

The Nursing Services Plan shall include a description of the basic nursing services to be provided to all pupils and a summary of the specific medical needs of individual pupils, if any, and the nursing services required to address those needs. The Nursing Services Plan shall also include a description of how nursing services will be provided in emergency situations, detailed nursing assignments sufficient to provide the services to pupils in all of its school buildings as outlined in N.J.A.C. 6A:16-2.3(b) through (d), and nursing services and additional medical services provided to nonpublic schools pursuant to N.J.A.C. 6A:16-2.5.

The Board, in its determination of the number of certified school nurses and non-certified nurses needed to perform all of the required services as outlined in N.J.A.C. 6A:16 et seq. shall consider: the geographic size including the number and location of school buildings; the general and special education enrollment; the number of children with medical involvement and extent of nursing services required; the requirement that non-certified nurses be assigned to the same school building or school complex as the supervising certified school nurse to ensure that the certified school nurse can provide required supervision pursuant to N.J.A.C. 6A:16-2.3(b) and (d) and N.J.S.A. 18A:40-3.3; and nursing services and additional medical services provided to nonpublic schools pursuant to N.J.A.C. 6A:16-2.5.

Legal References

N.J.A.C. 6A:16-2.1(b)

Adopted: August 18, 2009



5308 – Pupil Health Records

The school district shall maintain mandated pupil health records for each pupil pursuant to N.J.A.C. 6A:16-2.4 and as defined in N.J.A.C. 6A:16-2.4(a)1 and 2. The district will document pupil health records using a form approved by the Commissioner of Education.

The maintenance and security of pupil health records shall be in accordance with N.J.A.C. 6A:32-7.4 and 6A:16-2.4(c). Pupil health records shall be maintained separately from other pupil records in a secure location, located in the school building or complex to which the pupil is assigned, and accessible to authorized personnel while school is in session. The health and immunization record shall be removed from the pupil's health record and placed in the pupil's mandated record until such time as graduation or termination and kept according to the schedule set forth in N.J.A.C. 6A:32-7.8.

The transfer of pupil health records when a pupil transfers to or from a school district shall be in accordance with N.J.A.C. 6A:16-2.4(d).

Any Board of Education employee with knowledge of, or access to, information that identifies a pupil as having HIV infection or AIDS; information obtained by the school's alcohol or drug program which would identify the pupil as an alcohol or drug user; or information provided by a secondary school pupil while participating in a school-based alcohol or drug counseling program that indicates a parent, guardian, or other person residing in the pupil's household is dependent or illegally using a substance shall comply with restrictions for sharing such information in accordance with N.J.A.C. 6A:16-2.4(e) and as required by Federal and State statutes and regulations.

Access to and disclosure of information in a pupil's health record shall meet the requirements of the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, incorporated herein by reference, as amended and supplemented, 34 CFR Part 99, incorporated herein by reference, as amended and supplemented, and N.J.A.C. 6A:32-7, Student Records.

The school district shall provide access to the pupil's health record to licensed medical personnel, not holding educational certification, who are working under contract with or as employees of the school district only to the extent necessary to enable the licensed medical personnel to perform their duties. Secretarial or clerical personnel under the supervision of the certified school nurse shall be permitted access to those portions of the pupil health records that are necessary for entry and recording of data and for conducting routine clerical tasks as outlined in N.J.S.A. 18A:40-3.4 and N.J.A.C. 6A:32-7.5.

Nothing in N.J.A.C. 6A:16-2.5 or in this Policy and Regulation shall be construed to prohibit school personnel from disclosing information contained in the pupil's health record to pupils or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of a pupil or other persons pursuant to N.J.A.C. 6A:32-7.4.



Legal References

N.J.A.C. 6A:16-2.4 et seq.; 6A:32-7.5 et seq.; 6A:32-7.4 et seq.

Adopted: August 18, 2009



R5308 – Pupil Health Records

Pupil health records shall be maintained for each pupil pursuant to N.J.A.C. 6A:16-2.4. Maintenance and security of pupil health records shall be in accordance with N.J.A.C. 6A:32-7.4.

A. Mandated Pupil Health Records

1. The following mandated pupil health records shall be maintained:
 - a. Findings of health histories, medical examinations, and health screenings pursuant to N.J.A.C. 6A:16-2.2 and 4.3; and
 - b. Documentation of immunizations against communicable diseases or exemption from these immunizations pursuant to N.J.A.C. 8:57-4.
2. The district will document the findings of pupil health histories, health screenings, and required medical examinations that are relevant to school participation on the pupil's health record using a form approved by the Commissioner of Education.

B. Maintenance of Pupil Health Records

1. The school district shall maintain pupil health records in accordance with N.J.A.C. 6A:32-7.4 as follows:
 - a. Pupil health records shall be maintained separately from other pupil records in a secure location;
 - b. Pupil health records kept in electronic form shall be both accessible and secure according to N.J.A.C. 6A:32-7.4(d);
 - c. Pupil health records shall be located in the school building or complex to which a pupil is assigned;
 - d. Pupil health records shall be accessible to authorized personnel while school is in session; and
 - e. The health and immunization record shall be removed from the pupil's health record and placed in the pupil's mandated record until such time as graduation or termination and kept according to the schedule set forth in N.J.A.C. 6A:32-7.8.

C. Transferring Pupil Health Records

1. The school district shall ensure the following when transferring pupil health records:
 - a. Original mandated pupil health records that school districts are directed to compile pursuant to New Jersey statute, rule, or authorized administrative directive shall be forwarded to the Chief School Administrator, or designee, of the school district to which the pupil has transferred within ten days of receipt of a written request and verification by the school district;
 - b. Duplicate mandated pupil health records which school districts have been directed to compile pursuant to New Jersey statute, rule, or authorized administrative directive shall



be forwarded to the Chief School Administrator, or designee, of the nonpublic school to which the pupil has transferred within ten days of receipt of a written request and verification by the school district;

- c. Duplicate mandated pupil health records which school districts have been directed to compile pursuant to New Jersey statute, rule, or authorized administrative directive shall be forwarded to the Chief School Administrator or designee of the out-of-State school district to which the pupil has transferred within ten days of receipt of a written request and verification by the school district;
- d. Records that are transferred in duplicate form shall have their original maintained at the location of the sending school district; and
- e. The Chief School Administrator or designee shall request all pupil health records in writing from the school district of last attendance within two weeks from the date that the pupil enrolls in the new school district.

D. Restrictions for Sharing Pupil Health Information

1. Any Board of Education employee with knowledge of, or access to, the following health information shall comply with restrictions for sharing that information as required by Federal and State statutes and regulations.
 - a. Information that identifies a pupil as having HIV infection or AIDS shall be shared only with prior written informed consent of the pupil age twelve or greater, or of the pupil's parent(s) or legal guardian(s) as required by N.J.S.A. 26:5C-1 et seq. and only for the purpose of determining an appropriate educational program for the pupil.
 - b. Information obtained by the school's alcohol and other drug program which would identify the pupil as an alcohol or other drug user may be disclosed only for those purposes and under those conditions permitted by 42 CFR Part 2.
 - c. Information provided by a secondary school pupil while participating in a school-based alcohol or other drug counseling program that indicates a parent, guardian, or other person residing in the pupil's household is dependent upon or illegally using a substance shall be shared only for those purposes and conditions permitted by N.J.S.A. 18A:40A-7.1.

E. Access to Pupil Health Records

1. Access to and disclosure of information in the pupil's health record shall meet the requirements of the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, incorporated herein by reference, as amended and supplemented, 34 CFR Part 99, incorporated herein by reference, as amended and supplemented, and N.J.A.C. 6A:32-7, Pupil Records.
2. The school district shall provide access to the pupil health records to licensed medical personnel, not holding educational certification, who are working under contract with or as employees of the school district only to the extent necessary to enable the licensed medical personnel to perform their duties.



- a. Secretarial or clerical personnel under the supervision of the certified school nurse shall be permitted access to those portions of the pupil's health record that are necessary for entry and recording of data and for conducting routine clerical tasks as outlined in N.J.S.A. 18A:40-3.4 and N.J.A.C. 6A:32-7.5.

Nothing in N.J.A.C. 6A:16-2.5 or in this Policy and Regulation be construed to prohibit school personnel from disclosing information contained in the pupil's health record to pupils or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the pupil or other persons pursuant to N.J.A.C. 6A:32-7.4.

Adopted: August 18, 2009



5310 – Health Services (M)

The Board of Education shall develop and adopt written policies, procedures, mechanisms, or programs governing the following school functions in accordance with N.J.A.C. 6A:16-1.4(a):

1. Care of any pupil who becomes injured or ill while at school or during participation in school sponsored activities ([Policy and Regulation #8441 – Care of Injured and Ill Persons](#));
2. Transportation and supervision of any pupil determined to be in need of immediate medical care ([Policy and Regulation #8441 – Care of Injured and Ill Persons](#));
3. Isolation, exclusion, and readmission of any pupil or employee suspected of having a communicable disease as required by N.J.S.A. 18A:40-7 to 12 and 18A:40-16 to 18 ([Board Policy and Regulation #8451 – Control of Communicable Disease](#));
4. Provision of health services including immunization, administration of medication, treatment of asthma, medical examinations, nursing services, and emergency medical situations as required in N.J.A.C. 6A:16-2 ([Board Policy #5305 – Health Services Personnel](#), [Board Policy #5307 – Nursing Services Plan](#), [Board Policy and Regulation #5310 – Health Services](#), [Board Policy and Regulation #5320 – Immunization](#), [Board Policy and Regulation #5330 – Administration of Medication](#), and [Board Policy and Regulation #8441 – Care of Injured and Ill Persons](#));
5. An annual Nursing Services Plan that details the provision of nursing services based upon pupil need in the school district pursuant to N.J.A.C. 6A:16-2.1(b) ([Board Policy #5307 – Nursing Services Plan](#));
6. Administration of medication to pupils under the written order of a school physician or medical home pursuant to N.J.A.C. 6A:16-2.3(a)3vii ([Board Policy and Regulation #5330 – Administration of Medication](#));
7. Emergency administration of epinephrine via epi-pen to a pupil for anaphylaxis pursuant to N.J.S.A. 18A:40-12.5 ([Board Policy and Regulation #5330 – Administration of Medication](#));
8. Provision of medical and nursing services to meet requirements for health history, medical examination, and health screening as an alternative for pupils who do not have a medical home or have a religious objection to the required examinations pursuant to N.J.S.A. 18A:35-4.8 ([Board Policy and Regulation #5310 – Health Services](#));
9. Provision of nursing services to non-public schools located in the school district as required by N.J.S.A. 18A:40-23 through 31 and N.J.A.C. 6A:16-2.5 ([Board Policy and Regulation #5306 – Health Services to Nonpublic Schools](#));
10. Comprehensive substance abuse prevention, intervention, and treatment referral programs pursuant to N.J.S.A. 18A:40A-8 through 18 and N.J.A.C. 6A:16-3 and 4 ([Board Policy and Regulation #5530 – Substance Abuse](#));
11. Confidentiality related to juvenile justice proceedings pursuant to N.J.S.A. 2A:4A-60 and N.J.A.C. 6A:16-5.4, HIV identifying information pursuant to N.J.S.A. 26:5C-5 et seq., and drug



and alcohol use information pursuant to 42 CFR Part 2, N.J.S.A. 18A:40A-7.1 through 7.2, and N.J.A.C. 6A:16-3.2 ([Board Policy #8453 – HIV/Aids](#), [Board Policy #9323 – Notification of Juvenile Offender Case Disposition](#), and [Board Policy and Regulation #5530 – Substance Abuse](#)); and

12. School safety plans as required by N.J.A.C. 6A:16-5.1 ([Board Policy and Regulation #7430 – School Safety](#), [Board Policy and Regulation #8420 – Emergency Evacuation](#), [Board Policy and Regulation #8431 – Preparedness for Toxic Hazard](#), [Board Policy and Regulation #8468 – Crisis Response](#), and Regulations #8420.1 through #8420.6 that deal with specific types of emergencies)

The Board of Education shall develop and adopt policies and procedures that fulfill the rules and regulations of the New Jersey Department of Health and Senior Services, New Jersey Department of Human Services, New Jersey Department of Agriculture, and local boards of health which include the following requirements in accordance with N.J.A.C. 6A:16-1.4(b):

1. Exclusion of any pupil from the school setting for failure to meet requirements for immunization against communicable disease as required in N.J.A.C. 8:57-4, Immunization of Pupils in School ([Board Policy and Regulation #5320 – Immunization](#));
2. Exclusion of any person from the school setting if the person has uncovered weeping skin lesions as required in N.J.A.C. 8:61-2.1, Attendance at School by Pupils or Adults with HIV Infection ([Board Policy and Regulation #8451 – Control of Communicable Disease](#) and [Board Policy #8453 – HIV/Aids](#));
3. Procedures for sanitation and hygiene when handling blood and bodily fluids pursuant to N.J.A.C. 8:61-2, Participation and Attendance at School by Individuals with HIV Infection, and conforming to Centers for Disease Control and Prevention guidelines that schools implement universal precautions ([Board Policy and Regulation #8451 – Control of Communicable Disease](#) and [Board Policy #8453 – HIV/Aids](#));
4. Assurance that any pupil with HIV infection or AIDS or who lives with or is related to someone with HIV or AIDS is not excluded from general education, transportation services, extra-curricular activities, athletic activities, assigned to home instruction, or classified as eligible for special education for reason of HIV infection pursuant to N.J.A.C. 8:61-2.1 ([Board Policy and Regulation #8451 – Control of Communicable Disease](#) and [Board Policy #8453 – HIV/Aids](#));
5. Creation of wellness policies pursuant to 7 CFR Parts 210, 215, 220 and 245 and N.J.A.C. 2:36-1.7, Local School Nutrition Policy ([Board Policy #8505 – School Nutrition](#)); and
6. Ensuring accessibility of the NJ FamilyCare Program for pupils who are knowingly without medical coverage pursuant to N.J.S.A. 18A:40-34.

When the school district engages in pupil testing, studies, or surveys the Board procedures and materials shall meet the Federal requirements of 20 U.S.C. § 1232h, and N.J.S.A. 18A:36-34, School Surveys, parent(s) or legal guardian(s) consent required before administration in accordance with



N.J.A.C. 6A:16-1.4(c) (Board Policy #2415.05 – Pupil Surveys, Analysis and/or Evaluations and Board Policy #9560 – Administration of School Surveys).

The Board of Education shall develop and adopt the following written policies, procedures, and mechanisms in accordance with N.J.A.C. 6A:16-2.1(a) for the provision of health, safety, and medical emergency services and ensure staff members are informed as appropriate:

1. The review of immunization records for completeness pursuant to N.J.A.C. 8:57-4.1 through 4.20 (Board Policy and Regulation #5320 – Immunization);
2. The administration of medication to pupils in the school setting in accordance with N.J.A.C. 6A:16-2.1(a)2 (Board Policy and Regulation #5330 – Administration of Medication).
3. The review of Do Not Resuscitate (DNR) Orders received from the pupil's parent(s) or legal guardian(s) or medical home (Board Policy #5332 – Do Not Resuscitate Orders);
4. The provision of health services in emergency situations including:
 - a. The emergency administration of epinephrine via epi-pen pursuant to N.J.S.A. 18A:40-12.5 (Board Policy and Regulation #5330 – Administration of Medication);
 - c. The care of any pupil who becomes injured or ill while at school or during participation in school-sponsored functions (Board Policy and Regulation #8441 – Care of Injured and Ill Persons);
 - d. The transportation and supervision of any pupil determined to be in need of immediate care (Board Policy and Regulation #8441 – Care of Injured and Ill Persons);
 - e. The notification to parent(s) or legal guardian(s) of any pupil determined to be in need of immediate medical care (Board Policy and Regulation #8441 – Care of Injured and Ill Persons); and
 - f. The administration of medication for pupils requiring epinephrine (Board Policy and Regulation #5330 – Administration of Medication).
5. The treatment of asthma in the school setting in accordance with N.J.A.C. 6A:16-2.1(a)5 (Board Policy #5335 – Treatment of Asthma).
6. The administration of pupil medical examinations, pursuant to N.J.S.A. 18A:40-4, N.J.S.A. 18A:35-4.8, and N.J.A.C. 6A:16-2.2 (Board Policy and Regulation #5310 – Health Services);
7. Procedures for sanitation and hygiene when handling blood and bodily fluids pursuant to N.J.A.C. 8:61-1.1(f) and in compliance with the Centers for Disease Control and Prevention's guidelines which advise that schools implement universal precautions titled Universal Precaution for Prevention of Transmission of HIV and Other Bloodborne Infections (1987, updated 1996), incorporated herein by reference, as amended and supplemented, which is available from the Centers for Disease Control and Prevention, Division of Healthcare Quality Promotion, 1600 Clifton Road, Atlanta, GA 30333 (Board Policy #7420 – Hygienic Management and Board Regulation #7420 – Handling and Disposal of Body Wastes and Fluids); and



8. Provision of nursing services to nonpublic schools located in the school district as required by N.J.S.A. 18A:40-23 et seq. and N.J.A.C. 6A:16-2.5 ([Board Policy and Regulation #5306 – Health Services to Nonpublic Schools](#)).

The Board of Education shall provide the health services as required in N.J.A.C. 6A:16-2.2 as indicated below:

1. Immunization records shall be reviewed and updated annually pursuant to N.J.A.C. 8:57-4.1 through 4.16.
2. A Building Principal or designee shall not knowingly admit or retain in the school building any pupil whose parent(s) or legal guardian(s) has not submitted acceptable evidence of the child's immunization, according to the schedule specified in N.J.A.C. 8:57-4, Immunization of Pupils in School.
3. The school district shall perform tuberculosis tests on pupils using methods required by and when specifically directed to do so by the New Jersey Department of Health and Senior Services, based upon the incidence of tuberculosis or reactor rates in specific communities or population groups pursuant to N.J.S.A. 18A:40-16.
4. The school district shall immediately report any communicable diseases that are identified as reportable pursuant to N.J.A.C. 8:57-1, whether confirmed or presumed, by telephone to the health officer of the jurisdiction in which the school is located.
5. Each school in the district shall have and maintain for the care of pupils at least one nebulizer in the office of the school nurse or a similar accessible location pursuant to N.J.S.A. 18A:40-12.7.
6. Each pupil medical examination shall be conducted at the medical home of the pupil. If a pupil does not have a medical home, the school district shall provide this examination at the school physician's office or other comparably equipped facility.
 - a. For the purpose of the physical examination required prior to participation on a school-sponsored interscholastic athletic team or squad for pupils enrolled in any of the grades six to twelve in accordance with N.J.A.C. 6A:16-2.2(h)1, the pupil's parent(s) or legal guardian(s) may choose either the school physician or their own private physician.
 - b. A full report of the examination shall be maintained as part of the pupil's health record.
7. The findings of medical examinations as required under 8. below shall be documented on a form that is approved by the Commissioner of Education and shall include the following components:
 - a. Immunizations pursuant to N.J.A.C. 8:57-4.1 through 4.16;
 - b. Medical history including allergies, past serious illnesses, injuries and operations, medications, and current health problems;
 - c. Health screenings including height, weight, hearing, blood pressure, and vision; and
 - d. Physical examinations.



8. The school district shall ensure that pupils receive medical examinations:
 - a. Prior to participation on a school-sponsored interscholastic athletic team or squad for pupils enrolled in any of the grades six to twelve in accordance with N.J.A.C. 6A:16-2.2(h)1;
 - b. Upon enrollment into school in accordance with N.J.A.C. 6A:16-2.2(h)2;
 - c. When applying for working papers in accordance with N.J.A.C. 6A:16-2.2(h)3;
 - d. For the purposes of the comprehensive Child Study Team evaluation pursuant to N.J.A.C. 6A:14-3.4 in accordance with N.J.A.C. 6A:16-2.2(h)4; and
 - e. When the pupil is suspected of being under the influence of alcohol or controlled dangerous substances, pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 in accordance with N.J.A.C. 6A:16-2.2(h)5.
9. The Board of Education shall make accessible information regarding the NJ FamilyCare Program for pupils who are knowingly without medical coverage pursuant to N.J.S.A. 18A:40-34.
10. Information concerning a pupil's HIV/AIDS status shall not be required as part of the medical examination or health history pursuant to N.J.S.A. 26:5C-1 et seq.
11. The school nurse shall ensure that pupils receive health screenings as outlined below in accordance with New Jersey Department of Education Health Service Guidelines:
 - a. Screening for height, weight, and blood pressure shall be conducted annually for each pupil in Kindergarten through grade twelve.
 - b. Screening for visual acuity shall be conducted biennially for pupils in Kindergarten through grade ten.
 - c. Screening for auditory acuity shall be conducted annually for pupils in Kindergarten through grade three and in grade seven and eleven pursuant to N.J.S.A. 18A:40-4.
 - d. Screening for scoliosis shall be conducted biennially for pupils between the ages of ten and eighteen pursuant to N.J.S.A. 18A:40-4.3.
 - e. Screenings shall be conducted by a school physician, school nurse, physical education instructor, or other school personnel properly trained.
 - f. The school district shall provide for the notification of the parent(s) or legal guardian(s) of any pupil suspected of deviation from the recommended standard.
12. The school nurse shall screen to ensure hearing aids worn by pupils who are deaf and/or hard of hearing are functioning properly. The school nurse will ensure any FM hearing aid systems in classrooms or any school equipment in the school building used to assist pupils hear are functioning properly.



Legal References

N.J.S.A. 18A:40-4 et seq.

N.J.A.C. 6A:16-1.4 et seq.; 6A:16-2.2 et seq.

Adopted: August 18, 2009



R5310 – Health Services (M)

A. Definitions – N.J.A.C. 6A:16-1.3

1. “Advanced Practice Nurse” means a person who holds current certification as nurse practitioner/clinical nurse specialist from the State Board of Nursing.
2. “Certified School Nurse” means a person who holds a current license as a registered professional nurse from the State Board of Nursing and an Educational Services Endorsement, school nurse or school nurse/non-instructional from the Department of Education pursuant to N.J.A.C. 6A:9-13.3 and 13.4.
3. “Medical Examination” means the assessment of an individual’s health status.
4. “Medical Home” means a health care provider and that provider’s practice site chosen by the pupil’s parent or legal guardian for the provision of health care.
5. “Noncertified Nurse” means a person who holds a current license as a registered professional nurse from the State Board of Nursing and is employed by a district Board of Education or nonpublic school, and who is not certified as a school nurse by the Department of Education.
6. “Physical Examination” means the examination of the body by a professional licensed to practice medicine or osteopathy or an advanced practice nurse. The term includes very specific procedures required by statute as stated in N.J.A.C. 6A:16-2.2.
7. “School Physician” means a physician with a current license to practice medicine or osteopathy from the New Jersey Board of Examiners who works under a contract or as an employee of the school district. The physician is also referred to as the medical inspector as per N.J.S.A. 18A:40-1.

B. Medical Examinations – General Conditions

Each pupil medical examination shall be conducted at the medical home of the pupil. If a pupil does not have a medical home, the school district shall provide this examination at the school physician’s office or other comparably equipped facility. For the purpose of the physical examination required for pupils prior to participation on a school-sponsored interscholastic or intramural athletic team or squad for pupils enrolled in grades six to twelve, the pupil’s parent(s) or legal guardian(s) may choose either the school physician or their own private physician. A full report of the examination shall be maintained as part of the pupil’s health record.

The findings of required examinations under C. through G. below shall be documented on a form that is approved by the Commissioner of Education and shall include the following components:

1. Immunizations pursuant to N.J.A.C. 8:57-4.1 through 4.16;
2. Medical history including allergies, past serious illnesses, injuries and operations, medications, and current health problems;
3. Health screenings including height, weight, hearing, blood pressure, and vision; and



4. Physical examinations.

The district Board of Education shall make accessible information regarding the NJ FamilyCare Program for pupils who are knowingly without medical coverage pursuant to N.J.S.A. 18A:40-34.

Pursuant to N.J.S.A. 18A:40-4.4, a pupil who presents a statement signed by his/her parent(s) or legal guardian(s) that required examinations interfere with the free exercise of his/her religious beliefs shall be examined only to the extent necessary to determine whether the pupil is ill or infected with a communicable disease or under the influence of alcohol or drugs or is disabled or is fit to participate in any health, safety, or physical education course required by law.

Information concerning a pupil's HIV/AIDS status shall not be required as part of the medical examination or health history pursuant to N.J.S.A. 26:5C-1 et seq.

C. Medical Examinations – Prior To Participation On A School-Sponsored Interscholastic Or Intramural Athletic Team Or Squad For Pupils Enrolled In Grades Six To Twelve

The school district shall ensure that pupils receive medical examinations prior to participation on a school-sponsored interscholastic or intramural athletic team or squad for pupils enrolled in any of the grades six to twelve.

1. The examination shall be conducted within 365 days prior to the first practice session.
2. The medical examination shall include a health history questionnaire, completed and signed by the parent(s) or legal guardian(s).
 - a. The report of health findings of the medical examination for participation shall be documented on the Athletic Pre-participation Physical Examination Form approved by the Commissioner of Education to determine whether the pupil had or currently has any of the following conditions since their last physical:
 - (1) Injuries;
 - (2) Chronic or ongoing illness;
 - (3) Prescribed medication;
 - (4) Allergies;
 - (5) Head-related conditions;
 - (6) Heart-related conditions;
 - (7) Eye, ear, nose, mouth, or throat conditions;
 - (8) Neuromuscular/orthopedic conditions; or
 - (9) General or exercise-related conditions.
 - b. The medical report shall include a determination concerning the pupil's participation from the examining physician, advanced practice nurse or physician's assistant which includes, at a minimum, the following normalities:
 - (1) Measurement of weight, height, and blood pressure;



- (2) Examination of the skin to determine the presence of infection, scars from previous surgery or trauma, jaundice and purpura;
 - (3) Examination of the eyes to determine visual acuity, use of eyeglasses or contact lenses, and examination of the sclera for the presence of jaundice;
 - (4) Examination of the ears to determine the presence of acute or chronic infection, perforation of the eardrum and gross hearing loss;
 - (5) Examination of the nose to assess the presence of deformity which may affect endurance;
 - (6) Assessment of the neck, back, and spine to determine range of motion, the presence of pain associated with such motion, and abnormal curvature of the spine;
 - (7) Examination of chest contour;
 - (8) Auscultation and percussion of the lungs;
 - (9) Assessment of the heart with attention to the presence of murmurs, noting rhythm and rate;
 - (10) Assessment of the abdomen with attention to the possible presence of hepatomegaly, splenomegaly, or abnormal masses;
 - (11) Examination of upper and lower extremities to determine abnormal mobility or immobility, deformity, instability, muscle weakness or atrophy, surgical scars and varicosities;
 - (12) Examination of the testes to determine the presence and descent of testes, abnormal masses, or configurations, or hernia;
 - (13) Assessment of physiological maturation; and
 - (14) Neurological examination to assess balance and coordination.
- c. The medical report shall indicate whether a pupil is allowed or disallowed to participate in the required sports categories and must be completed and signed by the original examining physician, advanced practice nurse, or physician's assistant. A form that is incomplete shall be returned to the pupil's medical home for completion.
3. Each pupil whose medical examination was completed more than sixty days prior to the first practice session shall provide a health history update of medical problems experienced since the last medical examination. This shall be completed and signed by the parent(s) or legal guardian(s). The health history update shall include the following information:
- a. Hospitalization/operations;
 - b. Illnesses;
 - c. Injuries;
 - d. Care administered by a physician of medicine or osteopathy, advanced practice nurse, or physician's assistant; and
 - e. Medications.



4. Each school district shall provide written notification signed by the school physician to the parent(s) or legal guardian(s) stating approval of the pupil's participation in athletics based upon the medical report or the reasons for the school physician's disapproval of the pupil's participation.
5. A pupil that does not have a completed Athletic Pre-participation Physical Examination Form shall not be permitted to participate.

D. Medical Examinations – Upon Enrollment Into School

1. The school district shall ensure that pupils receive medical examinations upon enrollment into school. Parent(s) or legal guardian(s) shall be required to provide examination documentation of each pupil within thirty days upon enrolling into school.
2. When a pupil is transferring to another school, each school district shall ensure that pupil documentation of entry examination is forwarded to the transfer school district pursuant to N.J.A.C. 6A:16-2.4(d).
3. Pupils transferring into this school district from out-of-State or out-of-country may be allowed a thirty-day period in order to obtain entry examination documentation.
4. The school nurse shall notify parent(s) or legal guardian(s) of the importance of obtaining subsequent medical examinations of the pupil at least once during each developmental stage, at early childhood (pre-school through grade three), pre-adolescence (grades four through six) and adolescence (grades seven through twelve);

E. Medical Examinations – When Pupils Apply for Working Papers

1. The school district shall ensure that a pupil receives medical examinations when applying for working papers. Pursuant to N.J.S.A. 34:2-21.7 and 21.8, the school district is responsible for the administration of medical examinations for a pupil pursuing a certificate of employment.
2. A statement of physical fitness shall be signed by the school physician unless the parent(s) or legal guardian(s) elects to obtain the examination at the pupil's medical home.
3. The school district shall not be held responsible for the costs incurred by the parent(s) or legal guardian(s) who elects to obtain the examination at the pupil's medical home.

F. Medical Examinations – For The Purposes Of The Comprehensive Child Study Team Evaluation Pursuant To N.J.A.C. 6A:14-3.4

1. The school district shall ensure that pupils receive medical examinations for the purposes of the Comprehensive Child Study Team Evaluation pursuant to N.J.A.C. 6A:14-3.4.



G. Medical Examinations – When A Pupil Is Suspected Of Being Under The Influence Of Alcohol Or Controlled Dangerous Substances pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3

1. If a pupil who is suspected of being under the influence of alcohol or controlled dangerous substances is reported to the certified school nurse, the certified school nurse shall monitor the pupil's vital signs and general health status for emergent issues and take appropriate action pending the medical examination pursuant to N.J.A.C. 6A:16-4.3.
2. No school staff shall interfere with a pupil receiving a medical examination for suspicion of being under the influence of alcohol or controlled dangerous substances pursuant to N.J.A.C. 6A:16-4.3.

H. Health Screenings

Each district Board of Education shall ensure that pupils receive health screenings.

1. Screening for height, weight, and blood pressure shall be conducted annually for each pupil in Kindergarten through grade twelve.
2. Screening for visual acuity shall be conducted biennially for pupils in Kindergarten through grade ten.
3. Screening for auditory acuity shall be conducted annually for pupils in Kindergarten through grade three and in grades seven and eleven pursuant to N.J.S.A. 18A:40-4.
4. Screening for scoliosis shall be conducted biennially for pupils between the ages of ten and eighteen pursuant to N.J.S.A. 18A:40-4.3.
5. Screenings shall be conducted by a school physician, school nurse, physical education instructor, or other school personnel properly trained.
6. The school district shall provide for the notification of the parent(s) or legal guardian(s) of any pupil suspected of deviation from the recommended standard.

Adopted: August 18, 2009



5320 – Immunization

In order to safeguard the school community from the spread of certain communicable diseases and in recognition that prevention is a means of combating the spread of disease, the Board of Education requires the immunization of pupils against certain diseases in accordance with State statute and rules of the New Jersey State Department of Health and Senior Services.

A pupil shall not knowingly be admitted or retained in school if the parent(s) or legal guardian(s) has not submitted acceptable evidence of the child's immunization, according to schedules specified in N.J.A.C. 8:57-4 – Immunization of Pupils in School.

Medical or religious exemptions to immunizations shall be in accordance with the requirements as outlined in N.J.A.C. 8:57-4.3 and 4.4. A child may be admitted to school on a provisional basis in accordance with the requirements as outlined in N.J.A.C. 8:57-4.5.

No immunization program, other than that expressly required by the rules of the New Jersey State Department of Health and Senior Services or by order of the New Jersey State Commissioner of Health and Senior Services, may be conducted in district schools without the express approval of the Board.

Legal References

N.J.S.A. 18A:40-20

N.J.S.A. 26:4-6

N.J.A.C. 8:57-4.1 et seq.

Adopted: August 18, 2009



R5320 – Immunization

A. Immunizations on Admission

1. No Building Principal shall knowingly admit or retain any pupil who has not submitted acceptable evidence of immunization according to the schedule set forth in section E, unless the pupil is provisionally admitted as provided in paragraph A.2. or exempted as provided in section B., N.J.A.C. 8:57-4.3, and 8:57-4.4.
2. A pupil shall be admitted to preschool or school on a provisional basis if a physician, an advanced practice nurse, (a certified registered nurse practitioner or clinical nurse specialist) or health department can document that at least one dose of each required age-appropriate vaccine(s) or antigen(s) has been administered and that the pupil is in the process of receiving the remaining immunizations.
 - a. A child under five years of age lacking all required vaccines shall have no more than seventeen months to meet all immunization requirements in accordance with N.J.A.C. 8:57-4.5(b).
 - b. A child five years of age or older lacking all required vaccines shall have no more than one year to complete all immunization requirements in accordance with N.J.A.C. 8:57-4.5(c).
 - c. Provisional status shall only be granted one time to pupils entering or transferring into schools in New Jersey. If a pupil on provisional status transfers, information on their status will be sent by the original school to the new school. Provisional status may be extended by a physician for medical reasons as indicated in N.J.A.C. 8:57-4.3.
 - d. Pupils transferring into this district from another State or country shall be allowed a thirty day grace period in order to obtain past immunization documentation before provisional status shall begin. The thirty day grace period does not apply to pupils transferring from within the State of New Jersey.
 - e. The Building Principal or designee shall ensure the provisionally admitted pupil is receiving required immunizations on schedule. If the pupil has not completed the immunizations at the end of the provisional period, the Building Principal shall exclude the pupil from school until appropriate documentation of completion has been presented.
 - f. Pupils on provisional status may be temporarily excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the State Commissioner of Health and Senior Services or his/her designee.

B. Exemptions from Immunization

1. A pupil shall not be required to have any specific immunization(s) that are medically contraindicated.
 - a. A written statement from any physician licensed to practice medicine or osteopathy or an advanced practice nurse (certified registered nurse practitioner or clinical nurse specialist)



in any jurisdiction in the United States indicating that an immunization is medically contraindicated for a specific period of time and the reasons for the medical contraindication, based on valid reasons as enumerated by the Advisory Committee on Immunization Practices (ACIP) standards or the American Academy of Pediatrics (AAP) guidelines, will exempt a pupil from the specific immunization requirements by law for the period of time specified in the physician's statement.

- b. The physician's or an advanced practice nurse's (certified registered nurse practitioner or clinical nurse specialist) statement shall be retained by the school as part of the immunization record of the pupil and shall be reviewed annually.
 - c. When the pupil's medical condition permits immunization, this exemption shall thereupon terminate, and the pupil shall be required to obtain the immunizations from which he/she has been exempted.
3. A pupil shall be exempted from mandatory immunization if the parent(s) or legal guardian(s) submits a signed statement that explains 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.
 - a. The written statement signed by the parent(s) or legal guardian(s) will be kept by the school as part of the pupil's immunization record.
 - b. Pupils enrolled in school before September 1, 1991 and who have previously been granted a religious exemption to immunization, shall not be required to reapply for a new religious exemption under N.J.A.C. 8:57-4.4(a).
 4. Pupils exempted on medical or religious grounds may be temporarily excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the State Commissioner of Health and Senior Services or designee.

C. Documentation of Immunization

1. Any of the following documents shall be accepted as evidence of a pupil's immunization history, provided that the document lists the type of immunization and the specific date (month, day and year) when each immunization was administered.
 - a. An official school record from any school or preschool indicating compliance with immunization requirements,
 - b. A record from any public health department indicating compliance with immunization requirements,
 - c. A certificate signed by a physician licensed to practice medicine or osteopathy or an advanced practice nurse (certified registered nurse practitioner, or clinical nurse specialist) in any jurisdiction in the United States indicating compliance with immunization requirements, or
 - d. The official record of immunization from the New Jersey Immunization Information System indicating compliance with immunization requirements.



2. All immunization records submitted by a parent(s) or legal guardian(s) in a language other than English shall be accompanied by a translation sufficient to determine compliance with the immunization requirements of this Regulation.
3. Parental verbal history or recollection or previous immunization is unacceptable documentation or evidence of immunization.

D. Immunization Records

1. Each school shall maintain an official State of New Jersey Immunization Record for every pupil which shall include the date of each individual immunization.
 - a. When a child withdraws, is promoted, or transfers to another school, preschool or child care center, the immunization record, or a certified copy thereof, along with statements pertaining to religious or medical exemptions and laboratory evidence of immunity, shall be sent to the new school by the original school or shall be given to the parent(s) or legal guardian(s) upon request, within twenty-four hours of such a request.
 - b. The immunization record shall be kept separate and apart from the pupil's other medical records for the purpose of immunization record audit.
 - c. Child care centers, preschools, and elementary schools are to retain immunization records, or a copy thereof, for at least one year after the pupil has left the school. For children who are promoted from elementary to middle school or from middle school to high school within the same school system, this record retention requirement is not applicable in accordance with Department of Education rules and policies on transfer of pupil records.
 - d. Each pupil's immunization record, or a copy thereof, shall be retained by a secondary school for a minimum of four years after the pupil graduates from the secondary school.
 - e. When a pupil graduates from secondary school, the record, or a certified copy thereof, shall be sent to an institution of higher education or may be given to the parent(s) or legal guardian(s) upon request.
 - f. Any computer-generated document or list developed to record immunization information shall be considered a supplement to, not a replacement of, the official New Jersey Immunization Record.
2. A report of the immunization status of the pupils in each school shall be sent each year to the State Department of Health and Senior Services by the Building Principal or other person in charge of a school. The form for the report will be provided by the State Department of Health and Senior Services. The report shall be submitted by January 1 of the respective academic year. A copy of this report shall be sent to the local Board of Health in whose jurisdiction the school is located. Failure by the school district to submit such report by January 1 may result in a referral to the New Jersey Department of Education and the local health department.
3. The Building Principal or other person in charge of a school shall make immunization records available for inspection by authorized representatives of the State Department of Health and



Senior Services or the local Board of Health in whose jurisdiction the school is located, within twenty-four hours of notification.

E. Immunization Requirements

1. The immunization requirements for school age children shall be in accordance with the requirements of N.J.A.C. 8:57-4 – Immunization of Pupils in School as outlined below:

Minimal Immunization Requirements for School Attendance in New Jersey
N.J.A.C. 8:57-4: Immunization of Pupils in School

Disease(s)	Requirements	Comments
DTaP	(Age 1-6 Years): 4 doses, with one dose given on or after the 4th birthday, OR any 5 doses. (Age 7-9 Years): 3 doses of Td or any previously administered combination of DTP, DTaP, and DT to equal 3 doses.	Any child entering pre-school, pre-Kindergarten, or Kinder-garten needs a minimum of four doses. Pupils after the seventh birthday should receive adult type Td. DTP/Hib vaccine and DTaP also valid DTP doses. Laboratory evidence of immunity is also acceptable.
Tdap	GRADE 6 (<i>or comparable age level special education program with an unassigned grade</i>): 1 dose	For pupils entering Grade 6 on or after 9-1-08 and born on or after 1-1-97. A child does not need a Tdap dose until FIVE years after the last DTP/DTaP or Td dose.
Polio	(Age 1-6 Years): 3 doses, with one dose given on or after the 4th birthday, OR any 4 doses. (Age 7 or Older): Any 3 doses.	Either Inactivated Polio Vaccine (IPV) or Oral Polio Vaccine (OPV) separately or in combination is acceptable. Polio vaccine is not required of pupils 18 years of age or older. Laboratory evidence of immunity is also acceptable.



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Disease(s)	Requirements	Comments
Measles	<p>If born before 1-1-1990, 1 dose of a live Measles-containing vaccine.</p> <p>If born on or after 1-1-1990, 2 doses of a live Measles-containing vaccine. If entering a college or university after 9-1-1995 and previously unvaccinated, 2 doses of a live Measles-containing vaccine.</p>	<p>Any child over 15 months of age entering child care, preschool, or pre-Kindergarten needs a minimum of 1 dose of measles vaccine.</p> <p>Any child entering Kindergarten needs 2 doses. Previously unvaccinated pupils entering college after 9-1-1995 need 2 doses of measles-containing vaccine or any combination containing live measles virus administered after 1968. Documentation of 2 prior doses is acceptable. Laboratory evidence of immunity is also acceptable. Intervals between first and second measles/MMR/ MR doses cannot be less than 1 month.</p>
Rubella and Mumps	1 dose of live Mumps containing vaccine. 1 dose of live Rubella-containing vaccine.	Any child over 15 months of age entering child care, preschool, or pre-Kindergarten needs 1 dose of rubella and mumps vaccine. Each pupil entering college for the first time after 9-1-1995 needs 1 dose of rubella and mumps vaccine or any combination containing live rubella and mumps virus administered after 1968. Laboratory evidence of immunity is also acceptable.



Disease(s)	Requirements	Comments
Varicella	1 dose on or after the first birthday.	All children 19 months of age And older enrolled into a child care/pre-school center after 9-1-2004 or children born on or after 1-1-1998 entering a school for the first time in Kindergarten, Grade 1, or comparable age entry level special education program with an unassigned grade, need 1 dose of varicella vaccine. Laboratory evidence of immunity, physician’s statement or a parental statement of previous varicella disease is also acceptable.
Haemophilus Influenza-B (Hib)	(Age 2-11 Months) ⁽¹⁾ : 2 doses (Age 12-59 Months) ⁽²⁾ : 1 dose	Mandated only for children enrolled in child care, preschool, or pre-Kindergarten. ⁽¹⁾ Minimum of 2 doses of Hib vaccine is needed if between the ages of 2-11 months. ⁽²⁾ Minimum of 1 dose of Hib vaccine is needed after the first birthday. DTP/Hib and Hib/Hep B also valid Hib doses.
Hepatitis B	(K-Grade 12): 3 doses or 2 doses ⁽¹⁾	⁽¹⁾ If a child is between 11-15 years of age and has not received 3 prior doses of Hepatitis B then the child is eligible to receive 2-dose Hepatitis B Adolescent formulation. Laboratory evidence of immunity is also acceptable.



Disease(s)	Requirements	Comments
Pneumococcal	(Age 2-11 Months) ⁽¹⁾ : 2 doses (Age 12-59 Months) ⁽²⁾ : 1 dose	Children enrolled in child care or pre-school on or after 9-1-2008. ⁽¹⁾ Minimum of 2 doses of Pneumococcal vaccine is needed if between the ages of 2-11 months. ⁽²⁾ Minimum of 1 dose of Pneumococcal vaccine is needed on or after the first birthday.
Meningococcal	(Entering Grade 6 (<i>or comparable age level Special Ed program with an unassigned grade</i>): 1 dose ⁽¹⁾ (Entering a four-year college or university, previously unvaccinated and residing in a campus dormitory): 1 dose ⁽²⁾	⁽¹⁾ For pupils entering Grade 6 on or after 9-1-2008 and born on or after 1-1-1997. ⁽²⁾ Previously unvaccinated pupils entering a four-year college or university after 9-1-2004 and who reside in a campus dormitory, need 1 dose of meningococcal vaccine. Documentation of one prior dose is acceptable.
Influenza	(Ages 6-59 Months): 1 dose Annually	For children enrolled in childcare, preschool or pre-Kindergarten on or after 9-1-2008. 1 dose to be given between September 1 st and December 31 st of each year.

**Age Appropriate Vaccinations
(For Licensed Childcare Centers/Pre-Schools)**

Child's Age	Number of Doses a Child Should Have (by age)
2-3 Months	1 dose DTaP, 1 dose Polio, 1 dose Hib, 1 dose PCV7
4-5 Months	2 doses DTaP, 2 doses Polio, 2 doses Hib, 2 doses PCV7



Child's Age	Number of Doses a Child Should Have (by age)
6-7 Months	3 doses DTaP, 2 doses Polio, 2-3 doses Hib, 2-3 doses PCV7, 1 dose Influenza
8-11 Months	3 doses DTaP, 2 doses Polio, 2-3 doses Hib, 2-3 doses PCV7, 1 dose Influenza
12-14 Months	3 doses DTaP, 2 doses Polio, 1 dose Hib, 2-3 doses PCV7, 1 dose Influenza
15-17 Months	3 doses DTaP, 2 doses Polio, 1 dose MMR, 1 dose Hib, 1 dose PCV7, 1 dose Influenza
18 Months to 4 Years	4 doses DTaP, 3 doses Polio, 1 dose MMR, 1 dose Hib, 1 dose Varicella, 1 dose PCV7, 1 dose Influenza

Provisional Admission:

Provisional admission allows a child to enter/attend school but must have a minimum of one dose of each of the required vaccines. Pupils must be actively in the process of completing the series. If a pupil is less than 5 years of age, they have 17 months to complete the immunization requirements.

If a pupil is 5 years of age and older, they have 12 months to complete the immunization requirements.

Grace Periods:

- 4-day grace period: All vaccines doses administered less than or equal to four days before either the specified minimum age or dose spacing interval shall be counted as valid and shall not require revaccination in order to enter or remain in a school, pre-school or childcare facility.
- 30-day grace period: Those children transferring into a New Jersey school, pre-school, or childcare center from out of state/out of country may be allowed a 30-day grace period in order to obtain past immunization documentation before provisional status shall begin.

F. Emergency Powers of the Commissioner of Health and Senior Services

1. If a threatened outbreak, or outbreak of disease, or other public health immunization emergency exists, as determined by the State Commissioner of Health and Senior Services or designee, all pupils with provisional, religious, or medical exemptions (which relate to the specific disease threatening or occurring) shall be excluded from school. If these pupils become immunized or



produce serologic evidence of immunity to the specific disease the pupil may immediately be readmitted to school.

2. If a threatened outbreak, or outbreak of disease or other public health immunization emergency exists, as determined by the State Commissioner of Health and Senior Services or designee, the State Commissioner or designee may issue either additional immunization requirements to control the outbreak or threat of an outbreak or modify immunization requirements to meet the emergency.
 - a. All children failing to meet the additional immunization requirements of N.J.A.C. 8:57-4.22 shall be excluded from school until the outbreak or threatened outbreak is over. These requirements shall remain in effect as outlined in N.J.A.C. 8:57-4.22(c).
3. The Commissioner of Health and Senior Services or designee may temporarily suspend an immunization requirement in accordance with the reasons as outlined in N.J.A.C. 8:57-4.22(d).

Adopted: August 18, 2009



5330 – Administration of Medication (M)

The Board of Education disclaims any and all responsibility for the diagnosis and treatment of the illness of any pupil. However, in order for many pupils with chronic health conditions and disabilities to remain in school, medication may have to be administered during school hours. Parents and legal guardians are encouraged to administer medications to children at home whenever possible as medication should be administered in school only when necessary for the health and safety of pupils. The Board will permit the administration of medication in school in accordance with applicable law.

Medication will only be administered to pupils in school by the school physician, a certified or noncertified school nurse, a substitute school nurse employed by the district, the pupil's parent(s) or legal guardian(s), a pupil who is approved to self-administer in accordance with N.J.S.A. 18A:40-12.3 and 12.4, and school employees who have been trained and designated by the certified school nurse to administer epinephrine in an emergency pursuant to N.J.S.A. 18A:40-12.5 and 12.6.

Self-administration of medication by a pupil for asthma or other potentially life-threatening illness or a life threatening allergic reaction is permitted in accordance with the provisions of N.J.S.A. 18A:40-12.3.

Medication no longer required must be promptly removed by the parent(s) or legal guardian(s).

The school nurse shall have the primary responsibility for the administration of epinephrine. However, the certified school nurse may designate, in consultation with the Board or the Superintendent, additional employees of the district who volunteer to be trained in the administration of epinephrine via a pre-filled auto-injector mechanism using standardized training protocols established by the Department of Education in consultation with the Department of Health and Senior Services when the school nurse is not physically present at the scene.

The school nurse or designee shall be promptly available on site at the school and at school-sponsored functions in the event of an allergic reaction. In addition, the parent(s) or legal guardian(s) must be informed that the school district, its employees and agents shall have no liability as a result of any injury arising from the administration of epinephrine to the pupil.

The parent(s) or legal guardian(s) of the pupil must sign a statement acknowledging their understanding the district shall have no liability as a result of any injury arising from the administration of the epinephrine via a pre-filled auto-injector mechanism to the pupil and the parent(s) or legal guardian(s) shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the administration of the epinephrine via a pre-filled auto-injector mechanism to the pupil.

The permission for the emergency administration of epinephrine via a pre-filled auto-injector mechanism containing epinephrine to pupils for anaphylaxis is effective for the school year it is granted and must be renewed for each subsequent school year.

Each school in the district shall have and maintain for the use of pupils at least one nebulizer in the office of the school nurse or a similar accessible location. Each certified school nurse or other persons authorized to administer asthma medication will receive training in airway management and in the use



of nebulizers and inhalers consistent with State Department of Education regulations. Every pupil that is authorized to use self-administered asthma medication pursuant to N.J.S.A. 18A:40-12.3 or a nebulizer must have an asthma treatment plan prepared by the pupil's physician which shall identify, at a minimum, asthma triggers, the treatment plan and other such elements as required by the State Board of Education.

All pupil medications shall be appropriately maintained and secured by the school nurse, except those medications to be self-administered by pupils. In those instances the medication may be retained by the pupil with the prior knowledge of the school nurse. The school nurse may provide the Building Principal and other teaching staff members concerned with the pupil's educational progress with such information about the medication and its administration as may be in the pupil's best educational interests. The school nurse may report to the school physician any pupil who appears to be affected adversely by the administration of medication and may recommend to the Building Principal the pupil's exclusion pursuant to law.

The school nurse shall document each instance of the administration of medication to a pupil. Pupils self-administering medication shall report each incident to a teacher, coach or other individual designated by the school nurse who is supervising the pupil during the school activity when the pupil self-administers. These designated individuals shall report such incidents to the school nurse within twenty-four hours of the self-administration of medication. The school nurse shall preserve records and documentation regarding the self-administration of medication in the pupil's health file.

Legal References

N.J.S.A. 18A:6-1.1; 18A:40-3.1; 18A:40-6; 18A:40-7; 18A:40-12.3;
N.J.S.A. 18A:40-12.4; 18A:40-12.5; 18A:40-12.6; 18A:40-12.7;
N.J.S.A. 18A:40-12.8
N.J.S.A. 45:11-23
N.J.A.C. 6A:16-2.3(b)

Adopted: August 18, 2009



R5330 – Administration of Medication (M)

A. Definitions

1. “Medication” means any prescription drug or over-the-counter medicine or nutritional supplement and includes, but is not limited to, aspirin and cough drops.
2. “Administration” means the taking of any medication by ingestion, injection, or application to any part of the body or the giving of direct physical assistance to the person who is ingesting, injecting, or applying medication.
3. “Self-administration” means carrying and taking medication without the intervention of the school nurse, approved through the school district policy and restricted to pupils with asthma, other potentially life-threatening illnesses or life-threatening allergic reaction.
4. “Life-threatening illness” means an illness or condition that requires an immediate response to specific symptoms or sequelae (an after effect of disease or injury) that if left untreated may lead to potential loss of life, i.e., adrenaline injection in anaphylaxis.
5. “A pre-filled auto-injector mechanism containing epinephrine” is a medical device used for the emergency administration of epinephrine to a pupil for anaphylaxis.
6. “Noncertified school nurse” means a person who holds a current license as a registered professional nurse from the State Board of Nursing and is employed by the district, and who is not certified as a school nurse by the Department of Education.
7. “Substitute school nurse” means a person who holds a current license as a registered professional nurse from the State Board of Nursing and who has been issued a county substitute certificate to serve as a substitute for a certified school nurse in accordance with N.J.A.C. 6A:9-6.5(i).
8. “School physician” means a physician with a current license to practice medicine or osteopathy from the New Jersey Board of Medical Examiners who works under contract or as an employee of the district. This physician is referred to as the medical inspector in N.J.S.A. 18A:40-4.1.
9. “Advanced practice nurse” means a person who holds current certification as nurse practitioner/clinical nurse specialist from the State Board of Nursing.
10. “Certified school nurse” means a person who holds a current license as a registered professional nurse from the State Board of Nursing and an Educational Services Endorsement, school nurse, or school nurse/non-instructional from the Department of Education pursuant to N.J.A.C. 6A:9-13.3 and 13.4.

B. Permission for Administration by a School Nurse or Registered Nurse

1. Permission for the administration of medication in school or at school-related events will be given only when it is necessary for the health and safety of the pupil. Parents are strongly encouraged to attend after school events if their child requires medication.



2. Medication will not be administered to a pupil who is physically unfit to attend school or has a contagious disease. Any such pupil should not be permitted to attend school and may be excluded in accordance with Board Policy #8451 – Control of Communicable Disease.
3. Parent(s) or legal guardian(s) requests for the administration of medication in school must be made in writing and signed by the parents or legal guardian.
4. The parent(s) or legal guardian(s) must submit a certified statement written and signed by the pupil's physician. The statement must include:
 - a. The pupil's name,
 - b. The name of the medication,
 - c. The purpose of its administration to the pupil for whom the medication is intended,
 - d. The proper timing and dosage of medication,
 - e. Any possible side effects of the medication,
 - f. The time when the medication will be discontinued,
 - g. A statement that the pupil is physically fit to attend school and is free of contagious disease, and
 - h. A statement that the pupil would not be able to attend school if the medication is not administered during school hours.
5. The request for the administration of medication must be made to the school nurse and approved by the Building Principal prior to any administration of medication or delivery of the medication to the school. The Building Principal may consult with the school nurse and the school physician in making his/her final determination to allow or deny the request.
 - a. An approved request will be signed by the Building Principal and given to the school nurse and the pupil's parent(s) or legal guardian(s).
 - b. The parent(s) or legal guardian(s) will be informed of the reason for a denied request; a denied request may be appealed to the Superintendent.

C. Administration of Epinephrine to Pupils

1. The parent(s) or legal guardian(s) may provide the Superintendent authorization for the emergency administration of epinephrine via a pre-filled auto-injector mechanism containing epinephrine to a pupil for anaphylaxis provided that:
 - a. The parent(s) or legal guardian(s) provides the Superintendent a written authorization for the administration of epinephrine with written orders from the physician or an advanced practice nurse that the pupil requires the administration of epinephrine for anaphylaxis.
 - b. The school nurse has the primary responsibility for the administration of epinephrine. However, the school nurse shall designate, in consultation with the Board or Superintendent, additional employees of the district who volunteer to administer epinephrine via a pre-filled auto-injector mechanism to a pupil when the school nurse is not physically present at the scene. These volunteers shall be trained using standardized



training protocols established by the New Jersey Department of Education in consultation with the Department of Health and Senior Services. The pupil's parent(s) or legal guardian(s) must consent in writing to the administration of epinephrine via a pre-filled auto-injector mechanism by the designee(s).

- c. The parent(s) or legal guardian(s) must be informed in writing by the Board or Superintendent that the school district and its employees or agents shall have no liability as a result of any injury arising from the administration of epinephrine to the pupil.
- d. The parent(s) or legal guardian(s) must sign a statement acknowledging their understanding the district shall incur no liability as a result of any injury arising from the administration of epinephrine via a pre-filled auto-injector mechanism to the pupil and the parent(s) or legal guardian(s) shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the administration of epinephrine via a pre-filled auto-injector mechanism.
- e. The permission for the emergency administration of epinephrine via a pre-filled auto-injector mechanism is effective for the school year it is granted and must be renewed for each subsequent school year upon the fulfillment of the requirements as outlined in a. through d. above.
- f. The school nurse shall be responsible for the placement of the 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 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.
- g. The school nurse or designee shall be promptly available on site at the school and school-sponsored functions in the event of an allergic reaction.
- h. The school nurse or designee shall arrange for 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.

D. Permission for Self-Administration of Medication

Permission for self-administration of medication of a pupil with asthma, other potentially life-threatening illness, or a life-threatening allergic reaction may be granted under the following conditions:

1. Parent(s) or legal guardian(s) of the pupil must provide the Board written authorization for the self-administration of medication;
2. The parent(s) or legal guardian(s) of the pupil must also provide the Board with a signed written certification from the physician of the pupil that the pupil has asthma or another potentially life threatening illness or is subject to a life-threatening allergic reaction and is capable of, and has been instructed in, the proper method of self-administration of medication. The written certification must include:



- a. The pupil's name;
 - b. The name of the medication;
 - c. The purpose of its administration to the pupil for whom the medication is intended;
 - d. The proper timing and dosage of medication;
 - e. Any possible side effects of the medication;
 - f. The time when the medication will be discontinued;
 - g. A statement that the pupil is physically fit to attend school and is free of contagious disease; and
 - h. A statement the medication must be administered during the school day or the pupil would not be able to attend school.
3. The parent(s) or legal guardian(s) of the pupil have signed a statement acknowledging that the school district shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil and that the parent(s) or legal guardian(s) shall indemnify and hold harmless the school district, the Board, and its employees or agents against any claims arising out of the self-administration of medication by the pupil;
4. The parent's and/or legal guardian's written authorization and the physician's written certification shall be reviewed by the Building Principal or designee with the school nurse and the school physician. The school nurse and the school physician must agree the pupil is capable of self-administration of the medication. If it is determined the pupil may self-administer medication in accordance with the request:
- a. The request will be signed by the Building Principal and given to the school nurse and the pupil's parent(s) or legal guardian(s),
 - b. The parent(s) or legal guardian(s) will be informed of the reason for a denied request; a denied request may be appealed to the Superintendent,
5. Permission to self-administer one medication shall not be construed as permission to self-administer other medication; and
6. Permission shall be effective on the school year for which it is granted and shall be renewed for each subsequent school year upon fulfillment of the requirements in 1. through 4. above.

E. Custodianship of Medication

1. Medications to be administered by the school nurse or a registered nurse:
 - a. All medications must be delivered to the school by the parent(s) or legal guardian(s).
 - b. All medications must be in the original container, with the prescription information affixed.
 - c. The school nurse shall be custodian of pupils' medication, which will be properly secured.
 - d. Any unused medication must be picked up by the pupil's parent(s) or legal guardian(s).



- e. After reasonable efforts to have the parent(s) or legal guardian(s) retrieve the medication have failed, any unused medication that remains in the school at the end of the school year or two school weeks after the pupil stops taking the medication, whichever first occurs, must be destroyed or discarded by the school nurse, in accordance with proper medical controls.
2. Medications to be self-administered by a pupil:
 - a. Time being of the essence in cases of asthma, other potentially life threatening illness, or a life-threatening allergic reaction, all medications to be self-administered by a pupil must be kept in the pupil's possession.
 - b. No pupil may possess medication for self-administration unless the proper permission has been granted by the Building Principal and a record of the medication is on file in the office of the school nurse.
 - c. Pupils who are permitted to self-administer medications must secure their medication in such a manner that the medication will not be available to other pupils. The medication must be in a sealed container and clearly labeled with the medication name, dosage, and ordering physician. The medication, if ingested by someone other than the pupil, shall not cause severe illness or death.
 - d. Pupils who are permitted to self-administer medications shall only have in their possession the quantity of medication necessary for the time period of the pupil's school day.
 - e. Notwithstanding any other law or regulation, a pupil who is permitted to self-administer medication in accordance with the provisions of N.J.S.A. 18A:40-12.3 shall be permitted to carry an inhaler or prescribed medication for allergic reactions, including a pre-filled auto-injector mechanism, at all times, provided the pupil does not endanger himself or other persons through misuse.

F. Administration of Medication

1. No medication shall be administered to or taken by a pupil in school or at a school-sponsored event except as permitted by Board policy and this Regulation.
2. Medication will only be administered to pupils in school by the school physician, a certified or noncertified school nurse, a substitute school nurse employed by the district, a pupil who is approved to self-administer in accordance with N.J.S.A. 18A:40-12.3 and 12.4, and school employees who have been trained and designated by the certified school nurse to administer epinephrine in an emergency pursuant to N.J.S.A. 18A:40-12.5 and 12.6.
3. When practicable, self-administration of medication should be observed by the school nurse.
4. Pupils self-administering medication shall report each administration of medication and any side effects to a teacher, coach, or the individual in charge of the pupil during school activities. Such individuals shall report all administrations and any side effects reported or observed to the school nurse within twenty-four hours.



5. When a pupil attends a school-sponsored event at which medication may be required (such as an outdoor field trip or athletic competition) and the school nurse cannot be in attendance, the pupil's parent(s) or legal guardian(s) will be invited to attend. If neither the school nurse nor the parent(s) or legal guardian(s) can attend and the pupil does not have permission to self-administer medication and there is a risk that the pupil may suffer injury from lack of medication, the pupil may be excused from the event.

G. Emergencies

Any medical emergency requiring medication of pupils will be handled in accordance with Board Policy #8441 – Care of Injured and Ill Persons and implementing regulations on first aid and, as appropriate, the school physician's standing orders for school nurses. Arrangements will be made to transport a pupil to a hospital emergency room after the administration of epinephrine in accordance with N.J.S.A. 18A:40-12.5.e.(3).

H. Records

The school nurse shall include the following in a pupil's health record:

1. The approved written request for the administration or self-administration of medication;
2. A record of each instance of the administration of the medication by the school nurse or a registered nurse;
3. A record of reports by teachers, coaches, and other individuals in charge of school activities who report pupil self-administration of medication;
4. Any side effects that resulted from the administration of medication; and
5. Whether the supply of medication provided in cases where the medication is to be administered by the school nurse or a registered nurse was exhausted or the parent(s) or legal guardian(s) removed the medication or, if the parent(s) or legal guardian(s) failed to remove the medication, the medication was destroyed and the date on which that occurred.

I. Notification

1. The school nurse may provide the Building Principal and other teaching staff members concerned with the pupil's educational progress with information about the medication and administration when such release of information is in the pupil's best educational interest.
2. The school nurse will provide teachers, coaches, and other individuals in charge of school activities with a list of pupils who have been given permission to self-administer medication.
3. The school nurse will inform the pupil's parent(s) or legal guardian(s) of any difficulty in the administration of medication or any side effects.
4. The school nurse will report to the school physician any pupil who appears to be adversely affected by the medication.

Adopted: August 18, 2009



5331 – Management of Life-Threatening Allergies in Schools (M)

The Board of Education recognizes pupils may have allergies to certain foods and other substances and may be at risk for anaphylaxis. Anaphylaxis is a sudden, severe, serious, systemic allergic reaction that can involve various areas of the body (such as the skin, respiratory tract, gastrointestinal tract, and cardiovascular system). Anaphylaxis is a serious allergic reaction that may be rapid in onset and may cause death. This Policy and Regulation has been developed in accordance with the Guidelines for the Management of Life-Threatening Food Allergies in Schools developed by the New Jersey Department of Education.

An Individualized Healthcare Plan (IHP) and an Individualized Emergency Healthcare Plan (IEHP) will be developed for each pupil at risk for a life-threatening allergic reaction. Self-administration of medication, the placement and the accessibility of epinephrine, and the recruitment and training of designees who volunteer to administer epinephrine during school and at school-sponsored functions when the school nurse or designee is not available shall be in accordance with N.J.S.A. 18A:40-12 and [Board Policy and Regulation #5330 – Administration of Medication](#). School staff will be appropriately trained by the school nurse or designee to understand the school's general emergency procedures and steps to take should a life-threatening allergic reaction occur.

The school district will develop and implement appropriate strategies and prevention measures for the reduction of risk of exposure to food allergens throughout the school day, during before- and after-school programs, at all school-sponsored activities, in the cafeteria, or wherever food is present.

A description of the roles and responsibilities of the parent(s) or legal guardian(s), staff, and pupils to prevent allergic reactions and during allergic reactions are outlined in [Board Regulation #5331 – Management of Life-Threatening Allergies in Schools](#).

Every incident involving a life-threatening allergic reaction and/or whenever epinephrine is administered throughout the school day, during before- and after-school programs, and/or at all school-sponsored activities shall be reported to the school nurse or designee. The school nurse or designee shall be responsible to notify emergency responders, the Building Principal or designee, the school physician, and the Superintendent. The Superintendent shall inform the Board of Education after every incident including a life-threatening allergic reaction or whenever epinephrine is administered by the school nurse or designee. In addition, in accordance with the provisions of N.J.S.A. 18A:40-12.5.e.(3), the school nurse or designee shall arrange for the transportation of a pupil to the hospital emergency room by emergency services personnel after the administration of epinephrine, even if the pupil's symptoms appear to have resolved.

There will be occasions where food and/or beverages will be served as part of a classroom experience, field trip, and/or celebration. Because the ingredients of these food and beverage products may be unknown to the food preparation person and/or server, a pupil with anaphylaxis to food should not consume any food products that he/she is unsure of the ingredients. The teacher will provide, whenever



possible, advance notice of the classroom experience, field trip, or celebration in order for the pupil to bring a food or beverage product from their home so they may participate in the activity.

When a parent(s) or legal guardian(s) informs the Building Principal and the school nurse the pupil may have an anaphylactic reaction to a substance other than food, the Building Principal will work with school staff to determine if these substances are on school grounds. The Building Principal will inform and work with the parent(s) or legal guardian(s) and the pupil to avoid the pupil's exposure to these substances if present on school grounds.

School staff will be appropriately trained by the school nurse or designee to understand the school's general emergency procedures and steps to take should a life-threatening allergic reaction occur. The school nurse or designee will provide appropriate training to school staff to understand allergies to food and other substances, to recognize symptoms of an allergic reaction, and to know the school's general emergency procedures and steps to take should a life-threatening allergic reaction occur. The school nurse will work with appropriate school staff to eliminate or substitute the use of allergens in the allergic pupil's meals, educational/instructional tools and materials, arts and crafts projects, or incentives.

This Policy and its associated Regulation should be annually reviewed, evaluated, and updated where needed. This Policy and its associated Regulation will be disseminated and communicated to all parent(s) or legal guardian(s) of pupils in the school in the beginning of each school year and when a pupil enters the school after the beginning of the school year.

Legal References

N.J.S.A. 18A:40-12.3 through 18A:40-12.6

New Jersey Department of Education - Guidelines for the Management of Life-Threatening Food Allergies in Schools – September 2008

Adopted: August 18, 2009



R5331 – Management of Life-Threatening Allergies in Schools (M)

A. Definitions

1. Anaphylaxis – A serious allergic reaction that is rapid in onset and may cause death.
2. Epinephrine (adrenaline) – A drug that can be successfully utilized to counteract anaphylaxis.
3. Food Allergy – A group of disorders characterized by immunologic responses to specific food proteins. In the United States, the most likely common allergens in adults and children are cow’s milk, eggs, peanuts, wheat, soy, fish, shellfish, and nuts.
4. Individualized Emergency Healthcare Plan (IEHP) – A personalized healthcare plan written by the certified school nurse that specifies the delivery of accommodations and services needed by a pupil in the event of an emergency.
5. Individualized Healthcare Plan (IHP) – A plan written by the certified school nurse that details accommodations and/or nursing services to be provided to a pupil because of the pupil’s medical condition based on medical orders written by a health care provider in the pupil’s medical home.
6. School-Sponsored Function – Any activity, event, or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized and/or supported by the school.

B. Policy and Regulation Development

1. This Policy and Regulation address different allergens, varying ages and maturity levels of pupils, and the physical properties and organizational structures of schools in this school district. The components below were critical in developing this Policy and Regulation.
 - a. The school district nursing staff, in consultation with the school physician, if needed:
 - (1) Assessed the overall health needs of the pupil population at risk for anaphylaxis, particularly pupils with food allergies; and
 - (2) Assessed current and relevant policies and/or protocols regarding the care of pupils with life-threatening allergies and identified areas in need of development or improvement.
2. This Policy and Regulation were developed using a multidisciplinary team that included various school district administrators, teachers, and support staff members.
3. Additional factors need to be regarded at the secondary school level in order to provide the best care for food-allergic teens. The multidisciplinary team should consider the factors below when developing this Policy and Regulation as it pertains to food-allergic teens.



- a. Pupils move to different classrooms, frequently in larger buildings and campuses, presenting needs for updated avoidance strategies, epinephrine availability, and designated assistance.
 - b. Pupils may have open lunch periods and accompany friends to local eateries.
 - c. Pupils may have access to vending machines.
 - d. Certain classes give rise to new avoidance issues, e.g., chemistry/biology labs, home economics/culinary class, etc.
 - e. The number of off-site school-sponsored functions increases, e.g., travel, sometimes to other States and foreign countries; athletic games and competitions, sometimes in other towns; dances; etc.
 - f. Risk-taking behaviors frequently accompany the independence of adolescent years.
 - g. N.J.S.A. 18A:40-12.6 provides for a delegate for the emergency administration of epinephrine even when a pupil is able to self-administer life-saving medication. Although teenage pupils will more than likely be permitted to carry and self-administer emergency medications, those pupils are not to be expected to have complete responsibility for the administration of epinephrine. A severe allergic reaction can completely incapacitate a pupil and inhibit the ability to self-administer emergency medication. Therefore, the school nurse or volunteer delegate shall be available during school and school-sponsored functions to administer epinephrine in an emergency in accordance with the provisions of N.J.S.A. 18A:40-12.5.e.(2).
4. The Building Principal and/or the school nurse will educate staff and the community regarding this Policy and Regulation; obtain feedback on the implementation and effectiveness of this Policy and Regulation; and annually review, evaluate, and update this Policy and Regulation, as needed or required by law.

C. Prevention Measures

1. Considerations for the Cafeteria

The Building Principal, in consultation with the school nurse, teaching staff members, food service staff members, and other appropriate staff members, will work to make the cafeteria environment as safe as possible for food-allergic pupils. This process includes making determinations about serving foods with known allergens and identifying steps that can be taken to reduce the chance of accidental exposure. The steps may include:

- a. Training to food service personnel on food label reading and safe handling, as well as safe meal substitutions for food-allergic children.
- b. Educating cafeteria staff and monitors about food-allergy management and make them aware of the pupils who have life-threatening food allergies.



- c. Developing and implementing standard procedures for cleaning tables, chairs, and trays, particularly those designated as allergen-safe, after lunch periods using dedicated and disposable supplies to avoid cross contact.
- d. When possible, sharing ingredient/allergen information for food provided by the school to pupils and parent(s) or legal guardian(s).
- e. Making allergen-safe table(s) an available option for allergic pupils.
- f. Considering allergen-full table(s) (i.e., all those eating peanut butter sit together).
- g. Discouraging pupils from sharing or trading food/snack items, drinks, straws, or utensils.
- h. Encouraging pupils to wash hands before and after eating.
- i. Considering the benefits and ramifications of serving and/or removing allergen-containing foods or removing a particular food item from the school menu.
- j. Making accommodations in the event a pupil cannot be in direct proximity to certain allergens that are being cooked/boiled/steamed.

2. Considerations for the Classroom

Provisions will be made to develop safeguards for the protection of food-allergic pupils in the classroom. The school nurse will work with the classroom teacher(s) so the teacher understands and is able to initiate the pupil's IEHP, as necessary.

- a. If possible, consider prohibiting the use or consumption of allergen-containing foods in the classroom.
- b. Conduct training for teachers, aides, volunteers, substitutes, and pupils about food allergies.
- c. Develop and implement a procedure that will alert substitute teachers to the presence of any pupils with food allergies and any accompanying instructions.
- d. Develop and implement a letter to parent(s) or legal guardian(s) of classmates of the food-allergic pupil (without identifying the pupil), particularly in lower grades, explaining any prohibitions on food in the classroom.
- e. Discourage the use of food allergens for classroom projects/activities, classroom celebrations, etc.
- f. Encourage the use of non-food items for all classroom events/activities, as a way to avoid the potential presence of major food allergens.
- g. Notify parent(s) or legal guardian(s) of classroom celebrations that involve food with particular attention to notification of parent(s) or legal guardian(s) of food-allergic children.
- h. Encourage pupils to wash hands before and after eating.
- i. Develop and implement standard procedures for cleaning desks, tables, and the general classroom area.



3. General Considerations for the School Environment

The Building Principal, in consultation with the school nurse, teaching staff members, food service staff members, and other appropriate staff members, will work to make the school environment as safe as possible for the food-allergic pupil to include:

- a. Developing and implementing cleaning procedures for common areas (i.e., libraries, computer labs, music and art rooms, hallways, etc.).
- b. Developing and implementing guidelines for food fundraisers (i.e., bake sales, candy sales, etc.) that are held on school grounds.
- c. Avoiding the use of food products as displays or components of displays in hallways.
- d. Developing protocols for appropriate cleaning methods following events held at the school, which involve food.

4. Field Trips and Other School Functions

N.J.S.A. 18A:40-12.6 requires a nurse or delegate to be available during school and school-sponsored functions in the event of anaphylaxis. Pupils with food allergies should participate in all school activities and will not be excluded based on their condition. The appropriate school staff member(s) should:

- a. Communicate (with parent(s) or legal guardian(s) permission) relevant aspects of the IEHP to staff, as appropriate, for field trips, school-sponsored functions, and before-and after-school programs.
- b. Encourage long-term planning of field trips in order to ensure that food-allergic pupils receive needed services while away from school.
- c. Evaluate appropriateness of trips when considering the needs of pupils e.g., a trip to a dairy farm should not be scheduled for a class with a milk-allergic pupil.
- d. Encourage, but do not require, parent(s) or legal guardian(s) of food-allergic pupils to accompany their child on school trips.
- e. Implement the district's procedure for the emergency administration of medications.
- f. Implement the district's procedure for emergency staff communications on field trips.
- g. Inform parent(s) or legal guardian(s), when possible, of school events at which food will be served or used.

5. Bus Transportation

The district administrative staff and transportation personnel will consider the needs of pupils with life-threatening allergies while being transported to and from school and to school-sponsored activities. The appropriate school staff member(s) should:

- a. Advise bus drivers of the pupils that have food allergies, symptoms associated with food-allergic reactions, and how to respond appropriately.



- b. Assess the emergency communications systems on buses.
 - c. Consider assigned bus seating i.e., pupils with food allergies can sit at the front of the bus or can be paired with a “bus buddy.”
 - d. Assess existing policies regarding food on buses.
6. Preparing for an Emergency

The Building Principal and school nurse will establish emergency protocols and procedures in advance of an emergency. These protocols and procedures should:

- a. Provide training for school personnel about life-threatening allergic conditions.
 - b. Create a list of volunteer delegates trained by the nurse in the administration of epinephrine, and disseminate the list appropriately.
 - c. Ensure that epinephrine is quickly and readily accessible in the event of an emergency. If appropriate, maintain a backup supply of the medication.
 - d. Coordinate with local EMS on emergency response in the event of anaphylaxis.
 - e. Consider conducting anaphylaxis drills as part of the district or school-wide emergency response plan.
 - f. Ensure access to epinephrine and allergy-free foods when developing plans for fire drills, lockdowns, etc.
 - g. Ensure that reliable communication devices are available in the event of an emergency.
 - h. Adhere to Occupational Safety and Health Administration (OSHA) and Universal Precautions Guidelines for disposal of epinephrine auto-injectors after use.
7. Sensitivity and Bullying

A food-allergic pupil may become victim to threats of bullying related to his/her condition. N.J.A.C. 6A:16-7.9 requires each Board of Education to develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds, including on a school bus or at a school-sponsored function, pursuant to N.J.S.A. 18A:37-15. The appropriate school staff member(s) should:

- a. Remind pupils and staff that bullying or teasing food-allergic pupils will not be tolerated and violators should be disciplined appropriately.
- b. Offer professional development for faculty and staff regarding confidentiality to prevent open discussion about the health of specific pupils.
- c. Discourage needless labeling of food-allergic pupils in front of others. A food-allergic pupil should not be referred to as “the peanut kid,” “the bee kid” or any other name related to the pupil’s condition.



D. Roles and Responsibilities for Managing Food Allergies

The risk of accidental exposure to foods can be reduced in the school setting if schools, pupils, parent(s) or legal guardian(s), and physicians work together to minimize risks of exposure to allergens and provide a safe educational environment for food-allergic pupils.

1. Family's Role

- a. Notify the school of the pupil's allergies.
- b. Work with the school team to develop a plan that accommodates the pupil's needs throughout the school, including the classroom, the cafeteria, after-care programs, during school-sponsored activities, and on the school bus, as well as an IEHP.
- c. Provide written medical documentation, instructions, and medications as directed by a physician, using the Food Allergy Action Plan as a guide. Include a photo of the child on written form.
- d. Provide properly labeled medications and promptly replace medications after use or upon expiration.
- e. Educate the child in the self-management of their food allergy including: safe and unsafe foods; strategies for avoiding exposure to unsafe foods; symptoms of allergic reactions; how and when to tell an adult they may be having an allergy-related problem; and how to read food labels (age appropriate).
- f. Review policies and procedures with the school staff, the child's physician, and the child (if age appropriate) after a reaction has occurred.
- g. Provide current emergency contact information and update regularly.

2. School's Role

- a. Review the health records submitted by parent(s) or legal guardian(s) and physicians.
- b. Identify a core team including the school nurse, teacher, Building Principal, and school food service and nutrition manager/director to work with parent(s) or legal guardian(s) and the pupil (age appropriate) to establish an IEHP. Changes to the IEHP that promote food allergy management should be made with core team participation.
- c. Assure that all staff who interact with the pupil on a regular basis understand food allergies, can recognize symptoms, know what to do in an emergency, and work with other school staff to eliminate the use of food allergens in the allergic pupil's meals, educational tools, arts and crafts projects, or incentives.
- d. Coordinate with the school nurse to ensure medications are appropriately stored and ensure an emergency kit is available that contains a physician's standing order for epinephrine. Epinephrine should be kept in a secure but unlocked location that is easily accessible to delegated school personnel.
- e. Pupils who are permitted to self-administer should be permitted to carry their own epinephrine in accordance with State regulations and district policy.



- f. Designate school personnel who volunteer to administer epinephrine in an emergency.
 - g. Be prepared to handle a reaction and ensure there is a staff member available who is properly trained to administer medications during the school day, regardless of time or location.
 - h. Review policies and prevention plans with the core team members, parent(s) or legal guardian(s), pupil (age appropriate), and physician after a reaction has occurred.
 - i. Work with the transportation administrator to insure that school bus drivers receive training that includes symptom awareness and what to do if a reaction occurs and assess the means by which a bus driver can communicate during an emergency, including proper devices and equipment.
 - j. Discuss field trips with the family of the food-allergic child to decide appropriate strategies for managing the food allergy.
 - k. Follow Federal and/or State laws and regulations regarding sharing medical information about the pupil.
 - l. Take threats or harassment against an allergic child seriously.
3. Pupil's Role
- a. Pupils should not trade food with others.
 - b. Pupils should not eat anything with unknown ingredients or known to contain any allergens.
 - c. Pupils should be proactive in the care and management of their food allergies and reactions based on their developmental level.
 - d. Pupils should notify an adult immediately if they eat something they believe may contain the food to which they are allergic.

Adopted: August 18, 2009



5332 – Do Not Resuscitate Orders (M)

Federal and State legislation entitles every pupil to a free, appropriate public education in the least restrictive environment. Due to the high risk of medically fragile pupils and pupils with chronic illnesses, who in the past would not have survived to be able to attend school, families, professionals, and school personnel are challenged with new issues in caring for these pupils in the school setting. Some families may wish not to pursue life-saving medical protocols for their child due to the lack of benefit to the pupil's condition or quality of life that is likely to result from following these protocols. In accordance with N.J.A.C. 6A:16-2.1(a)3, all Do Not Resuscitate (DNR) orders received for a pupil will be thoroughly and carefully reviewed.

“Do Not Resuscitate order” or “DNR order” means a written directive signed by the parent or legal guardian of a pupil who, after consultation with the pupil's pediatrician and other advisors, declines emergency administration of cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) to the pupil. “Written order” means a directive and protocol written by the pupil's medical home to address a healthcare need or provide a medical service for a specific pupil. “Medical home” means a health care provider and that provider's practice site chosen by the pupil's parent or legal guardian for the provision of health care.

A family desiring to pursue a DNR order must submit a written order, which should be developed after a meeting with the parent(s) or legal guardian(s), the pupil, if appropriate, the school physician, the school nurse, the pupil's family healthcare provider, and the local emergency medical services provider. The written order shall include specific written emergency orders and shall specifically meet the goals for the pupil. Community emergency medical services protocols must be clearly defined in the written order.

The school nurse is responsible for providing an appropriate response to DNR orders. The school nurse will coordinate the school district's review of the written order with the Building Principal or designee, the school physician, and the Superintendent or designee. The Superintendent or designee will review the written order with the Board of Education and the school Board Attorney. The school physician shall be responsible for instructing school staff in DNR orders.

The existence of a DNR written order and plan shall be referenced on the pupil's health form that is approved for use by the Commissioner of Education. A copy of the DNR written order shall be placed with the pupil's individualized health record and a copy should be kept with the local emergency medical services provider. The DNR written order shall be reviewed whenever a change occurs in the pupil's condition and at least once every six months.

Legal References

N.J.A.C. 6A:16-1.3; 6A:16-2.1(a)3

New Jersey Department of Education – School Health Services Guidelines, July 2001

Adopted: August 18, 2009



5335 – Treatment of Asthma (M)

The Board of Education recognizes the primary goal for children with asthma is to allow the child to live as normal a life as possible. The child should be able to participate in normal childhood activities, experience exercise tolerance similar to peers, and attend school to grow intellectually and develop socially. In accordance with N.J.A.C. 6A:16-2.1(a)5, the Board adopts this Policy that includes procedures for the treatment of asthma in the school setting.

Every school in the district shall have and maintain for the use of pupils at least one nebulizer in the office of the school nurse or a similar location. Each school nurse in the district shall receive training in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards including, but not limited to, those of the National Institutes of Health and the American Academy of Allergy, Asthma and Immunology pursuant to N.J.S.A. 18A:40-12.8(a). The school nurse, upon receiving this training, is authorized to administer asthma medication through the use of a nebulizer pursuant to N.J.S.A. 18A:40-12.8(a).

Each pupil authorized to use self-administered asthma medication pursuant to N.J.S.A. 18A:40-12.3 and [Board Policy #5330 – Administration of Medication](#) or a nebulizer shall have an Asthma Action Plan (AAP) prepared by the pupil's medical home and submitted to the certified school nurse. The AAP shall identify, at a minimum, asthma triggers and information to be included in the individualized healthcare plan and individualized emergency healthcare plan, pursuant to N.J.A.C. 6A:16-2.3(b) for meeting the medical needs of the pupil while attending school or a school-sponsored function.

Legal References

N.J.S.A. 18A:40-12.3; 18A:40-12.7

N.J.A.C. 6A:16-2.1(a)5

Adopted: August 18, 2009



5338 – Diabetes Management (M)

Diabetes is a serious chronic disease and must be managed twenty-four hours a day to avoid the potentially life-threatening short-term consequences of blood sugar levels that are either too high or too low and the serious long-term complications of high blood sugar levels. To manage their diabetes, pupils must have access to the means to balance food, medications, and physical activity level while at school and at school-related activities.

The parent(s) or legal guardian(s) of a pupil with diabetes who seeks diabetes care for their child while at school shall inform the school nurse who shall develop an individualized health care plan and an individualized emergency health care plan for the pupil. The individualized health care plan and individualized emergency health care plan shall be updated by the school nurse prior to the beginning of each school year and as necessary in the event there is a change in the health status of the pupil.

The school nurse assigned to a particular school shall coordinate the provision of diabetes care at that school and ensure that appropriate staff members are trained in the care of pupils with diabetes, including staff members working with school-sponsored programs outside of the regular school day, as provided in the individualized health care plan and the individualized emergency health care plan. The school nurse shall have the primary responsibility for the emergency administration of glucagon to a pupil with diabetes who is experiencing severe hypoglycemia.

The school nurse shall designate, in consultation with the Superintendent or designee, additional employees of the school district who volunteer to administer glucagon to a pupil 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 the written request of the parent(s) or legal guardian(s) and as provided in a pupil's individualized health care plan, the pupil shall be permitted to manage and care for his/her diabetes as needed in the classroom, in any area of the school or school grounds, or at any school-related activity provided the pupil has been evaluated and determined to be capable of doing so as reflected in the pupil's individualized health care plan.

The Building Principal or school nurse shall, for each pupil with diabetes whom a school bus driver transports, provide the driver with a notice of the pupil's condition, how to treat hypoglycemia, who to contact in an emergency, and parent(s) or legal guardian(s) contact information. Designated areas of the school building shall have posted, in plain view, a reference sheet identifying signs and symptoms of hypoglycemia in pupils with diabetes.

A pupil's school choice, if there is a choice option, shall not be restricted due to the fact the pupil has diabetes.

Legal References

N.J.S.A. 18A:40-12.11 through 18A:40-12.21

Adopted: April 13, 2010



R5338 – Diabetes Management (M)

A. Definitions

1. “Individualized emergency health care plan” means a document developed by the school nurse, in consultation with the parent of a pupil with diabetes and other appropriate medical professionals, which is consistent with the recommendations of the pupil’s health care provider(s) and which outlines a set of procedural guidelines that provide specific directions about what to do in a particular emergency situation and is signed by the parent and the school nurse.
2. “Individualized health care plan” means a document developed by the school nurse, in consultation with the parent of a pupil with diabetes and other appropriate medical professionals who may be providing diabetes care to the pupil, which is consistent with the recommendations of the pupil’s health care provider(s) and which sets out the health services needed by the pupil at school and is signed by the parent and the school nurse.
3. “Parent” means parent or legal guardian.

B. Health Care Plans for Pupils with Diabetes

1. The parent of a pupil with diabetes who seeks diabetes care for the pupil while at school shall inform the school nurse who shall develop an individualized health care plan and an individualized emergency health care plan for the pupil.
 - a. The parent of the pupil with diabetes shall annually provide to the Building Principal and the school nurse a signed written request and authorization for the provision of diabetes care as may be outlined in the individualized health care plan, which shall include authorization for the emergency administration of glucagons and, if requested by the parent, authorization for the pupil’s self-management and care of his/her diabetes; and
 - b. If such a request is made by a pupil’s parent, the pupil’s physician or advanced practice nurse must provide a signed written certification to the Building Principal and the school nurse that the pupil is capable of, and has been instructed in, the management and care of his/her diabetes.
2. The individualized health care plan and individualized emergency health care plan shall be updated by the school nurse prior to the beginning of each school year and as necessary in the event that there is a change in the health status of the pupil.
3. Each individualized health care plan shall include, and each individualized emergency health care plan may include, the following information:
 - a. The symptoms of hypoglycemia for that particular pupil and the recommended treatment;
 - b. The frequency of blood glucose testing;
 - c. Written orders from the pupil’s physician or advanced practice nurse outlining the dosage and indications for insulin administration and the administration of glucagon, if needed;



- d. Times of meals and snacks and indications for additional snacks or exercise;
 - e. Full participation in exercise and sports, and any contraindications to exercise, or accommodations that must be made for that particular pupil;
 - f. Accommodations for school trips, after-school activities, class parties, and other school-related activities;
 - g. Education of all school personnel who may come in contact with the pupil about diabetes, how to recognize and treat hypoglycemia, how to recognize hyperglycemia, and when to call for assistance;
 - h. Medical and treatment issues that may affect the educational process of the pupil with diabetes; and
 - i. How to maintain communications with the pupil, the pupil's parent and health care team, the school nurse, and the educational staff.
7. The school nurse assigned to a particular school shall coordinate the provision of diabetes care at that school and ensure that appropriate staff members are trained in the care of pupils with diabetes, including staff members working with school-sponsored programs outside of the regular school day, as provided in the individualized health care plan and the individualized emergency health care plan.

C. Authorized Employees for Administration of Glucagon

1. The school nurse shall have the primary responsibility for the emergency administration of glucagon to a pupil with diabetes who is experiencing severe hypoglycemia. The school nurse shall designate, in consultation with the Superintendent of Schools or designee, additional employees of the school district who volunteer to administer glucagon to a pupil 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.
2. In accordance with the provisions of N.J.S.A. 18A:40-12.14, the activities described in C.1. above shall not constitute the practice of nursing and shall be exempted from all applicable statutory or regulatory provisions that restrict the activities that may be delegated to a person who is not a licensed health care professional.
3. In accordance with the provisions of N.J.S.A. 18A:40-12.14, if a licensed athletic trainer volunteers to administer glucagon to a pupil with diabetes as described in C.1. above, it shall not constitute a violation of the "Athletic Training Licensure Act," P.L.1984, c.203 (C.45:9-37.35 et seq.).

D. Management and Care of Diabetes by Pupil

1. Upon the written request and authorization from the parent submitted to the Building Principal and school nurse and as provided in the pupil's individualized health care plan, the school district shall allow the pupil to manage and care for his/her diabetes as needed in the classroom,



in any area of the school or school grounds, or at any school-related activity provided the pupil has been evaluated and determined to be capable of doing so as reflected in the pupil's individualized health care plan. The pupil'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 pupil uses;
- c. Treating hypoglycemia and hyperglycemia;
- d. Possessing on the pupil's person at any time the supplies or equipment necessary to monitor and care for the pupil's diabetes;
- e. Compliance with required procedures for medical waste disposal in accordance with district policies and as set forth in the individualized health care plan; and
- f. Otherwise attending to the management and care of the pupil's diabetes.

E. Release for Sharing of Certain Medical Information

1. The school nurse shall obtain a release from the parent of a diabetic pupil to authorize the sharing of medical information between the pupil's physician or advanced practice nurse and other health care providers.
2. The release shall also authorize the school nurse to share medical information with other staff members of the school district as necessary.

F. Immunity From Liability

1. No school employee, including a school nurse, a school bus driver, a school bus aide, or any other officer or agent of the Board of Education shall be held liable for any good faith act or omission consistent with the provisions of N.J.S.A. 18A:40-12.11 through 18A:40-12.21, nor shall an action before the New Jersey State Board of Nursing lie against a school nurse for any such action taken by a person trained in good faith by the school nurse pursuant to this act. Good faith shall not include willful misconduct, gross negligence, or recklessness.

G. Possession of Syringes

1. The possession and use of syringes consistent with the purposes of N.J.S.A. 18A:40-12.11 through 18A:40-12.21 and [Board Policy #5338 – Diabetes Management](#) shall not be considered a violation of applicable statutory or regulatory provisions that may otherwise restrict or prohibit such possession and use.

Adopted: April 13, 2010



5350 – Pupil Suicide Prevention

The Board of Education recognizes that depression and self-destruction are problems of increasing severity among children and adolescents. A pupil under severe stress cannot benefit fully from the educational program and may pose a threat to himself or herself or others.

The Board directs all school personnel to be alert to the pupil who exhibits behavioral warning signs of potential self-destruction or who threatens or attempts suicide. Any such signs or the report of such signs from another pupil or staff member should be taken with the utmost seriousness and reported immediately to the Building Principal, who shall notify the pupil's parent(s) or legal guardian(s) and other professional staff members in accordance with administrative regulations.

A potentially suicidal pupil shall be referred to the Child Study Team for appropriate evaluation and/or recommendation for independent medical or psychiatric services. In the event that the parent(s) or legal guardian(s) objects to the recommended evaluation or indicates an unwillingness to cooperate in the best interests of the pupil, the Child Study Team may contact the New Jersey Division of Youth and Family Services to request that agency's intervention on the pupil's behalf.

In accordance with the provisions of N.J.S.A. 18A:6-111 and 18A:6-112, as part of the required professional development for teachers as outlined in N.J.A.C. 6A:9-15.1 et seq., every teaching staff member must complete at least two hours of instruction in suicide prevention, to be provided by a licensed health care professional with 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 pupils who are members of communities identified as having members at high risk of suicide.

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.

Legal References

N.J.S.A. 18A:6-111; 18A:6-112

N.J.A.C. 6A:9-15.1 et seq.

Adopted: August 18, 2009

Revised: July 12, 2011



R5350 – Pupil Suicide

1. The Superintendent will verify the death and pertinent facts from the police.
2. The Superintendent will put in action the planned news media control procedures as follows:
 - a. The Superintendent will be the designated spokesperson.
 - b. Press release will be controlled by the Superintendent's office.
3. The following staff would be designated to assist pupils and be the Emergency/Crisis Response Team. This group, each without specific teaching assignments, will meet to be briefed on the crisis and to implement the arrangements for servicing pupils.
 - a. School nurse;
 - b. Administration;
 - c. Guidance counselors; and
 - d. Child Study Team.
4. Procedures to be determined by the Emergency/Crisis Response Team (Meet as soon as possible after a crisis).
 - a. Identify interventions needed – Review facts.
 - b. Identify at-risk pupils and staff. If news is received during the day, arrangements should be made for immediate escort of siblings to their home.
 - c. Review teacher's schedules and clerical assignments. Arrange for substitutes if necessary.
 - d. Notify the staff using the phone chain if necessary.
 - e. Determine agenda for the first faculty meeting.
 - f. Draft a statement for faculty and parent(s) or legal guardian(s) if needed.
 - g. Set a time to evaluate the process after day one.
 - h. Determine additional personnel and agencies to be contacted, including community agencies.
 - i. Arrange for staffing of counseling groups during the day.
5. Emergency faculty meeting should be scheduled as soon as possible. (AM if crisis occurs at night or weekend.)
 - a. Disclose all relevant facts – Superintendent.
 - b. Explain any schedule or programs during the day.
 - c. Allow time for immediate staff reactions.
 - d. Explain how to direct pupils that were close to deceased or pupils considered at-risk for possible suicide ideation or attempts.
 - e. Review planned school response to media. All contacts with the media should be referred to the Superintendent.



- f. Encourage staff to dispel rumors.
 - g. Tell staff to plan for a faculty meeting at the close of the day.
6. During day one – Emergency/Crisis Response Team may:
- a. Individually or collectively identify high-risk pupils or staff who may require immediate intervention.
 - b. Contact parent(s) or legal guardian(s) or relatives of pupils or staff and determine if assistance is needed.
 - c. Recommend appropriate community service as necessary.
 - d. Provide opportunities for pupils and staff to express their feelings.
7. Follow-up faculty meeting (PM)
- a. This meeting should allow the staff to express feelings and reactions to the crisis.
 - b. This meeting should allow input from the staff to determine continuing interventions.
8. The Emergency/Crisis Response Team should meet to review and assess the response.
- a. Assess need for after school or evening follow-up.
 - b. Plan for the next day.
 - c. Evaluate the current day's plan.
9. Following day or within twenty-four hours.
- a. Continue providing support for groups and individuals.
 - b. Refer pupils to guidance counselors or other trained staff.
 - c. Continue the normal routine as soon as possible.
10. Post Crisis follow-up
- The Emergency/Crisis Response Team should meet to evaluate the entire process and determine modifications.

Adopted: August 18, 2009



5410 – Promotion and Retention (M)

The Board of Education recognizes that each child develops and grows in a unique pattern and that pupils should be placed in the educational setting most appropriate to their social, physical, and educational needs. Each pupil enrolled in this district shall be moved forward in a continuous program of learning in harmony with his/her own development.

Standards for pupil promotion shall be related to the New Jersey Core Curriculum Content Standards, district goals and objectives, and the accomplishments of pupils. A pupil will be promoted to the next succeeding grade level when: he/she has completed the course requirements at the presently assigned grade level; has achieved the instructional objectives set for the present grade level; has demonstrated the proficiencies required for movement into the educational program of the next grade level; and has demonstrated the degree of social, emotional, and physical maturation necessary for a successful learning experience in the next grade level.

Promotion policies and procedures will be provided to parent(s) or legal guardian(s) as appropriate. Parent(s) or legal guardian(s) and pupils shall be regularly informed during the school year of the pupil's progress toward meeting promotion standards.

Retention

A teacher who determines that a pupil's progress may not be sufficient to meet promotion standards, after obtaining the concurrence of the Building Principal (or designee), shall notify the parent(s) or legal guardian(s) and the pupil and offer immediate consultation to the pupil's parent(s) or legal guardian(s). An effort shall be made to remediate a pupil's deficiencies before retention is recommended, such remediation efforts shall begin well before the start of the fourth marking period. The parent(s) or legal guardian(s) and, where appropriate, the pupil shall be notified of the possibility of the pupil's retention at their current grade level in advance and, whenever feasible, no later than the beginning of the fourth marking period. The Building Principal makes the final decision on promoting or retaining a pupil.

Academic Acceleration

In special circumstances a pupil, whose academic ability far exceeds those of his/her grade-level peers, may be academically accelerated in one or more subject areas (primarily in grades five through seven) by taking subject-area classes at a higher grade level or a by skipping one whole grade level. The decision to accelerate a pupil's academic studies will be made by the I&RS (Intervention and Referral Services) Team, with the concurrence of the Superintendent. In reaching its decision, the I&RS Team will consider: the pupil's academic performance in his/her current and previous grade levels; results on recent and previous standardized tests; additional testing results, as applicable; and demonstrated degree of social, emotional, and physical maturation necessary for a successful learning experience in the subject area/grade-level to which he/she will be enrolled/promoted.

The I&RS Team will develop a written academic acceleration plan for the pupil which must be approved in writing by the pupil's parent(s) or legal guardian(s) and the Superintendent. This plan will



include a section on how the pupil will gain an understanding of the subject matters covered in the grade or subject areas skipped as a result of academic acceleration.

Classroom Teacher Recommendation

Classroom teachers shall recommend to the Building Principal, for his/her decision, the promotion or retention of each pupil. The pupil's parent(s) or legal guardian(s) may appeal a promotion or retention decision to the Superintendent, whose decision is final.

Legal References

N.J.S.A. 18A:35-4.9

Adopted: August 18, 2009
Revised: January 10, 2012



R5410 – Promotion and Retention (M)

The following rules are promulgated in accordance with the policy of the Board of Education dealing with the promotion and retention of pupils.

A. Standards for Pupil Promotion

Elementary and Intermediate Grades (PreK-8) – A pupil will be promoted to the next succeeding grade level when he/she demonstrates the proficiencies required for movement into the next grade level.

B. Procedures for Pupil Promotion

1. A written copy of promotion standards will be given to all parent(s) or legal guardian(s) and pupils at the beginning of each year.
2. Parent(s) or legal guardian(s) and pupils will be provided a minimum of four reports each year as to a pupil's progress toward meeting promotion standards.
3. Teachers who determine that a pupil's progress may not be sufficient to meet promotion standards, after obtaining the concurrence of the Building Principal (or designee), shall notify the parent(s) or legal guardian(s) of the pupil and offer consultation with the parent(s) or legal guardian(s).
4. Teachers shall make an effort to remediate a pupil's deficiencies before retention is recommended, such remediation efforts shall begin well before the start of the fourth marking period.
5. In grades PreK-8, the parent(s) or legal guardian(s) and where appropriate the pupil will be notified no later than the beginning of the fourth marking period when the possibility of a pupil not being promoted is determined.
6. A pupil with less than 162 days attendance in grades PreK-8 will not be promoted to the next grade level.
7. The Building Principal may waive the 162-day attendance requirements for grades PreK-8, based on extenuating circumstances as determined by the Building Principal. The pupil may be required to take a test to show proficiency in the grade-level's curriculum.
8. Classroom teachers shall recommend and provide input to the Building Principal who makes the final decision concerning the promotion or retention of each pupil.

C. Procedure for Retention or Social Promotion

1. Grades PreK-8 – Classroom teachers must initiate the process by providing to the Building Principal completed forms in accordance with the specified timelines.
2. The Building Principal will review each case and in consultation with the teacher render a decision.



3. Parent(s) or legal guardian(s) and adult pupils may appeal a promotion/retention decision to the Superintendent whose decision is final.

D. Procedure for Academic Acceleration

1. Whole-grade academic acceleration (skipping one grade level) will only be considered in promoting a pupil from grades one to three; two to four; three to five, five to seven, and six to eight. Grades one and five are major transitions for pupils, from a half-day Kindergarten to a full school day and from Elementary to Middle School respectively and, therefore, should not be skipped.
2. Academic acceleration in a subject area may occur only at the beginning of a marking period and may serve as a trial for whole-grade academic acceleration. Whole-grade academic acceleration will take place only at the end of a school year with the pupil being promoted to one grade level higher than the grade level to which he/she otherwise would have been promoted.
3. A pupil's teacher, a pupil's parent(s) or legal guardian(s), or a pupil may request consideration for academic acceleration. If it is not the parent(s) or guardian(s) requesting academic acceleration, the Building Principal will discuss academic acceleration options with the parent(s) or guardian(s) and obtain their permission to forward the request to the I&RS (Intervention and Referral Services) Team.
4. The decision to accelerate a pupil's academic studies will be made by the I&RS Team which, for the purposes of considering academic acceleration, will consist of:
 - a. his/her current classroom teacher in grades one through three or a teacher representing his/her grade-level team in grades five and six;
 - b. a classroom teacher from the next higher grade level;
 - c. his/her parent(s) or guardian(s);
 - d. the Gifted and Talented teacher;
 - e. the school guidance counselor or psychologist; and
 - f. the Building Principal of the school which the pupil currently attends.
5. In evaluating academic acceleration for a pupil, the I&RS Team will consider:
 - a. the results of the school guidance counselor's or psychologist's interview with the pupil to determine his/her level of maturity and desire (absent any parental influence) for academic acceleration;
 - b. the pupil's current and past academic performance, taking into consideration that poor academic performance may be indicative of the pupil's boredom from not being intellectually challenged at his/her current grade level;
 - c. the results of the pupil's state standardized testing and any additional testing, as applicable;



- d. the pupil's intellectual ability/mental development to perform at least at the 85th percentile compared to the other pupils in the subject area classes in which the pupil will be enrolled or grade level to which the pupil will be promoted; and
 - e. the pupil's demonstrated degree of social, emotional, and physical maturity necessary for a successful learning experience in the subject area/grade level to which he/she will be enrolled/promoted.
6. The I&RS Team may decide:
- a. to academically accelerate the pupil in one or more subject areas where the pupil attends classes in that subject at the next higher grade level;
 - b. to promote the pupil to one grade level higher than he/she would otherwise be promoted; or
 - c. that the pupil does not appear to have the academic ability and/or the social, emotional, or physical maturity to successfully perform at the higher grade level. Such a finding will not preclude the pupil from being considered for academic acceleration in the future.
7. Once the decision is made to academically accelerate the pupil, the I&RS Team will develop a written academic acceleration plan for the pupil which must be approved in writing by the pupil's parent(s) or guardian(s) and by the Superintendent. It will include:
- a. recommended subject areas for academic acceleration in which the pupil will be enrolled in specific subject area classes at the next higher grade level or a recommendation that the pupil be promoted to one grade level higher than he/she would otherwise be promoted;
 - b. strategies to support (both academically and emotionally) the pupil's successful transition to an academically accelerated program, including assigning a teacher mentor to monitor the pupil's academic and emotional adjustment;
 - c. an academic plan on how the pupil will gain an understanding of the subject matter(s) covered in the grade or subject area(s) skipped as a result of academic acceleration (the school district will provide the pupil with access to the curriculum and, if available, access to textbooks and other teaching materials; however, it is the responsibility of the pupil to become knowledgeable in the subject matter(s) missed), this plan will likely include a schedule for testing the pupil to demonstrate that he/she has mastered the missed subject matter(s); and
 - d. an appropriate transition period during which the pupil or the pupil's parent(s) or guardian(s) may unilaterally decide, or teaching staff members may recommend to the I&RS Team, that it is in the pupil's best interests to revise or withdraw from the chosen academic acceleration program. In addition, pupils academically accelerated by a whole grade level will be evaluated by the I&RS Team twice during the year to ensure that they are performing academically and that they have adapted both socially and emotionally. The first evaluation will be at the end of the first marking period, with the second evaluation at the end of the second or third marking period. There will be no repercussion and every



effort will be made to assure the pupil that he/she is not a failure, if the pupil is withdrawn from an academic acceleration program.

Adopted: August 18, 2009
Revised: January 10, 2012



5411 – Graduation from Eighth Grade

The Board of Education will recognize with fitting ceremonies a pupil's completion of the program of studies offered by this district and the pupil's entrance to secondary school.

Successful completion of the program of studies in elementary school requires achievement of the instructional objectives set for each course of study, demonstration of mastery of the proficiencies established for each course, and a satisfactory attendance record. The parent(s) or legal guardian(s) of a pupil who may be prevented from graduating shall be so notified in advance and no later than the beginning of the fourth marking period. Every effort shall be made to remediate a pupil's deficiencies before graduation is denied.

The requirements for graduation from elementary school of a disabled pupil shall be set forth in the pupil's individualized education program. Completion of those specialized requirements shall qualify the pupil for graduation and entry to secondary school.

Legal References

N.J.S.A. 18A:35-4.9; 18A:36-14; 18A:36-15;

N.J.S.A. 18A:36-18; 18A:38-25 et seq.

N.J.A.C. 6:3-4A.1; 6A:8-4.4 et seq.

Adopted: August 18, 2009



5420 – Reporting Pupil Progress

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.

The Superintendent shall develop procedures for reporting pupil progress which:

1. Use various methods of reporting appropriate to grade level and curriculum content;
2. Ensure that both pupil and parent(s) or legal guardian(s) receive ample warning of a pending grade of “failure” or one that would adversely affect the pupil’s status;
3. Enable the scheduling of parent/guardian-teacher conferences in such places and at such times as will ensure the greatest degree of participation by parent(s) or legal guardian(s);
4. 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; and
5. Ensure the continual review and improvement of methods of reporting pupil progress to parent(s) or legal guardian(s) and involve pupils, staff and parent(s) or legal guardian(s) 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 Superintendent shall develop regulations to ensure that parent(s) or legal guardian(s) are notified in all instances when the law and/or the best interests of the pupil and the district require it.

Legal References

N.J.A.C. 6:3-4A.1

Adopted: August 18, 2009



R5420 – Reporting Pupil Progress (M)

A. Purpose

The purpose of reporting the educational progress of pupils is to:

1. Inform parent(s) or legal guardian(s) of the progress children have made in school;
2. Apprise pupils of their progress in school;
3. Prompt teachers to make periodic, formal assessments of each pupil's progress;
4. Provide a cumulative record of a pupil's progress through the educational system; and
5. Enable each pupil to gain a positive sense of his/her intellectual, social, emotional, and physical abilities and growth toward effective citizenship.

B. Frequency

1. Report cards will be issued at the end of each marking period.
2. The schedule of dates on which report cards will be issued will be published in the parent and student handbooks distributed by each school so that parents or legal guardians can anticipate the receipt of a report card.
3. Parent(s) or legal guardian(s) and pupils will be notified in writing of the possibility of a failing grade at the mid-point of the marking period.
4. Parent(s) or legal guardian(s) and pupils will be notified in writing of the possibility of a pupil's retention at grade level in accordance with Board Policy #5410 – Promotion and Retention.
5. Nothing in this Regulation should discourage teachers from implementing various forms of communication, as frequently as the circumstances dictate, to keep parent(s) or legal guardian(s) informed of the educational progress of their children.

C. Report Card Form

1. Grades will be determined in accordance with Board Policy and Regulation #2624 – Grading System.
2. At the elementary level, report cards will report individual academic, personal, and social growth as well as work and study habits.
 - a. The Kindergarten report card will stress the degree of mastery of skill achieved.
 - b. The primary grades report card will record a specific symbol for both effort and degree of mastery of specific skills.
 - c. The intermediate grades report card will record both effort and degree of mastery of specific skills and will include the instructional level achieved by the pupil in reading, spelling, and mathematics.
3. At the middle school level, report cards will record pupil achievement in academic subjects, as well as the pupil's personal growth and development.



4. Report cards at all levels will record the pupil's absences and tardiness.
5. Report card forms will include space for the classroom or homeroom teacher's personal comments on the pupil's personal growth and development.
6. Report card forms will include space for the parent(s) or legal guardian(s) signature, comments, and request for a conference with the teacher.

D. Parent Teacher Conferences

Parent teacher conferences will be conducted in accordance with Board Policy #9280 – Parent Conferences.

Adopted: August 18, 2009



5440 – Honoring Pupil Achievement

The Board of Education values excellence and wishes to instill in pupils the desire to do their best in all things.

The Board will recognize the outstanding achievements of pupils by means appropriate to the grade level of the pupil and to the nature of the accomplishment.

Legal References

N.J.S.A. 18A:11-3

Adopted: August 18, 2009



5500 – Expectations for Pupil Conduct (M)

The Board of Education believes that pupils should commit themselves to learning and to the development of their unique potential. Pupils should know that their attitudes and acts affect both their own and their classmates' learning and should accept responsibility for helping to create a positive school environment. With the support and assistance of school staff members and parent(s) or legal guardian(s), all pupils can contribute to the effectiveness of the schools and the value of their education.

Pupil Responsibilities

In order to benefit from the public education provided to them by law, pupils are inherently required to recognize and accept responsibility in a number of areas:

1. Attendance

Regular attendance at school is a fundamental responsibility of pupils. Parent(s) or legal guardian(s) and school officials are obliged to see that school age pupils actually attend school. The compulsory education laws (N.J.S.A. 18 A:38-25 et seq) hold the parent(s) or legal guardian(s) of children between the ages of six and sixteen responsible for monitoring such attendance and invoking truancy procedures when necessary. While the compulsory education statutes require attendance until age sixteen, as a practical matter pupils may not withdraw from school without parental permission until they have reached the age of maturity (eighteen) or have been declared emancipated minors.

Tardiness, cutting class, excessive, or unexcused absenteeism not rising to the level of truancy are also serious matters which, while not resulting in court sanctions against parent(s) or legal guardian(s), will be a cause for pupil discipline or other modes of intervention as a matter of school policy.

2. Application to Studies

Under N.J.S.A. 18A:37-1, pupils are expected to apply themselves to the tasks set out for them by the schools. These include striving to attain established goals and objectives, completing assignments, and contributing to the classroom and school environment.

3. Appropriate Conduct

Also under N.J.S.A. 18A:37-1 et seq., pupils are responsible for following school rules and generally behaving in a manner consistent with maintenance of a positive learning environment. Pupils are expected to submit to the authority of teachers and other school officials, exercise an appropriate degree of self discipline in their words and actions, resolve conflicts in a constructive manner, respect the persons and property of fellow pupils and the school, be honest, report violence, vandalism and other improper or unlawful activity to a person in authority. While recognizing that they have certain rights, pupils must also accept that such rights carry with them responsibilities. For example, freedom of speech is balanced



by the responsibility for statements made; the right to transportation is contingent on good behavior while on the bus.

Expectations for Pupil Behavior

It is important to help pupils realize that their own attitudes and acts are directly related to their school experiences and that of their classmates. With the support and assistance of school personnel and parent(s) or legal guardian(s), all pupils have the capacity to demonstrate actions which contribute to the effectiveness of schools and the worth of their learning. All pupils can behave in ways that enhance the social relationships of the school and facilitate learning.

The Board expects all pupils in this school district, commensurate with their age and ability, to:

1. Prepare themselves mentally and physically for the process of learning;
2. Respect the person, property, and intellectual and creative products of others;
3. Take responsibility for their own behavior;
4. Use time and other resources responsibly;
5. Share responsibilities when working with others;
6. Meet the requirements of each course of study;
7. Monitor their own progress toward school objectives; and
8. Communicate with parent(s) or legal guardian(s) and appropriate school staff members.

The Superintendent shall, in consultation with staff members, parent(s) or legal guardian(s), and, where appropriate, pupils, develop a statement of specific pupil behaviors that exemplify these expectations and shall publish both this Policy and the statement of behaviors to all pupils, parent(s) or legal guardian(s), and professional staff members.

Legal References

N.J.S.A. 18A:11-1

Adopted: August 18, 2009
Revised:



R5500 – Expectations for Pupil Conduct (M)

The following specific behaviors exemplify the conduct expected of pupils, in accordance with [Board Policy #5500 – Expectations for Pupil Conduct](#).

- A. Pupils will prepare themselves mentally and physically for the process of learning by:
 - 1. Being well-nourished, rested, clean, and properly dressed and groomed;
 - 2. Being free of drugs and alcohol and refraining from smoking; and
 - 3. Developing attitudes that will prepare them for listening, participating, and learning.
- B. Pupils will respect the person, property, and intellectual and creative products of others by:
 - 1. Being always honest, forthcoming, and courteous;
 - 2. Displaying care for the property of others;
 - 3. Acknowledging the intellectual work of others when it is incorporated into their work;
 - 4. Accepting the rights of others to their own opinions and beliefs;
 - 5. Resolving disputes and differences peacefully;
 - 6. Displaying loyalty and good sportsmanship; and
 - 7. Helping to maintain school facilities that are neat and clean.
- C. Pupils will take responsibility for their own behavior and learning by:
 - 1. Recognizing that academic endeavor is the primary purpose of school attendance;
 - 2. Completing all homework, classwork, and assigned projects on time;
 - 3. Preparing for each class by bringing necessary supplies and equipment;
 - 4. Making personal choices that are based on sound reasoning and decision-making;
 - 5. Accepting constructive criticism; and
 - 6. Acknowledging and accepting the consequences of their own actions.
- D. Pupils will use time and other resources responsibly by:
 - 1. Attending school regularly and promptly and striving for a perfect attendance record;
 - 2. Using study periods and library time for school work; and
 - 3. Using books and other equipment appropriately.
- E. Pupils will share responsibilities when working with others by:
 - 1. Cooperating with others in the work of the group;
 - 2. Contributing talents and services as appropriate;
 - 3. Accepting leadership when appropriate; and



4. Respecting the rights and opinions of others in a group setting.
- F. Pupils will meet the requirements of each course of study by:
1. Participating actively and appropriately in the scheduled class;
 2. Following the rules and procedures established for the class by the teacher;
 3. Bringing to class the textbook, clothing, and other materials necessary for participation; and
 4. Observing school rules for the safe handling of class equipment and materials.
- G. Pupils will monitor their own progress toward school objectives by:
1. Carefully planning courses of study and schedules;
 2. Promptly seeking staff assistance as required; and
 3. Maintaining records of progress.
- H. Pupils will communicate with parent(s) or legal guardian(s) and appropriate school staff members about school matters by:
1. Discussing progress in school with parent(s) or legal guardian(s) and relaying necessary information to parent(s) or legal guardian(s);
 2. Transmitting school letters, forms, and notices to parent(s) or legal guardian(s) and returning required responses to school staff members;
 3. Confering with appropriate staff members when a problem occurs; and
 4. Developing with parent(s) or legal guardian(s) a clear idea of their educational goals.

Adopted: August 18, 2009



5510 – Acceptable Use of Computer Network(s)/ Computers and Resources (M)

The Board of Education recognizes that as telecommunications and other new technologies shift the manner in which information is accessed, communicated and transferred that those changes will alter the nature of teaching and learning. Access to telecommunications will allow pupils to explore databases, libraries, Internet sites, bulletin boards and the like while exchanging information with individuals throughout the world. The Board supports access by pupils to information sources but reserves the right to limit in school use to materials appropriate to educational purposes. The Board directs the Superintendent to effect training of teaching staff members in skills appropriate to analyzing and evaluating such resources as to appropriateness for educational purposes.

The Board also recognizes that telecommunications will allow pupils access to information sources that have not been pre-screened by educators using Board approved standards. The Board therefore adopts the following standards of conduct for the use of computer networks and declares unethical, unacceptable or illegal behavior as just cause for taking disciplinary action, limiting or revoking network access privileges and/or instituting legal action.

The Board provides access to computer network/computers for educational purposes only. The Board retains the right to restrict or terminate pupil access to the computer network/computers at any time, for any reason. The Board retains the right to have district personnel monitor network activity, in any form necessary, to maintain the integrity of the network and ensure its proper use.

Standards for Use of Computer Networks

Any individual engaging in the following actions when using computer networks/computers shall be subject to discipline or legal action:

- A. Using the computer network(s)/computers for illegal, inappropriate or obscene purposes, or in support of such activities. Illegal activities are defined as activities that violate federal, state, local laws and regulations. Inappropriate activities are defined as those that violate the intended use of the network. Obscene activities shall be defined as a violation of generally accepted social standards for use of publicly owned and operated communication vehicles.
- B. Using the computer network(s)/computers to violate copyrights, institutional or third party copyrights, license agreements or other contracts.
- C. Using the computer network(s) in a manner that:
 1. Intentionally disrupts network traffic or crashes the network;
 2. Degrades or disrupts equipment or system performance;
 3. Uses the computing resources of the school district for commercial or personal purposes, financial gain or fraud;



4. Steals data or other intellectual property;
5. Gains or seeks unauthorized access to the files of others or vandalizes the data of another user;
6. Gains or seeks unauthorized access to resources or entities;
7. Forges electronic mail messages or uses an account owned by others;
8. Invades privacy of others;
9. Posts anonymous messages;
10. Possesses any data which is a violation of this Policy; and/or
11. Engages in other activities that do not advance the educational purposes for which computer networks/computers are provided.

Internet Safety/Protection

The school district is in compliance with the Children’s Internet Protection Act and has installed technology protection measures for all computers in the school district, including computers in media centers/libraries, that block and/or filter visual depictions that are obscene as defined in Section 1460 of Title 18, United States Code; child pornography, as defined in Section 2256 of Title 18, United States Code; are harmful to minors including any pictures, images, graphic image file or other visual depiction that taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or depicts, describes, or represents in a patently offensive way, with respect to what is suitable for minors, sexual acts or conduct; or taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

The school district will certify on an annual basis, that the schools, including media centers/libraries, in the district are in compliance with the Children’s Internet Protection Act and the school district enforces the requirements of this Policy.

This Policy and Regulation also establishes Internet safety policy and procedures in the district as required in the Neighborhood Children’s Internet Protection Act. This Policy and Regulation addresses access by minors to inappropriate matter on the Internet and World Wide Web; the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications; unauthorized access, including “hacking” and other unlawful activities by minors online; unauthorized disclosures, use, and dissemination of personal identification information regarding minors; and measures designed to restrict minors’ access to materials harmful to minors.

Notwithstanding blocking and/or filtering the visual depictions prohibited in the Children’s Internet Protection Act, the Board shall determine other Internet material that is inappropriate for minors. The Board will provide reasonable public notice and will hold one annual public hearing during a regular monthly board meeting or during a designated special board meeting to address and receive public community input on the Internet safety policy – [Board Policy and Regulation #5510 – Acceptable Use of Computer Network/Computers and Resources](#).



Consent Requirement

No pupil shall be allowed to use the computer network and the Internet unless they shall have filed with the Building Principal a current consent form signed by the pupil and his/her parent(s) or legal guardian(s).

Violations

Individuals violating this Policy shall be subject to the consequences as indicated in [Board Regulation #5510 – Acceptable Use of Computer Network\(s\)/Computers and Resources](#) and other appropriate discipline, which includes but are not limited to:

1. Use of the network only under direct supervision;
2. Suspension of network privileges;
3. Revocation of network privileges;
4. Suspension of computer privileges;
5. Revocation of computer privileges;
6. Suspension from school;
7. Expulsion from school; and/or
8. Legal action and prosecution by the authorities.

Lopatcong Township School District offers pupils in first through eighth grade access to the Internet through the district's computer network (Intranet) and computers.

Pupils in first through eighth grades may use the school district's network and Internet access, if they have their parent(s) or legal guardian(s) permission to do so and they and their parent(s) or legal guardian(s) agree to the following rules.

Rules for Network and Internet Use

According to Lopatcong Township Board of Education Policy and Regulation:

1. Pupils may only access their own folders/directories or common folders/ directories when instructed to do so by a teacher.
2. Pupils must not access another pupil's folder/directory or files, or those of a staff member; and must not read, edit, modify, delete, copy, or move another pupil's or staff member's files or documents; or add files to another pupil's or staff member's folder/directory.
3. Parent(s) or legal guardian(s) and other adult community members must not access any pupil's or staff member's folders/directories or files and must not read, edit, modify, delete, copy, or move another user's files or documents, or add files to another user's folder/directory.
4. All users must only access their assigned network account and must not log into or attempt to "break in" to another user's account.



5. All users must not access or change any system or network folders/directories or files contained in those folders/directories.
6. All users must not intentionally disrupt network traffic, cause the network performance to deteriorate (by tying up network resources), or crash the network or any of its components (e.g., servers, routers).
7. All users must not use the district's computers and network for commercial purposes, personal or financial gain, or fraud.
8. All users are expected to report any violation of these rules to a teacher or school administrator.
9. All users must log off properly before leaving the computer they were using.
10. After school hours, users must turn off the computer and monitor they were using before leaving.
11. Pupils must not provide any personal information (e.g., name, age, address, phone number) about themselves or their family when communicating with others on the Internet.
12. Pupils should confine their use of the Internet to class projects and researching information, onto other activities assigned by their teacher.
13. Pupils must not use the Internet to locate or obtain papers or reports with the intent of plagiarizing those documents.
14. All users must not use the Internet to harass, insult, or attack others.
15. All users must respect the privacy and rights of others.
16. All users must not intercept email messages meant for others or forge email messages posing as another individual.
17. All users must not download, upload, distribute, or forward any copyrighted material for which the user does not own the copyright or have the permission of the copyright owner to do so; this includes audio (e.g., MP3, wav) and video files, and software.
18. All users must not use the Internet to steal data or intellectual property, or violate copyright laws.

Use of Recording Devices

Pupils have access many different types of devices for recording sound, still images, and video. The Board of Education believes it is important that these devices not be used to invade the privacy of others. Pupils are not allowed to use any type of recording device for capturing audio, video, or images on school property unless using such a device is part of the curriculum or the pupil has the express permission of a teaching staff member to use such a device. Under no circumstances should a pupil post anything they have recorded on the Internet unless such posting is part of the instructional program.



Legal References

N.J.S.A. 2A:38A-3

Federal Communications Commission: Children's Internet Protection Act.

Adopted: August 18, 2009

Revised: June 29, 2010



R5510 – Acceptable Use of Computer Network(s)/ Computers and Resources

The school district provides computer equipment, computer services, and Internet access to its pupils and staff for educational purposes only. The purpose of providing technology resources is to improve learning and teaching through research, teacher training, collaboration, dissemination and the use of global communication resources. The “system administrators” referred to herein are employees of the school district who administer the school district computer network/computers and the system administrators reserve the right to monitor all activity on network/computer facilities/computers.

Because of the complex association between so many government agencies and computer networks/computers, the end user of these computer networks/computers must adhere to strict regulations. Regulations are provided here so that pupil and the parents or guardians of pupils are aware of their responsibilities. The school district may modify these regulations at any time by publishing modified regulations on the network and elsewhere. The signatures of the pupil and his/her parent or guardian on the district-approved consent and waiver agreement are legally binding and indicate that the parties have read the terms and conditions carefully, understand their significance, and agree to abide by the rules established under [Board Policy #5510 – Acceptable Use of Computer Network/Computers and Resources](#) and this Regulation

Pupils are responsible for good behavior on computer networks/computers just as they are in a classroom or a school hallway. Communications on the computer network/computers are often public in nature. Policies and Regulations governing behavior and communications apply. The school district’s networks, Internet access and computers are provided for pupils to conduct research and communicate with others. Access to computer network services/computers is given to pupils who agree to act in a considerate and responsible manner. Parent permission is required. Access is a privilege – not a right. Access entails responsibility. Individual users of the district computer network/computers are responsible for their behavior and communications over the computer network/computers. It is presumed that users will comply with district standards and will honor the agreements they have signed. Beyond the clarification of such standards, the district is not responsible for the actions of individuals utilizing the computer network/computers who violate the policies and regulations of the Board.

Computer network/computer storage areas shall be treated in the same manner as other school storage facilities. Computer network/computer administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files stored on district servers will always be private.

Within reason, freedom of speech and access to information will be honored. During school, teachers of younger pupils will guide them toward appropriate materials. Outside of school, families bear the same responsibility for such guidance as they exercise with information sources such as television, telephones, movies, radio and other potentially offensive media. As outlined in Board policy and



procedures on pupil rights and responsibilities, copies of these are available in school offices. Behavior including but not limited to the following are prohibited:

1. Sending or displaying offensive messages or pictures;
2. Violating the privacy of others by posting on the Internet, including to social networking sites, pictures or audio and video recordings of others taken while on school property;
3. Using obscene language and/or accessing visual depictions that are obscene as defined in section 1460 of Title 18, United States Code;
4. Using or accessing visual depictions that are child pornography, as defined in section 2256 of Title 18, United States Code;
5. Using or accessing visual depictions that are harmful to minors including any pictures, images, graphic image file or other visual depiction that taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
6. Depicts, describes, or represents in a patently offensive way, with respect to what is suitable for minors, sexual acts or conduct; or taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
7. Harassing, insulting or attacking others;
8. Damaging computers, computer systems or computer network/computers;
9. Violating copyright laws;
10. Using another's password;
11. Trespassing in another's folders, work or files;
12. Intentionally wasting limited resources;
13. Employing the network/computers for commercial or personal purposes; and/or
14. Engaging in other activities that do not advance the educational purposes for which computer network/computers are provided.

Internet Safety

Compliance with Children's Internet Protection Act

The school district has technology protection measures for all computers in the school district, including computers in media centers/libraries, that block and/or filter visual depictions that are obscene, child pornography and harmful to minors as defined in 2, 3, and 4 above and in the Children's Internet Protection Act. The school district will certify the schools in the district, including media centers/libraries are in compliance with the Children's Internet Protection Act and the district enforces [Board Policy #5510 – Acceptable Use of Computer Network/Computers and Resources.](#)



Compliance with Neighborhood Children's Internet Protection Act

Board Policy #5510 – Acceptable Use of Computer Network(s)/Computers and Resources and this Regulation establish an Internet safety policy and procedures to address:

1. Access by minors to inappropriate matter on the Internet and World Wide Web;
2. The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;
3. Unauthorized access, including “hacking” and other unlawful activities by minors online;
4. Unauthorized disclosures, use, and dissemination of personal identification information regarding minors; and
5. Measures designed to restrict minors access to materials harmful to minors.

Notwithstanding the visual depictions defined in the Children's Internet Protection Act and as defined in 2, 3, and 4 above, the Board shall determine Internet material that is inappropriate for minors. The Board will provide reasonable public notice and will hold one annual public hearing during a regular monthly board meeting or during a designated special board meeting to address and receive public community input on the Internet safety policy – Board Policy and Regulation #5510 – Acceptable Use of Computer Network/Computers and Resources.

Information Content and Uses of the System

Users agree not to publish on or over the system any information which violates or infringes upon the rights of any other person or any information which would be abusive, profane or sexually offensive to an average person, or which, without the approval of the system administrators, contains any advertising or any solicitation of other members to use goods or services. The user agrees not to use the facilities and capabilities of the system to conduct any business or solicit the performance of any activity, which is prohibited by law.

Because the school district provides, through connection to the Internet, access to other computer systems around the world, pupils and their parent or guardian understand that the Board and system administrators have no control over content. While most of the content available on the Internet is innocuous and much of it a valuable educational resource, some objectionable material exists. The Board will provide pupil access to Internet resources only in supervised environments and has taken steps to lock out objectionable areas to the extent possible, but potential dangers remain. Pupils and their parent or guardian are advised that some websites may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material. The Board and the system administrators do not condone the use of such materials and do not permit usage of such materials in the school environment. Parent or guardian having internet access at home should be aware of the existence of such materials and monitor home usage of computers. Pupils knowingly bringing such materials into the school environment will be disciplined in accordance with Board



policies and regulations and such activities may result in termination of such pupil's accounts on the computer network and their independent use of computers.

On-line Conduct

Any action by a pupil or other user of the school district's computer network/computers that is determined by a system administrator to constitute an inappropriate use of computer network/computers resources or to improperly restrict or inhibit other members from using and enjoying those resources is strictly prohibited and may result in limitation on or termination of an offending member's account and other action in compliance with the Board policy and regulation. The user specifically agrees not to submit, publish, or display any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material; nor shall a user encourage the use, sale, or distribution of controlled substances, including alcohol. Transmission of material, information or software in violation of any local, state or federal law is also prohibited and is a breach of the Consent and Waiver Agreement.

Pupils and their parent or guardian specifically agree to indemnify the Lopatcong Township School District and the system administrators for any losses, costs, or damages, including reasonable attorney's fees incurred by the Board relating to, or arising out of any breach of this section by the user.

Computer network/computer resources are to be used by the user for his/her educational use only; commercial uses are strictly prohibited.

Software Libraries on the Network

Software libraries on the network are provided to pupils as an educational resource. No pupil may install, upload, or download software without the expressed consent of the system administrator. Any software having the purpose of damaging other members' accounts on the school district computer network/computers (e.g., computer viruses) is specifically prohibited. The system administrators, at their sole discretion, reserve the rights to refuse posting of files and to remove files. The system administrators, at their sole discretion, further reserve the right to immediately limit usage or terminate the account or take other action consistent with the Board's policies and regulations of a member who misuses the software libraries.

Copyrighted Material

Copyrighted material must not be placed on any system connected to the network/computers without the author's specific written permission. Only the owner(s) or persons they specifically authorize may upload copyrighted material to the system. Members may download copyrighted material for their own use in accordance with Board Policy and Regulation #2531 – Use of Copyrighted Materials. Any member may also non-commercially redistribute a copyrighted program with the expressed written permission of the owner or authorized person. Permission must be specified in the document, on the system, or must be obtained directly from the author.



Public Posting Areas (Message Boards/Blogs/Social Networking Sites)

Messages are posted from systems connected to the Internet around the world and the school district system administrators have no control of the content of messages posted from these other systems. To best utilize system resources, the system administrators will determine which groups are most applicable to the educational needs of the school district and will carry these groups on the school district computer network. The system administrators, at their sole discretion, may remove messages posted locally that are deemed to be unacceptable or in violation of the Board policies and regulations. The system administrators, at their sole discretion, further reserve the right to immediately terminate the account of a member who misuses the message boards or internet groups.

Real-time, Interactive, Communication Areas

The system administrators, at their sole discretion, reserve the right to monitor and immediately limit the use of the computer network/computers or terminate the account of a member who misuses real-time communication or conference features (talk/chat/Internet relay chat/instant messaging).

Disk Usage

The system administrators reserve the right to set quotas for disk usage on the system. A pupil who exceeds his/her quota of disk space will be advised to delete files to return to compliance with predetermined quotas. A pupil who remains in noncompliance of disk space quotas after seven school days of notification will have their files removed by a system administrator.

Security

Security on any computer system is a high priority, especially when the system involves many users. If a pupil feels that he/she can identify a security problem on the computer network, the pupil must notify their teacher or a system administrator. The pupil should not inform individuals other than a teacher, the system administrators or other designated members of the school district staff of a security problem. Pupils may not allow others to use their account and password. Passwords to the system should not be easily guessable by others, nor should they be words, which could be found in a dictionary. Attempts to log in to the system using either another user's account or as a system administrator will result in termination of the account. Pupils should immediately notify their teachers or a system administrator if a password is lost or stolen, or if they have reason to believe that someone has obtained unauthorized access to their account. Any users identified as a security risk will have limitations placed on usage of the computer network/computers or may be terminated as a user and be subject to other disciplinary action.

Vandalism

Vandalism will result in cancellation of system privileges and other disciplinary measures in compliance with the District's discipline code. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the system, or any of the agencies or other network/computers that are



connected to the Internet backbone or of doing intentional damage to hardware or software on the system. This includes, but is not limited to, the uploading or creation of computer viruses.

Printing

The printing facilities of the computer network/computers should be used judiciously. Printing for other than educational purposes is prohibited.

Internet Sites and the World Wide Web

The system administrator may establish an Internet site(s) on the World Wide Web or other Internet locations. Such sites shall be administered and supervised by the system administrator, who shall ensure that the content of the site complies with federal, state and local laws and regulations as well as Board policies and regulations.

Violations

Violations of the Acceptable Use of Computer Network/Computers and Resources may result in a loss of access as well as other disciplinary or legal action. Disciplinary action shall be taken as indicated in [Board Policy and Regulation #5510 – Acceptable Use of Computer Network\(s\)/Computers and Resources](#), [Board Policy #5600 – Pupil Discipline](#), [Board Policy #5610 – Suspension](#), and [Board Policy #5620 – Expulsion](#) as well as possible legal action and reports to the legal authorities and entities.

Determination of Consequences for Violations

The particular consequences for violations of this Policy shall be determined by the Director of Technology in matters relating to the use of computer networks/computers and by the Building Principal in matters of school suspension. The Superintendent or designee and the Board shall determine when school expulsion and/or legal action or actions by the authorities are the appropriate course of action.

Individuals violating this Policy shall be subject to the consequences as indicated in this Regulation and other appropriate discipline, which includes but are not limited to:

1. Use of Computer Network/Computers only under direct supervision;
2. Suspension of network privileges;
3. Revocation of network privileges;
4. Suspension of computer privileges;
5. Revocation of computer privileges;
6. Suspension from school;
7. Expulsion from school; and/or
8. Legal action and prosecution by the authorities.



Regulation

Lopatcong Township Board of Education

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Decisions of the Director of Technology may be appealed in accordance with [Board Policy #5710 – Pupil Grievances](#).

Adopted: August 18, 2009
Revised: June 29, 2010



5511 – Dress and Grooming

The Board of Education recognizes each pupil's mode of dress and grooming is a manifestation of the pupil's personal style and individual preferences. The Board will impose its judgment on pupils and parent(s) or legal guardian(s) only when a pupil's dress and grooming affect the educational program of the schools.

Pupils may not wear clothing or engage in grooming practices that present a health or safety hazard to the individual pupil or to others; materially interfere with school work, create disorder, or disrupt the educational program; cause excessive wear or damage to school property; or prevent the pupil from achieving his/her own educational objectives because of blocked vision or restricted movement.

The Board of Education prohibits pupils from wearing, while on school property, any type of clothing, apparel or accessory which indicates that the pupil has membership in, or affiliation with, any gang associated with criminal activities. The local law enforcement agency will advise the Board, upon request, of gangs which are associated with criminal activities.

The Building Principal shall determine whether the dress or grooming of pupils comes within these prohibitions.

Staff members shall demonstrate by example and precept wholesome attitudes toward neatness, cleanliness, propriety, modesty, and good sense in attire and appearance. Staff members will be held to a higher standard than pupils.

The Superintendent shall, on consultation with staff members, pupils, and parent(s) or legal guardian(s), prepare a dress code that imposes only minimum and necessary limitations on a pupil's taste and individuality.

Information on the dress code is included in the pupil handbook.

Legal References

N.J.S.A. 18A:11-1; 18A:11-7; 18A:11-8; 18A:11-9

Adopted: August 18, 2009



R5511 – Dress Code

The following dress code has been developed in accordance with [Board Policy #5511 – Dress and Grooming](#) and in consultation with staff members, parent(s) or legal guardian(s), and pupils of this district.

A. General Rules

1. Pupils are expected to be clean and well groomed in their appearance.
2. Pupils are expected to avoid dress and grooming that is likely to create a material and substantial disruption to the school environment.
3. Dress or grooming that jeopardizes the health or safety of the pupil or of other pupils or is injurious to school property will not be tolerated.

B. Prohibited Clothing and Articles

The following garments and articles are prohibited in school and at school-sponsored indoor events:

1. Extremely low-cut, tight fitting or transparent clothes, bare midriffs (or clothing that reveals a bare midriff when an individual's arms are raised), and suggestive clothing;
2. Skirts, dresses, and pants that end higher than mid-thigh;
3. Outdoor jackets, coats, or hats except when entering or leaving the building and when there is a defect in the heating system;
4. Bare feet, unsafe footwear, cleated shoes, clogs, flip-flops, sandals that do not sufficiently cover the top of the feet, wheelies, other footwear that damages floors, and footwear intended for the beach/pool, open back shoes may be worn if the front is enclosed;
5. Patches, arm band decorations, or imprints that are offensive or obscene;
6. Undershirts (underwear) worn without an outer shirt; or worn on top of outer clothing (e.g., underpants over pants or bras over blouses);
7. In the classroom, clothing required for physical education classes;
8. Clothing that is overly soiled, torn, worn, or defaced;
9. Clothing that is meant to be worn in the bedroom (e.g., pajamas)
10. Nonprescription sunglasses, glazed, and tinted glasses, except as prescribed by the pupil's doctor;
11. Beepers and other communication devices, except as permitted in [Board Policy #2360 – Use of Technology](#);
12. Clothing, apparel colors, and/or accessories which indicate affiliation with any gang associated with criminal activity or have references to alcohol, controlled dangerous substances, or tobacco;



13. Clothing containing profanity or sexual references or innuendoes, or obscene symbols or signs;
14. Clothing which depicts or promotes racial or ethnic violence, or denigrates any race, color, creed, religion, sex, ancestry, national origin, social or economic status, or sexual orientation;
15. Hats, hoods, visors, sweatbands and other headgear;
16. Any clothing that allows a pupils underclothing to show;
17. Any clothing that is likely to create a material and substantial disruption to the school environment; and
18. Portable audio or video devices.

C. Physical Education

1. In the Middle School pupils shall wear a gym suit of the designated colors.
2. Snug belts, cut-offs, jeans, jewelry, and dirty or torn clothing and accessories are prohibited.
3. Pupils must wear sneakers or rubber-soled athletic shoes; slip-on shoes, hard-soled shoes, and bare feet are prohibited in gym class.
4. Pupils are not required to shower after a gym class.

D. Enforcement

1. Staff members will report perceived violations of the dress code to the Building Principal or designee, who will interpret and apply the code.
2. Pupils who publicly represent the school or a school organization at an activity away from the school district are required to dress in full accordance with the reasonable expectations of the staff member in charge of the activity. Pupils unwilling to comply with this requirement will disqualify themselves from participation.
3. Pupils will not be permitted to attend a school-related function, such as a field trip, after-school activity unless they are attired and groomed in accordance with this dress code and the reasonable expectations of the staff member in charge.
4. The Building Principal may waive application of the dress code for special school activity days.
5. A pupil whose dress or grooming has been found by the Building Principal or designee to violate this Regulation may appeal the determination to the Superintendent.

Adopted: August 18, 2009
Revised: October 13, 2010



5512 – Harassment, Intimidation, and Bullying (M)

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A. Policy Statement

The Board of Education prohibits acts of harassment, intimidation, or bullying of a pupil. A safe and civil environment in school is necessary for pupils to learn and achieve high academic standards. Harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a pupil's ability to learn and a school's ability to educate its pupils in a safe and disciplined environment. Since pupils learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying.

For the purposes of this Policy, the term "parent," pursuant to N.J.A.C. 6A:16-1.3, means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a pupil. Where parents are separated or divorced, "parent" means the person or agency which has



legal custody of the pupil, as well as the natural or adoptive parent(s) of the pupil, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

B. Harassment, Intimidation, and Bullying Definition

“Harassment, intimidation, or bullying” means any gesture, any written, verbal or physical act, or any electronic communication, as defined in N.J.S.A. 18A:37-14, whether it be a single incident or a series of incidents that:

1. Is reasonably perceived as being motivated by either 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
2. By any other distinguishing characteristic; and that
3. Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, as provided for in N.J.S.A. 18A:37-15.3, that substantially disrupts or interferes with the orderly operation of the school or the rights of other pupils; and that
4. A reasonable person should know, under the circumstances, that the act(s) will have the effect of physically or emotionally harming a pupil or damaging the pupil’s property, or placing a pupil in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
5. Has the effect of insulting, humiliating or demeaning any pupil or group of pupils; or
6. Creates a hostile educational environment for the pupil by interfering with a pupil’s education or by severely or pervasively causing physical or emotional harm to the pupil.

“Electronic communication” is the use of electronic information and communication devices, to include but not be limited to: e-mail messages, instant messaging, text messaging, cellular telephone communications, pagers, Internet blogs, Internet chat rooms or message boards, social networking sites (e.g., Facebook, Twitter, and YouTube), Internet postings, and defamatory websites. Harassment, Intimidation, and Bullying by the use of electronic communication is commonly called cyber-bullying.

C. Pupil Expectations

The Board expects pupils to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with proper regard for the rights and welfare of other pupils and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment consistent with the Code of Pupil Conduct.

The Board believes that standards for pupil behavior must be set cooperatively through interaction among the pupils, parents, school employees, school administrators, school volunteers, and community representatives, producing an atmosphere that encourages pupils to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school district and community property on the part of pupils, staff and community members.



Pupils are expected to behave in a way that creates a supportive learning environment. The Board believes the best discipline is self-imposed, and it is the responsibility of school district staff to use instances of violations of the Code of Pupil Conduct as opportunities to help pupils learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with pupils shall apply best practices designed to prevent pupil conduct problems and foster pupils' abilities to grow in self-discipline.

The Board expects that pupils will act in accordance with the pupil behavioral expectations and standards regarding harassment, intimidation, and bullying, including:

1. Pupil responsibilities (e.g., requirements for pupils to conform to reasonable standards of socially accepted behavior; respect the person, property and rights of others; obey constituted authority; and respond to those who hold that authority);
2. Appropriate recognition for positive reinforcement for good conduct, self-discipline, and good citizenship;
3. Pupil rights; and
4. Sanctions and due process for violations of the Code of Pupil Conduct.

Pursuant to N.J.S.A. 18A:37-15(a) and N.J.A.C. 6A:16-7.1(a)1, the district has involved a broad-base of school and community members, including parents, pupils, instructional staff, pupil support services staff, school administrators, and school volunteers, as well as community organizations, such as faith-based, health and human services, businesses, and law enforcement, in the development of this Policy. Based on locally determined and accepted core ethical values adopted by the Board, pursuant to N.J.A.C. 6A:16-7.1(a)2, the Board must develop guidelines for pupil conduct pursuant to N.J.A.C. 6A:16-7.1. These guidelines for pupil conduct will take into consideration the developmental ages of pupils, the severity of the offenses and pupils' histories of inappropriate behaviors, and the mission and physical facilities of the individual school(s) in the district. This Policy requires all pupils in the district to adhere to the rules established by the school district and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules.

Pursuant to N.J.A.C. 6A:16-7.1, the Superintendent must annually provide to pupils and their parents or guardians the rules of the district regarding pupil conduct. Provisions shall be made for informing parents or guardians whose primary language is other than English.

The district prohibits active or passive support for acts of harassment, intimidation, or bullying. Pupils are encouraged to support other pupils who:

1. Walk away from acts of harassment, intimidation, and bullying when they see them;
2. Constructively attempt to stop of harassment, intimidation, and bullying;
3. Provide support to pupils who have been subjected to harassment, intimidation, or bullying; and
4. Report acts of harassment, intimidation, and bullying to the designated school staff member.



D. Consequences and Appropriate Remedial Actions

The Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for pupils and staff members who commit one or more acts of harassment, intimidation, or bullying, consistent with the Code of Pupil Conduct. The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by pupils. Appropriate consequences and remedial actions are those that are graded according to the severity of the offense(s), and consider the developmental ages of the pupil offenders and pupils' histories of inappropriate behaviors, per the Code of Pupil Conduct and N.J.A.C. 6A:16-7.

Factors for Determining Consequences

1. Age, health, cognitive ability, developmental and maturity levels of the parties involved, and their relationship to the school district;
2. Degrees of harm;
3. Surrounding circumstances;
4. Nature and severity of the behavior(s);
5. Incidences of past or continuing patterns of behavior;
6. Relationships between the parties involved; and the
7. Context in which the alleged incidents occurred. .

Factors for Determining Remedial Measures

Personal

1. Life skill deficiencies;
2. Social relationships;
3. Strengths;
4. Talents;
5. Traits;
6. Interests;
7. Hobbies;
8. Extra-curricular activities;
9. Classroom participation;
10. Academic performance; and
11. Relationships to pupils and the school district.

Environmental

1. School culture;
2. School climate;



3. Pupil-staff relationships and staff behavior toward the pupil;
4. General staff management of classrooms or other educational environments;
5. Staff ability to prevent and manage difficult or inflammatory situations;
6. Social-emotional and behavioral supports;
7. Social relationships;
8. Community activities;
9. Neighborhood situation; and
10. Family situation. .

Consequences and appropriate remedial action for a pupil or staff member who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion of pupils, as set forth in the Board's approved Code of Pupil Conduct pursuant to N.J.A.C. 6A:16-7.1. Consequences for a pupil who commits an act of harassment, intimidation, or bullying shall be varied and graded according to the Factors for Determining Consequences and the Factors for Determining Remedial Measures previously listed, and must be consistent with the Board's Code of Pupil Conduct. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem behavior, protect and provide support for the victim of the act, and take corrective action for documented systemic problems related to harassment, intimidation, or bullying. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Consequences

1. Admonishment;
2. Essay assignment;
3. Temporary removal from the classroom;
4. Deprivation of privileges (e.g., participation in extra-curricular activities, field trips);
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. Reports to law enforcement or other legal action;
11. Expulsion; and/or
12. Bans from providing services, participating in school-district-sponsored programs, or being in school buildings or on school grounds.



Examples of Remedial Measures - Personal

1. Restitution and restoration;
2. Mediation;
3. Peer coach/buddy and/or support group;
4. Recommendations of a pupil behavior or ethics council;
5. Corrective instruction or other relevant learning or service experience;
6. Supportive pupil interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
7. Behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate;
8. Behavioral management plan, with benchmarks that are closely monitored;
9. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
10. Involvement of school administration;
11. Pupil counseling;
12. Pupil or Pupil/Parent conferences;
13. Alternative placements (e.g., alternative education programs);
14. Pupil treatment; or
15. Pupil therapy. 0.

Examples of Remedial Measures – Environmental (Classroom, School Building or School District)

1. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying;
2. School culture change;
3. School climate improvement;
4. Adoption of research-based, systemic bullying prevention programs;
5. School policy and procedures revisions;
6. Modifications of schedules;
7. Adjustments in hallway traffic;
8. Modifications in pupil routes or patterns traveling to and from school;
9. Supervision of pupil before and after school, including school transportation;
10. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
11. Additional, or change of, teacher aides;
12. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
13. General professional development programs for certificated and non-certificated staff;



14. Professional development plans for involved staff;
15. Disciplinary action for school staff who contributed to the problem;
16. Supportive institutional interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
17. Parent conferences;
18. Family counseling;
19. Involvement of parent-teacher organizations;
20. Involvement of community-based organizations;
21. Development of a general bullying response plan;
22. Recommendations of a pupil behavior or ethics council;
23. Peer support groups;
24. Alternative placements (e.g., alternative education programs);
25. School transfers; and
26. Law enforcement (e.g., safe schools resource officer, juvenile officer) involvement or other legal action.

The district will also impose appropriate consequences and remedial actions to a person who commits an act of harassment, intimidation, or bullying of a pupil. The consequences may include, but not be limited to, as appropriate for the person: verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to, in or out-of-school counseling, professional development programs, and work environment modifications.

E. Harassment, Intimidation, and Bullying Off School Grounds

This Policy and associated Regulation ([#R5512](#)) and the Code of Pupil Conduct ([Board Policy and Regulation #5600 and #R5600 – Pupil Discipline/Code of Pupil Conduct](#)) shall apply to instances when a school employee is made aware of alleged harassment, intimidation, or bullying occurring off school grounds when the alleged harassment, intimidation, or bullying has substantially disrupted or interfered with the orderly operation of the school or the rights of other pupils and either:

1. A reasonable person should know, under the circumstances, that the alleged behavior will have the effect of physically or emotionally harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
2. The alleged behavior has the effect of insulting or demeaning any pupil or group of pupils; or



3. The alleged behavior creates a hostile educational environment for the pupil by interfering with a pupil's education or by severely or pervasively causing physical or emotional harm to the pupil.

Based on the circumstances and severity of an incident, including the substantial disruptive effect it has on the orderly educational process, the district administration may decide to address the situation globally by grade level, building, or district wide. See items 2, 3, and 4 in Section I. Range of Responses to an Incident of Harassment, Intimidation, or Bullying below.

F. Harassment, Intimidation, and Bully Reporting Procedure

The Board requires the Building Administrator to be responsible for receiving complaints alleging violations of this Policy. All Board members, school employees and volunteers and contracted service providers who have contact with pupils are required to verbally report alleged violations of this Policy to the Building Administrator, or designee, on the same day when the individual witnessed or received reliable information regarding any such incident. All Board members, school employees, and volunteers and contracted service providers who have contact with pupils, also shall submit a report in writing to the Building Administrator, or designee, within two school days of the verbal report. The Building Administrator will inform the parents of all pupils involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services within one school day of receiving the verbal report. The Building Administrator, upon receiving a verbal or written report, may take interim measures to ensure the safety, health, and welfare of all parties pending the findings of the investigation.

Pupils, parents and visitors are encouraged to report alleged violations of this Policy to the Building Administrator, or designee, on the same day when the individual witnessed or received reliable information regarding any such incident. Pupils, parents, and visitors may report an act of harassment, intimidation, or bullying anonymously. Formal action for violations of the Code of Pupil Conduct may not be taken solely on the basis of an anonymous report.

A Board member or school employee, who promptly reports an incident of harassment, intimidation, or bullying and who makes this report in compliance with the procedures set forth in this Policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

In accordance with the provisions of N.J.S.A. 18A:37-18, the harassment, intimidation, and bullying law does not prevent a victim from seeking redress under any other available law, either civil or criminal, nor does it create or alter any tort liability.

The district may consider every mechanism available to simplify reporting, including standard reporting forms and/or web-based reporting mechanisms. For anonymous reporting, the district may consider locked boxes located in areas of a school where reports can be submitted without fear of being observed.

A school administrator who receives a report of harassment, intimidation, and 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.

G. Anti-Bullying Coordinator, Anti-Bullying Specialist and School Safety Team(s)

1. 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, or bullying of pupils;
 - 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, or bullying of pupils in the district;
 - c. Provide data, in collaboration with the Superintendent, to the Department of Education regarding harassment, intimidation, or bullying of pupils;
 - d. Execute such other duties related to school harassment, intimidation, or bullying as requested by the Superintendent; and
 - e. Meet at least twice during the school year with the school Anti-Bullying Specialist(s) to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district. .
2. Each Building Principal 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 Building Principal shall appoint that individual to be the school Anti-Bullying Specialist. If no individual that meets any of these criteria is currently employed in the school, the Building 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 as provided in N.J.S.A. 18A:37-21;
 - b. Lead the investigation of incidents of harassment, intimidation, or bullying in the school; and
 - c. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, or bullying in the school.
3. A School Safety Team shall be formed in each school in the district 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. Each School Safety Team shall meet at least two times per school year. The School Safety Team shall consist of the Building Principal, or designee, who, if possible, shall be a senior administrator in the school and the following appointees of the Building Principal: a teacher in the school; a school Anti-Bullying Specialist; a parent of a pupil in the school; and other



members to be determined by the Building 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 pupils that have been reported to the Building Administrator;
- b. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;
- c. Identify and address patterns of harassment, intimidation, or bullying of pupils 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 pupils;
- e. Educate the community, including pupils, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of pupils;
- 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 Building 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 pupils; and
- h. Execute such other duties related to harassment, intimidation, or bullying as requested by the Building Principal or district Anti-Bullying Coordinator.

The members of a School Safety Team shall be provided professional development opportunities that address effective practices of successful school climate programs or approaches. Notwithstanding any provision of N.J.S.A. 18A:37-21 to the contrary, a parent who is a member of the School Safety Team shall not participate in the activities of the team set forth in 3. a., b., or c. above or any other activities of the team which may compromise the confidentiality of a pupil.

H. Harassment, Intimidation, and Bullying Investigation

The Board requires a thorough and complete investigation to be conducted for each report of an alleged incident of harassment, intimidation, or bullying. The investigation shall be initiated by the Building Administrator, or designee, within one school day of the verbal report of the incident. The investigation shall be conducted by the school Anti-Bullying Specialist. The Building Administrator may appoint additional personnel who are not school Anti-Bullying Specialists to assist the school Anti-Bullying Specialist in the investigation.

The investigation shall be completed and the written findings submitted to the Building Administrator as soon as possible, but not later than ten school days from the date of the written report of the alleged incident of harassment, intimidation, or bullying. Should information regarding the reported incident and the investigation be received after the end of the ten-day period,



the school Anti-Bullying Specialist or the Building Administrator shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

The Building Administrator shall proceed in accordance with the Code of Pupil Conduct, as appropriate, based on the investigation findings. The Building Administrator shall submit the report to the Superintendent within two school days of the completion of the investigation and in accordance with the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq.). As appropriate to the findings from the investigation, the Superintendent shall ensure the Code of Pupil Conduct has been implemented and provide intervention services, order counseling, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, or take or recommend other appropriate action, as necessary.

The Superintendent shall report the results of each investigation to the Board of Education no later than the date of the regularly scheduled Board of Education meeting following the completion of the investigation. The Superintendent's report also shall include information on any consequences imposed under the Code of Pupil Conduct, intervention services provided, counseling ordered, training established or other action taken or recommended by the Superintendent. To speed the process along, the Superintendent may share, or request the Board President to share, the results of the investigation with individual Board members either verbally or in writing.

Parents of the pupils who are parties to the investigation shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents or guardians shall include the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether consequences were imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Education. However, at the discretion of the Superintendent, it may be shared verbally with the parents of the pupils who are parties to the investigation immediately after it has been reported to the Board.

A parent or guardian may request a hearing before the Board of Education after receiving the written information about the investigation. When a request for a hearing is granted, the hearing shall be held within ten school days of the request. The Board of Education shall conduct the hearing in executive session, pursuant to the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.), to protect the confidentiality of the pupils. At the hearing, the Board may hear testimony from and consider information provided by the school Anti-Bullying Specialist and others, as appropriate, regarding the alleged incident, the findings from the investigation of the alleged incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination.

At the regularly scheduled Board of Education meeting following its receipt of the report or following a hearing in executive session, 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 N.J.A.C. 6A:3, Controversies and Disputes, no later than ninety days after issuance of the Board of Education’s decision.

A parent, pupil, legal guardian, or organization may file a complaint with the Division on Civil Rights within one hundred eighty 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,” P.L.1945, c.169 (C.10:5-1 et seq.).

I. Range of Responses to an Incident of Harassment, Intimidation, or Bullying

The Board authorizes the Building Principal of each school, in conjunction with the Anti-Bullying Specialist, to define the range of ways in which school staff will respond once an incident of harassment, intimidation, or bullying is confirmed, and the Superintendent shall respond to confirmed harassment, intimidation, and bullying, according to the parameters described in this Policy. The range of ways in which school staff will respond shall include an appropriate combination of counseling, support services, intervention services, and other programs. The Board recognizes that some acts of harassment, intimidation, or bullying may be isolated incidents requiring that school administrators respond appropriately to the individual(s) committing the acts. 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 level or by law enforcement officials.

Consequences and appropriate remedial actions for pupils who commit an act of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2, Short-term Suspensions, N.J.A.C. 6A:16-7.3, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions.

In considering whether a response beyond the individual level is appropriate, school administrators 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 can range from school and community surveys, to mailings, to focus groups, to adoption of research-based harassment, intimidation, or bullying prevention program models, to training for certificated and non-certificated staff, to participation of parents and other community members and organizations, too small or large group presentations for fully addressing the actions and the school’s response to the actions, in the context of the acceptable pupil and staff member behavior and the consequences of such actions, and the involvement of law enforcement officers, including safe schools resource officers.

For every incident of harassment, intimidation, or bullying, the school officials must respond appropriately to the individual who committed the act. The Board is encouraged to set the parameters for the range of responses to be established by the Building Principal, in conjunction with the Anti-Bullying Specialist, and for the Superintendent to follow. The range of responses to



confirmed harassment, intimidation, or bullying acts should include individual, classroom, school, or district responses, as appropriate to the findings from each incident. Examples of responses that apply to each of these categories are provided below:

1. 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, law enforcement report, or other legal action).
2. 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.
3. School responses can include theme days, learning station programs, parent programs, and information disseminated to pupils and parents or guardians, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices or strategies for fostering expected pupil behavior.
4. District-wide responses can include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs, coordination with community-based organizations (e.g., mental health, health services, health facilities, law enforcement officials, faith-based organizations), and disseminating information on the core ethical values adopted by the district Board of Education's Code of Pupil Conduct, per N.J.A.C. 6A:16-7.1(a)2. .

The district will identify a range of strategies and resources, which could include, but not be limited to, the following actions for individual victims: counseling; teacher aides; hallway and playground monitors; schedule changes; before and after school supervision; school transportation supervision; school transfers; and therapy.

J. Reprisal or Retaliation Prohibited

The Board prohibits a Board member, school employee, contracted service provider who has contact with pupils, school volunteer, or pupil from engaging in reprisal, retaliation, or false accusation against a victim, witness, or any other person who has reliable information about an act of harassment, intimidation, or bullying who reports such acts. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the school administrator after consideration of the nature, severity and circumstances of the act, in accordance with case law, Federal and State statutes and regulations and district policies and procedures.

All suspected acts of reprisal or retaliation will be taken seriously and appropriate responses will be made in accordance with the totality of the circumstances. Examples of consequences and remedial measures for pupils who engage in reprisal or retaliation are listed and described in the Consequences and Appropriate Remedial Actions section of this Policy.



Examples of consequences for a school employee or a contracted service provider who has contact with pupils that engages in reprisal or retaliation may include, but not be limited to: verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

Examples of consequences for a Board member who engages in reprisal or retaliation may include, but not be limited to: reprimand, legal action, and other action authorized by statute or administrative code. Remedial measures may include, but not be limited to: counseling and professional development.

K. Consequences and Appropriate Remedial Action for False Accusation

The Board prohibits any person from falsely accusing another as a means of retaliation or as a means of harassment, intimidation, or bullying.

1. Pupils – Consequences and appropriate remedial action for a pupil found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1 et seq., Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2, Short-term Suspensions, N.J.A.C. 6A:16-7, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions and those listed and described in the Consequences and Appropriate Remedial Actions section of this Policy.
2. School Employees – Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with pupils found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could entail discipline in accordance with district policies, procedures, and agreements which may include, but not be limited to: reprimand, suspension, increment withholding, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.
3. Visitors or Volunteers – Consequences and appropriate remedial action for a visitor or volunteer found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could be determined by the school administrator after consideration of the nature, severity and circumstances of the act, including law enforcement reports or other legal actions, removal of buildings or grounds privileges, or prohibiting contact with pupils or the provision of pupil services. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.



L. Harassment, Intimidation, and Bullying Policy Publication and Dissemination

This Policy will be disseminated annually by the Superintendent to all school employees, contracted service providers who have contact with pupils, school volunteers, pupils, and parents who have children enrolled in a school in the district, along with a statement explaining the Policy applies to all acts of harassment, intimidation, or bullying, pursuant to N.J.S.A. 18A:37-14, that occur on school property, at school-sponsored functions, or on a school bus and, as appropriate, acts that occur off school grounds.

The Superintendent shall ensure that notice of this Policy appears in the pupil handbook and all other publications of the school district that sets forth the comprehensive rules, procedures, and standards for schools within the school district.

The Superintendent will also post a link the district's Harassment, Intimidation, and Bullying Policy that is prominently displayed on the homepage of the school district's website. The district will notify pupils and parents this Harassment, Intimidation, and Bullying Policy is available on the school district's website.

The Superintendent shall post the name, school phone number, school address, and school email address of the district Anti-Bullying Coordinator on the home page of the school district's website. Each Building Principal shall post the name, school phone number, address, and school email address of both the Anti-Bullying Specialist and the district Anti-Bullying Coordinator on the homepage of each school's website.

M. Harassment, Intimidation, and Bullying Training and Prevention Programs

The Superintendent and Building Principals shall provide training on the school district's Harassment, Intimidation, and Bullying Policy to current and new school employees, contracted service providers, and volunteers who have significant contact with pupils. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A:37-14 and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying. The school district's employee training program shall include information regarding the school district's Policy against harassment, intimidation, or bullying, which shall be provided to full-time and part-time staff members, contracted service providers, and school volunteers who have significant contact with pupils.

Each public school teacher shall be required to complete at least two hours of instruction in harassment, intimidation, and bullying prevention in each professional development period as part of the professional development requirement pursuant to N.J.S.A. 18:37-22.d.

The required two hours of suicide prevention instruction for teaching staff members shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, or bullying in accordance with the provisions of N.J.S.A. 18A:6-112.

Board members shall be required to complete a training program on harassment, intimidation, and bullying in accordance with the provisions of N.J.S.A. 18A:12-33.



The school district shall provide time during the usual school schedule for the Anti-Bullying Coordinator and each school Anti-Bullying Specialist to participate in harassment, intimidation, and bullying training programs.

A school leader shall complete school leader training that shall include information on the prevention of harassment, intimidation, and bullying as required in N.J.S.A. 18A:26-8.2.

The school district shall annually observe a “Week of Respect” beginning with the first Monday in October. In order to recognize the importance of character education, the school district will observe the week by providing age-appropriate instruction focusing on the prevention of harassment, intimidation, and bullying as defined in N.J.S.A. 18A:37-14. Throughout the school year the district will provide ongoing age-appropriate instruction on preventing harassment, intimidation, or bullying, in accordance with the Core Curriculum Content Standards, pursuant to N.J.S.A. 18A:37-29.

The school district and each school in the district will annually establish, implement, document, and assess harassment, intimidation, and bullying prevention programs or approaches, and other initiatives in consultation with school staff, pupils, administrators, volunteers, parents or guardians, law enforcement, and community members. The programs or approaches and other initiatives shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying in accordance with the provisions of N.J.S.A. 18A:37-17 et seq.

N. Harassment, Intimidation, and Bullying Policy Reevaluation, Reassessment, and Review

The Superintendent will develop and implement a process for annually discussing the school district’s Harassment, Intimidation, and Bullying Policy with pupils.

The Superintendent and the Building Principals shall annually conduct a reevaluation, reassessment, and review of the Harassment, Intimidation, and Bullying Policy, with input from the schools’ Anti-Bullying Specialists, and recommend revisions and additions to the Policy as well as to harassment, intimidation, and bullying prevention programs and approaches based on the findings from the evaluation, reassessment and review.

O. Reports to Board of Education and New Jersey Department of Education

The Superintendent shall report two times each school year, between September 1st and January 1st and between January 1st and June 30th, at a public hearing all acts of harassment, intimidation, and bullying in accordance with the provisions of N.J.S.A. 18A:17-46. The information shall also be reported to the New Jersey Department of Education in accordance with N.J.S.A. 18A:17-46. The information reported shall be used to grade each school and each district in accordance with the provisions of N.J.S.A. 18A:17-46. The grade received by a school and the district shall be posted on the homepage of the school’s website and the district’s website in accordance with the provisions of N.J.S.A. 18A:17-46. A link to the report that was submitted by the Superintendent to the Department of Education shall also be available on the school district’s website. This



information shall be posted on the websites within ten days of receipt of the grade for each school and the district.

P. Reports to Law Enforcement

Some acts of harassment, intimidation, and bullying may be bias-related acts and potentially bias crimes and school officials must report to law enforcement officials either serious acts or those which may be part of a larger pattern in accordance with the provisions of the Memorandum of Agreement Between Education and Law Enforcement Officials.

Q. Collective Bargaining Agreements and Individual Contracts

Nothing in N.J.S.A. 18A:37-13.1 et seq. may be construed as affecting the provisions of any collective bargaining agreement or individual contract of employment in effect on the Anti-Bullying Bill of Rights Act's effective date (January 5, 2011). N.J.S.A. 18A:37-30.

The Board of Education prohibits the employment of or contracting for school staff positions with individuals whose criminal history record check reveals a record of conviction for a crime of bias intimidation or conspiracy to commit or attempt to commit a crime of bias intimidation.

R. Pupils with Disabilities

Nothing contained in N.J.S.A. 18A:37-13.1 et seq. may alter or reduce the rights of a pupil with a disability with regard to disciplinary actions or to general or special education services and supports. N.J.S.A. 18A:37-32.

The school district shall submit all subsequent amended Harassment, Intimidation, and Bullying Policies to the appropriate Executive County Superintendent within thirty (30) days of Board adoption.

Legal References

N.J.S.A. 18A:37-13 through 18A:37-32

N.J.A.C. 6A:16-7.1 et seq.; 6A:16-7.9 et seq.

Model Policy and Guidance for Prohibiting Harassment, Intimidation, and Bullying on School Property, at School-Sponsored Functions and on School Buses – April 2011

Adopted: August 18, 2009

Revised: August 30, 2011



R5512 – Harassment, Intimidation, or Bullying **Investigation Procedure (M)**

The Board of Education authorizes a prompt investigation of reports and violations and complaints of harassment, intimidation and bullying in accordance with the provisions of N.J.S.A. 18A:37-15(b)6.

The following investigation procedure shall be used for all allegations of harassment, intimidation, or bullying:

1. An investigation shall be initiated by the Building Administrator, or designee, within one school day of the report of the incident and shall be conducted by a school's Anti-Bullying Specialist.
 - a. The Building Administrator may appoint additional personnel who are not school Anti-Bullying Specialists to assist in the investigation.
2. The investigation shall be completed as soon as possible, but not later than ten school days from the date of the written report of the incident of harassment, intimidation, or bullying.
 - a. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the ten-day period, the school Anti-Bullying Specialist may amend the original report of the results of the investigation to reflect the information.
3. 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 regulations promulgated by the State Board of Education pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).
4. The Superintendent may decide to provide 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.
5. The results of each investigation shall be reported to the Board of Education no later than the date of the next Board of Education Meeting following the completion of the investigation, along with information on any services provided, training established, discipline imposed, or other action taken or recommended by the Superintendent.
6. Parents or legal guardians of the pupils who are parties to the investigation shall be entitled to receive information about the investigation, in accordance with Federal and State law and regulation, including the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Education.
7. A parent or legal guardian may request a hearing before the Board of Education after receiving the information.



- a. This hearing shall be held within ten days of the request;
 - b. The Board shall meet in executive session for the hearing to protect the confidentiality of the pupils; and
 - c. 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.
8. At the next Board of Education meeting following its receipt of the report, the Board of Education 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 the procedures set forth in law and regulation, no later than ninety days after the issuance of the Board's decision.
 9. A parent, pupil, legal guardian, or organization may file a complaint with the Division on Civil Rights within one hundred eighty 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," P.L.1945, c.169 (C.10:5-1 et seq.).

Adopted: August 18, 2009

Revised: August 30, 2011



5512.01 – Hazing

The Board of Education believes hazing activities of any type are inconsistent with the educational process and the Board prohibits all such and hazing behavior at any time on school premises, at any school-sponsored function or on any school bus.

“Hazing” means the performance of any act or the coercion of another to perform any act of initiation into any class, team, or organization that causes or creates a substantial risk of causing mental or physical harm. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this Policy.

All staff members, pupils and school volunteers shall be alert to possible behavior, circumstances, or events that might include hazing. A person who detects hazing and/or planned hazing shall immediately inform the pupil(s) involved of the prohibition against this behavior and/or conduct and direct them to immediately cease all such behavior and/or conduct. All such incidents must be expeditiously or promptly and/or immediately reported to the Building Principal.

The Building Principal or designee will report to the Affirmative Action Officer and the Superintendent any incident reported from a staff member, pupil, parent, legal guardian or any other source. The Building Principal will also report information received from anonymous sources; however, any formal disciplinary action will not be taken solely on the basis of an anonymous report.

There will be no reprisals or retaliation against any person(s) making such report of hazing behavior. Any allegations of reprisals or retaliation shall be reported directly to the Building Principal who will investigate such allegations and take appropriate action if the allegations are confirmed and/or if the person is found to have falsely accused another as means of retaliation or as a means of hazing.

The Building Principal or designee will immediately investigate any report of actual or planned hazing.

If the investigation determines hazing behavior was planned or was present, the administration will take reasonable, age-appropriate and effective corrective action to end the behavior which may include, but is not limited to, counseling, warning, and/or disciplinary action. The administration may need to provide support services to the pupil(s) that was to remedy the past hazing behavior.

Nothing in this Policy prohibits the Affirmative Action Officer from complying with the requirements of the district’s Affirmative Action Program as outlined in Board Policy #1550 – Affirmative Action Program For Employment and Contract Practices/ Employment Practices Plan and N.J.A.C. 6A:7-1.1 et seq.

The Building Principal or designee, in conjunction with the Affirmative Action Officer, will develop and conduct training and information programs for all school staff, pupils, parents and interested community members on the district’s Hazing Policy.

Any pupil organization that seeks to organize and perpetuate itself by taking in members based on the decision of the membership of the organization, rather than from the free choice of any pupils who are otherwise qualified to fill the special aims of such organization, is prohibited.



This Policy shall be published in pupil and staff handbooks upon its adoption by the Board. The Board may seek school community input prior to the initial adoption and any revisions to this Policy.

Legal References

N.J.S.A. 18A:37-1 et seq.; 18A:42-5; 18A:42-6

Adopted: August 18, 2009



5513 – Care of School Property (M)

The Board of Education believes that the schools should help pupils learn to respect property and to develop feelings of pride in community institutions. The Board charges each pupil enrolled in this district with responsibility for the proper care of school property and the school supplies and equipment entrusted to his/her use.

Pupils who cause damage to school property will be subject to disciplinary measures. The Board authorizes the imposition of a fine for the loss, damage, or defacement of a textbook and reserves the right to withhold a report card or diploma from any pupil whose payment of a fine is in arrears.

A pupil who demonstrates chronic and/or serious disregard for property may be referred to the Child Study Team.

The Superintendent shall develop rules for the safekeeping and accounting of textbooks and prepare a schedule of fines for lost and damaged textbooks.

Legal References

N.J.S.A. 18A:34-2; 18A:37-3

N.J.A.C. 6A:23-6.6

Adopted: August 18, 2009



R5513 – Care of School Property (M)

A. Teachers' Responsibilities

1. Teachers will exercise judgment in the entrustment of school property to pupils.
2. Teachers will impress upon all pupils the importance of the proper care of school property and instruct pupils in the proper use of school facilities, equipment, instructional materials, and textbooks.
3. Teachers will keep an accurate inventory of textbooks and other materials assigned to their classrooms.

B. General Rules Governing the Use of School Property

1. Pupils shall not deface the school building, furnishings, or equipment in any manner.
2. Pupils shall not use school furnishings or equipment for purposes other than those for which the furnishing or equipment was designed and intended.
3. Pupils will care for school textbooks in accordance with D.

C. Distribution and Collection of Textbooks and Materials

1. Each textbook will be stamped as the property of the Board of Education and marked with a number unique to that book.
2. A label will be affixed to the front of each textbook and will include:
 - a. The name of the Board of Education,
 - b. The name of the school,
 - c. The year in which the book was purchased, and
 - d. The number assigned to the book.
3. The following information will also be entered on the label each time the book is issued to a pupil:
 - a. The name of the pupil to whom the book is issued,
 - e. The date on which the book is issued to the pupil,
 - f. The condition of the book when it is issued, and
 - g. The condition of the book when it is returned.
4. Each classroom teacher will keep a permanent record of the textbooks used in his/her classroom. The record will include all the information listed in C2 and C3.
5. A lost textbook must be promptly reported to the teacher who issued the book. A replacement textbook will be issued immediately.



6. Textbooks will be collected and inspected before the end of the school year or marking period, as appropriate. Once inspected, a textbook will be returned to inventory until it is again distributed to a pupil.
7. Pupils must remove covers, loose papers, and markings before returning any textbook.
8. Fines will be assessed for lost and damaged textbooks in accordance with E.

D. Care of Textbooks by Pupils

1. Pupils shall take care not to lose or misplace a textbook or expose a textbook to conditions or circumstances likely to destroy, damage, or degrade it.
2. All textbooks that will be taken home by pupils must be protected with an appropriate cover to be supplied by the pupil.
3. Pupils should not:
 - a. Use pens, pencils, or other implements to mark a place in a textbook;
 - b. Use a textbook to file bulky papers and notes;
 - c. Write or use highlighters in textbooks; or
 - d. Soil textbooks beyond normal use.

E. Fines and Penalties

1. Fines will be assessed as follows for any lost textbook or textbook damaged beyond normal wear.

Loss or damage	Fine
Lost book issued in new condition	80% of list price
Lost book issued in good condition	60% of list price
Lost book issued in fair condition	40% of list price
Lost book issued in poor condition	20% of list price
Broken bindings	\$1
Defaced cover	50 cents
Missing pages	25 cents per page
Loose or torn pages	10 cents per page
Marks not damaging to text	5 cents per page
Marks damaging to text	25 cents per page
Dog-eared pages	10 cents per page
Soil not damaging to text	5 cents per page
Soil damaging to text	25 cents per page
Book so damaged (by water or otherwise) as to be unusable	as for lost books



2. The teacher will inspect each textbook returned and will assess a fine for each lost or damaged book. The teacher will prepare a form that includes:
 - a. The name and number of the textbook damaged or lost;
 - b. The name of the pupil;
 - c. The loss or damage to the textbook; and
 - d. The amount of the fine.
3. In setting fines the teacher may take into account verified extenuating circumstances.
4. A pupil who finds their lost textbook will be reimbursed any fine paid for the lost textbook but will be assessed a fine for any damage done to the book.
5. A pupil who has not paid a fine owed will not receive a diploma, transcript, transfer card, or report card until the fine has been duly paid and acknowledged.
6. If fines remain unpaid, the Building Principal may request payment from the parent(s) or legal guardian(s), or take such other steps as may be appropriate to ensure that moneys due the district are paid and that the importance of taking responsibility for the consequence of one's acts is instilled.

Adopted: August 18, 2009



5514 – Pupil Use of Vehicles

The Board of Education regards the operation by pupils of any powered or unpowered vehicle for transportation to and from school as a matter subject to Board authority because pupil safety is of paramount concern to the Board.

The Board prohibits the operation of bicycles, scooters, and skateboards by pupils for travel to and from school. In addition, the use of skateboards on school property is always prohibited.

Legal References

N.J.S.A. 39:4-10 et seq.; 39:4-10.5

Adopted: August 18, 2009



5516 – Use of Electronic Communication and Recording Devices (ECRD) (M)

The Board of Education believes pupils and/or school staff members should not be subject to having a video or audio recording taken of any pupil(s) or school staff member(s) for any purpose without the consent of the pupil, the pupil's parent or guardian, and/or the school staff member. In addition to protecting the privacy rights of pupils and school staff members, the Board recognizes such recordings can be disruptive to the educational program. In addition, inappropriate recordings of educational material, pupil assessment instruments, and/or pupil assessment reviews can be used to compromise the integrity of the district's educational program or lead to academic dishonesty in the event such recordings are stored and/or transmitted to other pupils. Therefore, the Board of Education adopts this Policy regarding pupil use of electronic communication and recording devices.

Electronic Communication and Recording Devices

Electronic Communication and Recording Devices (ECRD) includes any device with the capability to record audio or video images or is capable of receiving or transmitting any type of communication between persons. An ECRD includes, but is not limited to, cameras, cellular and wireless telephones, pagers/beepers, text-messaging devices, laptop computers, electronic readers, personal digital assistants (PDAs), Livescribe or similar pens, two-way radios, portable fax machines, video broadcasting devices, and any other device that allows a person to record and/or transmit, on either a real-time or delayed basis, sound, video or still images, text, or other information.

A pupil is not permitted to have turned on or use an ECRD on school grounds during the school day or when the pupil is participating in a curricular or school-sponsored co-curricular activity, unless such device is used as part of the curriculum. ECRDs must be stored in the pupil's locker or cubby. A pupil's personal ECRD may only be used on school grounds in an emergency situation, as defined by the Building Principal, or with the permission of a school staff member supervising the pupil in a curricular or school-sponsored co-curricular activity.

Any audio and/or video recording by a pupil using their personal ECRD with permission of a school staff member while participating in a curricular or school-sponsored activity where other pupils or staff members are present shall require the permission for such recording from any other pupil and their parents or guardians and/or staff members whose voice or image is to be recorded. This Policy is not intended to prohibit appropriate use of electronic devices for authorized or approved official curricular or school-sponsored co-curricular activities such as yearbook photographs, staff member/teacher-directed and approved activities, classroom presentations, and drama production filming. A pupil authorized or approved to use an ECRD may not use an ECRD to access internet sites or view information or internet-based material that is inappropriate or would be blocked from pupil access by the school district's acceptable use of computers and networks policy. Nothing in this Policy is intended to prevent a pupil from using their personal ECRD and recording school-sponsored co-curricular activities as a non-participant when the activity is open to the general public.



For the purposes of this policy, “school grounds” means and includes land, portions of land, structures, buildings, and structures that support these buildings, including, but not limited to, administrative buildings, kitchens, maintenance shops, and garages. “School grounds” also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and other recreational places owned by the local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land.

An ECRD used in violation of this Policy will be confiscated by a school staff member or Principal or designee and the pupil will be subject to appropriate disciplinary action. Confiscated devices will be returned to the pupil at the end of the school day, if it is the pupil’s first offense. For subsequent offenses, the device will only be returned to a parent or guardian.

Remotely Activated Paging Device

A pupil shall not bring or possess any remotely activated paging device on any school grounds, including on a school bus or at a school-sponsored function, at any time and regardless of whether school is in session or other persons are present without the express written permission of the Building Principal. The pupil must submit a written request and establish to the satisfaction of the Building Principal a reasonable basis for the possession of the device. The written request must include the purpose for the pupil possessing and/or bringing the device on school property and the date or dates in which the pupil requests to possess and/or bring the device on school property. The written request must also include the date in which the pupil will no longer need to bring and/or possess the device on school property.

The Building Principal, upon reviewing the request from the pupil, will make a determination. The determination will be in writing and if approved, written permission for the pupil to bring and/or possess a remotely activating paging device will be provided to the pupil. Permission will only be provided for the school year. The pupil must submit a new request if the time in which permission is given to bring and/or possess a device expires. The pupil that is granted permission to possess and/or bring the device must be in the possession of the device at all times.

A pupil who is an active member in good standing of a volunteer fire company, first aid, ambulance or rescue squad may bring or possess a remotely activated paging device on school property only if the pupil is required to respond to an emergency and the pupil provides a statement to the Building Principal from the chief executive officer of the volunteer fire company, first aid, ambulance or rescue squad authorizing the possession of the device by the pupil at all times and that the pupil is required to respond to an emergency.

The Building Principal or designee will confiscate the remotely activated paging device, take appropriate disciplinary action and shall immediately notify the Superintendent and the appropriate criminal justice or juvenile justice agency if a pupil brings or possesses a remotely activated paging device in violation of N.J.A.C. 6A:16-5.8 and this Policy.



Legal References

N.J.S.A. 2C:33-19

N.J.A.C. 6A:16-5.8

Adopted: August 18, 2009
Revised: November 9, 2010



5517 – Pupil Identification Cards

The Board of Education recognizes school building security measures are important for the safety and welfare of all pupils, staff, parents and community members in school buildings. In recognizing this important responsibility, the Board requires all middle school pupils to visibly wear school district issued identification cards at all times while in school. A middle school pupil must present the card to any school staff member upon request. Middle School pupils who fail to have the card in their possession or to produce it when asked to do so may be disciplined.

The school district issued Identification Card will be issued to all pupils in the middle school, and may be presented for:

1. Identification at school district activities on school district property other than the school attended by the pupil;
2. Admission to school dances and other school-related activities;
3. Identification for library media services to include library book, periodical and other resource check-out;
4. Entrance for Scholastic Aptitude Tests, State Standardized Tests and other testing programs administered on school district property;
5. Identification for transportation services offered by the district including the use of activity and/or late buses;
6. Identification for admission to certain school-related and school district sponsored functions; and
7. Other purposes and activities as determined by the Building Principal.

Pupils will be issued one card every year. A replacement fee will be charged, at the cost equal to the reproduction cost, for all lost identification cards.

Adopted: August 18, 2009



5519 – Dating Violence at School

The 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 may suffer academically and the pupil's safety at school may be jeopardized. Acts or incidents of dating violence at school whether they are verbal, written (including electronic/digital), physical, and are sexual or emotional in nature will not be tolerated and will be dealt with in accordance with the school district's pupil code of conduct as detailed in [Board Policy and Regulation #5600 – Pupil Discipline/Code of Conduct](#).

All school staff members (administrative, instructional, support, custodial, and office staff) and volunteers shall take all reasonable measures to prevent acts or incidents of dating violence on school grounds (both inside and outside the school buildings), at school district sponsor events, on a school bus, or on school district sponsored trips involving a pupil. All acts or incidents of dating violence at school shall be reported to the Building Principal or Anti-Bullying Specialist in accordance with the provisions outlined in [Board Regulation #5519 – Dating Violence at School](#). A verbal report shall be made to the Building Principal or Anti-Bullying Specialist as soon as possible, but no later than the end of the pupil's school day during which 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 Building Principal or Anti-Bullying Specialist by the reporting staff member no later than one school day after the verbal report.

School staff members are required to report all acts or incidents of dating violence at school they witness or upon receiving reliable information concerning acts or incidents of dating violence at school. Acts or incidents may include, but are not limited to: those characterized by verbal, written or physical, emotional or sexual abuse; digital or electronic acts or incidents of dating violence; and/or patterns of behavior which are threatening or controlling.

The guidelines and procedures outlined in [Board Regulation #5519 – Dating Violence at School](#) 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 alleged aggressor of an act or incident of dating violence.

Dating violence statements and materials collected or produced during 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, action plans, and disciplinary measures as well as counseling and other support resources that are offered and prescribed to the victim or alleged aggressor.

School administrators shall implement discipline and remedial procedures to address acts or incidents of dating violence at school consistent with the school district's pupil code of conduct. The policies and procedures 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 responses shall be tiered with consideration given to the seriousness and the number of



previous occurrences of acts or incidents in which the victim and/or alleged aggressor have been involved.

Consequences may include, but are not limited to: admonishment, temporary removal from the classroom, essay assignment; classroom or administrative detention, deprivation of privileges; in-school suspension, out-of-school suspension, reports to law enforcement, and/or expulsion. Retaliation by the alleged aggressor toward the victim of any act or incident of dating violence or any individual who reports, or witnessed, the act or incident shall be considered when administering consequences to the alleged aggressor based on the severity of the act or incident.

Remediation/intervention may include, but is not limited to: parent conferences, pupil counseling (all pupils involved in the act or incident); peer support groups; corrective instruction, or other relevant learning or service experiences; supportive pupil interventions (Intervention and Referral Services (I&RS)); behavioral management plans; and/or alternative placements.

A pattern of behaviors may be an important sign a pupil is involved in an unhealthy or abusive dating relationship. The warning signs listed in [Board Regulation #5519 – Dating Violence at School](#) shall educate the school community on the characteristics that a pupil in an unhealthy or abusive relationship may exhibit. Many of these warning signs make a connection to one pupil in the relationship asserting control and power over the other. Recognizing one or more signs of dating violence plays an important role in preventing, educating, and intervening in acts or incidents of dating violence.

The Board of Education shall make available to pupils and their families information on safe, appropriate school, family, peer, and community resources available to address dating violence.

The Board of Education shall incorporate age-appropriate dating violence education in grades seven and eight health education curriculum in alignment with the New Jersey Core Curriculum Content Standards for Comprehensive Health and Physical Education. The educational program shall include, but is not limited to, a definition of dating violence, recognizing the warning signs of dating violence, and the characteristics of healthy relationships.

Upon written request to the Building Principal, a parent/legal guardian of a pupil less than eighteen years of age, shall be permitted within a reasonable period of time after the request is made, to examine the dating violence education instruction materials developed by the school district.

Notice of this Policy and its associated Regulation shall appear in all district publications that set forth the comprehensive rules, procedures, and standards of conduct for pupils within the district and in any handbook and published on the school district's website.

Legal References

N.J.S.A. 18A:35-4.23a.; 18A:37-33; 18A:37-34; 18A:37-35; 18A:37-37

New Jersey Department of Education Model Policy and Guidance for Incidents Involving Dating Violence – September 2011

Adopted: January 10, 2012



R5519 – Dating Violence at School

A. Definitions

1. “At school” means in a classroom, or anywhere on school property, school bus or school-related vehicle, at an official bus stop, or at any school-sponsored activity or event whether or not it is on school grounds.
2. “Dating partner” means any person involved in an intimate association with another individual that is primarily characterized by the expectation of affectionate or sexual involvement, whether casual, serious, or long-term. For the purposes of this Regulation and its associated Policy, pupils who believe they have, or desire, such a relationship with another pupil and commit acts or are involved in incidents as defined in this Regulation, will be subject to this Regulation and its associated Policy as if they are a Dating Partner.
3. “Dating violence” means a pattern of behavior where one person threatens to use, or actually uses verbal, written (including digital/electronic) or physical abuse, that is sexual or emotional in nature to control, or attempt to control, a dating partner.

B. Procedures for Reporting Act or Incidents of Dating Violence

4. School staff members (administrative, instructional, support, custodial, and office staff) and volunteers shall take all reasonable measures to prevent acts or incidents of teen dating violence and are required to report all acts or incidents of dating violence at school.
5. All acts or incidents of dating violence at school shall be reported to the Building Principal or Anti-Bullying Specialist.
 - a. This report should be made verbally as soon as possible, but no later than the end of the pupil’s school day during which the staff member witnesses or learns of an act or incident of dating violence at school.
 - b. A written report regarding the act or incident of dating violence at school should be submitted to the Building Principal or Anti-Bullying Specialist by the reporting staff member no later than one school day after the staff member witnesses or learns of an act or incident of dating violence at school.
6. These acts or incidents may include, but are not limited to:
 - a. Witnessed or receipt of reliable information concerning acts or incidents that are characterized by verbal, written, or physical emotional or sexual abuse;
 - b. Digital or electronic acts or incidents of dating violence; and/or
 - c. Patterns of behavior which are threatening or controlling.



C. Guidelines/Protocols for Responding to At-School Acts or Incidents of Dating Violence

1. Protocol for All School Staff Members – Any school staff member who witnesses or learns of an act or incident of dating violence at school shall take the following steps:
 - a. Separate the victim from the alleged aggressor;
 - b. Speak with the victim and the alleged aggressor separately to ascertain whether the act or incident falls under the definition of dating violence;
 - c. Speak with witnesses/bystanders separately, if necessary, to determine if an act or incident of dating violence occurred;
 - d. Verbally report the act or incident to the Building Principal or Anti-Bullying Specialist no later than the end of the pupil’s school day;
 - e. Prepare and submit a written report of the act or incident to the Building Principal or Anti-Bullying Specialist no later than one school day after the verbal report; and
 - f. Monitor the interactions between the victim and the alleged aggressor with pupil safety being the priority.
2. Protocol for Administrators/Administrative Investigation – The Building Principal or Anti-Bullying Specialist upon receiving a report of a dating violence act or incident at school shall take the following steps:
 - a. Separate the victim from the alleged aggressor, if applicable;
 - b. Meet separately with the victim and the alleged aggressor;
 - c. Take written statements from the victim and alleged aggressor;
 - d. Review the victim’s and alleged aggressor’s written statements to develop an understanding of the act or incident. The administrator may ask questions of either individual for clarification;
 - e. Further investigate the act or incident by speaking with bystanders/witnesses of the act or incident. All statements obtained from bystanders/witnesses shall be documented in writing;
 - f. The school administrator may make a determination to involve local law enforcement, if appropriate;
 - g. Appropriate referrals should be made, if an assessment by a school social worker, counselor, or psychologist determines the victim’s or alleged aggressor’s mental health has been placed at risk;
 - h. The Building Principal or Anti-Bullying Specialist shall contact the parents/guardians of both the victim and the alleged aggressor. The Building Principal or Anti-Bullying Specialist shall recommend a meeting be held to discuss the act or incident; and
 - i. The Building Principal or Anti-Bullying Specialist will notify both parties in writing of the outcome/determination of the investigation into the act or incident of dating violence at school.



3. Protocol for Working with the Victim of an Act or Incident of Dating Violence at School – The Building Principal or Anti-Bullying Specialist shall implement the following procedures for dealing with victims of a confirmed act or incident of dating violence at school:
 - a. A pupil’s safety shall be the first priority in a dating violence act or incident. Interaction between the victim and the aggressor shall be avoided. The burden of any schedule changes (classroom, bus, etc.) should be taken on by the aggressor;
 - b. A conference shall be held with the victim and their parent(s)/guardian(s);
 - c. Identify any means or actions that should be taken to increase the victim’s safety and ability to learn in a safe and civil school environment;
 - d. Alert the victim and their parents/guardians of school and community based resources that may be appropriate, including their right to file charges, if the parent(s)/guardian(s) believe the act or incident violated the law;
 - e. Monitor the victim’s safety as needed and assist the victim with any plans needed for the school day and after-school hours (hallway safety, coordination with parents/guardians for transportation to and from school, etc.). The administration may develop a safety plan, if deemed necessary;
 - f. The administration may develop a Stay-Away Agreement between the victim and the aggressor, if deemed necessary;
 - g. Encourage the victim to self-report any and all further acts or incidents of dating violence that occur at school in writing to the Building Principal or Anti-Bullying Specialist; and
 - h. Document all meetings and action plans that are discussed.
4. Protocol for Working with the Aggressor of an Act or Incident of Dating Violence at School – The Building Principal or Anti-Bullying Specialist shall implement the following procedures for dealing with the aggressor of a confirmed act or incident of dating violence at school:
 - a. Hold a conference with the aggressor and their parent(s)/guardian(s);
 - b. Give the aggressor the opportunity to respond in a written statement to the allegations and the outcome/determination of an act or incident of dating violence at school;
 - c. Alert the aggressor and their parents/guardians to both school and community-based support and counseling resources that are available;
 - d. Identify and implement counseling, intervention, and disciplinary methods that are consistent with school policy for acts or incidents of this nature;
 - e. Review the seriousness of any type of retaliation (verbal, written (including electronic/digital), physical, sexual, or emotional) toward the victim, and any retaliation against the individual(s) who reported or witnessed the act or incident of dating violence. Mention that consequences will be issued consistent with the school district’s pupil code of conduct and procedures for any type of retaliation or intimidation toward the victim or the individual(s) who reported or witnessed the act or incident; and
 - f. Document all meetings and action plans that are discussed.



5. Protocol for the Documentation and Reporting of an Act or Incident of Dating Violence at School – School districts shall implement the following procedures for documenting and reporting acts or incidents of dating violence that occur at school:
 - a. Dating violence statements and materials that are collected or developed during investigations shall be kept in files separate from pupil academic and discipline records to prevent the inadvertent disclosure of confidential information.
 - b. Every act or incident of dating violence at school that is reported shall be documented in an appropriate manner. This documentation shall include all written statements, action plans, consequences, and disciplinary measures as well as counseling and other support resources that were offered, prescribed, and/or provided to the victim or the aggressor.

D. Discipline Procedures Specific to At School Acts or Incidents of Dating Violence

1. The Board of Education requires its school administrators to implement discipline and remedial procedures to address acts or incidents of dating violence at school that are consistent with the school's pupil code of conduct.
2. The policies and procedures specific to acts or incidents of dating violence at school should be used to address the act or incident as well as serve as remediation, intervention, education, and prevention for all individuals involved.
3. The responses shall be tiered with consideration given to the seriousness and the number of previous occurrences of acts or incidents in which the victim and aggressor have been involved.
4. Consequences may include, but are not limited to, the following:
 - a. Admonishment;
 - b. Essay assignment;
 - c. Temporary removal from the classroom;
 - d. Classroom or administrative detention;
 - e. Deprivation of privileges;
 - f. In-school suspension;
 - g. Out-of-school suspension;
 - h. Reports to law enforcement; and
 - i. Expulsion.
5. Retaliation toward the victim of, or anyone who reports or witnessed, any act or incident of dating violence shall be considered when administering consequences to the aggressor based on the severity of the act or incident.
6. Remedial procedures/interventions may include, but are not limited to, the following:
 - a. Parent conferences;



- b. Pupil counseling (all pupils involved in the act or incident);
- c. Peer support group;
- d. Corrective instruction or other relevant learning or service experiences;
- e. Supportive pupil intervention (Intervention and Referral Services (I&RS));
- f. Behavioral management plan; and
- g. Alternative placements.

E. Warning Signs of Dating Violence

1. A pattern of behaviors may be an important sign that a pupil is involved in an unhealthy or abusive dating relationship or the subject of unwanted attention from another pupil who believes they have or desires a dating relationship. Many warning signs make a connection to one pupil in the relationship asserting control and power over the other. Recognizing one or more signs of dating violence plays an important role in preventing, educating, and intervening in acts or incidents of dating violence.
2. The warning signs listed below are to educate the school community on the characteristics a pupil in an unhealthy or abusive relationship might exhibit. Warning signs may include, but are not limited to, the following:
 - a. Name-calling and putdowns – Does one pupil in the relationship use name-calling or putdowns to belittle or intimidate the other pupil?
 - b. Extreme jealousy – Does one pupil in the relationship appear jealous when the other talks with peers?
 - c. Making excuses – Does one pupil in the relationship make excuses for the other?
 - d. Canceling or changing plans – Does one pupil cancel plans often, and at the last minute? Do the reasons make sense or sound untrue?
 - e. Monitoring – Does one pupil call, text, pass notes to, or check up on the other pupil constantly? Does one pupil demand to know the other's whereabouts or plans?
 - f. Uncontrolled anger – Does one of the pupils in the relationship lose his or her temper, throw or break things, or verbally lash out in anger?
 - g. Isolation – Has one pupil in the relationship given up spending time with family and friends? Has the pupil stopped participating in activities that were once very important?
 - h. Dramatic changes – Has the appearance of the pupil in the relationships changed? Has the pupil in the relationship lost or gained weight? Does the pupil seem depressed? Has the pupil's academic performance rapidly deteriorated?
 - i. Injuries – Does the pupil in the relationship have unexplained injuries? Does the pupil give explanations that seem untrue?



- j. Quick Progression – Did the pupil’s relationship get serious very quickly?
- F. The Building Principal or Anti-Bullying Specialist will provide to the parents/guardians of a victim or aggressor information on safe, appropriate school, family, peer, and community resources available to address dating violence.

Adopted: January 10, 2012



5520 – Disorder and Demonstration

The Board of Education is responsible for providing a thorough and efficient system of education for pupils in this district and is authorized to preserve order so that the system may function properly. Pupils will not be disturbed in the exercise of their constitutionally guaranteed rights to assemble peaceably and to express ideas and opinions, privately or publicly, provided that their activities do not infringe on the rights of others and do not interfere with the operation of the educational program.

The Board will not permit the conduct on school premises of any willful activity engaged in by an individual acting alone or by a group of individuals that interferes with the orderly operation of the educational program or offends the rights of others. The Board specifically prohibits any assembly or expression that materially disrupts instruction; is obscene, slanderous, or grossly prejudicial; advocates the use of dangerous or harmful materials; advocates the use of force or the violation of law or school rules; advocates the use of alcohol or other prohibited substances, or advertises goods or services for unauthorized commercial gain.

Disorderly pupils will be disciplined in accordance with law and [Board Policy #5600 – Pupil Discipline/Code of Conduct](#); staff members who assist pupils in disorderly conduct may be subject to disciplinary measures.

The Board directs all staff members to attempt to resolve pupil conflict and dissent by reason and arbitration. Pupils who express dissent should be made aware of the lawful procedures available to them for the resolution of their grievances.

The Superintendent shall establish procedures for the prompt resolution of any disorder that occurs on school premises. The Building Principal shall be responsible for the identification and resolution of disorders in any school building and may summon law enforcement officers as necessary.

Legal References

N.J.S.A. 2C:12-3; 2C:33-1; 2C:33-2; 2C:33-8

N.J.S.A. 18A:6-1; 18A:37-1; 18A:37-2

Adopted: August 18, 2009



5530 – Substance Abuse (M)

The Board of Education recognizes that a pupil's abuse of harmful substances seriously impedes that pupil's education and threatens the welfare of the entire school community. The Board is committed to the prevention of substance abuse and the rehabilitation of substance abusers by educational means, but will take the necessary and appropriate steps to protect the school community from harm and from exposure to harmful substances. Accordingly, the Board will establish and maintain a comprehensive substance abuse intervention, prevention, and treatment referral program in the schools of this district.

Definitions

N.J.S.A. 18A:40A-9

N.J.A.C. 6A:16-1.3; 6A:16-4.1

For the purposes of this Policy:

1. "Substance" means alcoholic beverages, controlled dangerous substances, including anabolic steroids, as defined at N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, any chemical or chemical compound which 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 and over-the-counter and prescription medications which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
2. "Substance abuse" means the consumption or use of any substance for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.
3. "Evaluation" means those procedures used by a certified or licensed professional to make a positive determination of a pupil's need for programs and services which extend beyond the general school program by virtue of learning, behavior, or health difficulties of the pupil or the pupil's family.
4. "Intervention" means those programs, services, and actions taken to identify and offer help to a pupil at risk for learning, behavior, or health difficulties.
5. "Referral for treatment" means those programs and services offered to a pupil or his or her family to help implement the recommendations of an evaluation or in response to the family's request for assistance with a learning, behavior, or health difficulty.
6. "School grounds" means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central services facilities including, but not limited to, kitchens and maintenance shops. School grounds also includes



other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and recreational places owned by local municipalities, private entities or other individuals during those times when the school district has exclusive use of a portion of such land.

Discipline

N.J.S.A. 18A:40A-10; 18A:40A-11
N.J.A.C. 6A:16-4.1(c)2.; 6A:16-6.3(a)

The Board prohibits the use, possession, and/or distribution of alcohol or other drugs on school grounds, including on school buses or at school-sponsored functions according to N.J.S.A. 18A:40A-9, 10, and 11.

A pupil who uses, possesses, or distributes a substance, on or off school premises, will be subject to discipline. Discipline will be graded to the severity of the offenses, the nature of the problems and the pupil's needs. Discipline may include suspension or expulsion. The Board may establish consequences for a pupil not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors. The Superintendent and/or designee will notify the appropriate law enforcement agency pursuant to N.J.A.C. 6A:16-6.3(a).

Instruction

N.J.S.A. 18A:40A-1 et seq.
N.J.A.C. 6A:16-3.1

The Board shall provide a comprehensive program of prevention, intervention, referral for evaluation, referral for treatment, and continuity of care for pupil alcohol, tobacco, and other drug abuse.

Identification, Evaluation, and Intervention

N.J.S.A. 18A:40A-11 through 18A:40A-17
N.J.A.C. 6A:16-3.1; 6A:16-4.1; 6A:16-4.2; 6A:16-4.3

Any educational staff member or other professional to whom it appears that a pupil may be under the influence of alcohol or other drugs on school grounds, including on a school bus or at a school-sponsored function shall report the matter in accordance with N.J.A.C. 6A:16-4.3(a)1.

An immediate medical examination shall be conducted and a written report of the medical evaluation shall be furnished to the parent(s) or legal guardian(s) of the pupil, the Building Principal, and the Superintendent in accordance with N.J.A.C. 6A:16-4.3(a)2 - 4.3(a)8.

If the written report of the medical examination is not provided within twenty-four hours of the referral of the pupil, the pupil shall be allowed to return to school until such time as a positive determination of alcohol or other drug use is received from the physician.

If the written report of the medical evaluation verifies that alcohol or other drugs do not interfere with the pupil's physical or mental ability to perform in school, the pupil shall be immediately returned to school. If there is a positive determination from the medical examination indicating the pupil's alcohol



or other drug use interferes with his or her physical or mental ability to perform in school, the pupil shall be returned to the care of the parent(s) or legal guardian(s) as soon as possible and attendance at school shall not resume until a written report verifies the pupil's alcohol or other drug use no longer interferes with his or her physical and mental ability to perform in school.

Removal of a pupil with a disability shall be in accordance with N.J.A.C. 6A:14.

While a pupil is at home because of the medical evaluation or after the pupil returns to school, an appropriately certified school staff member(s) will conduct an alcohol and other drug assessment of the pupil and a reasonable investigation of the situation and may initiate referral alcohol or other drug abuse treatment in accordance with N.J.A.C. 6A:16-4.3(a)12, 4.3(a)13, and 4.3(a)14.

The Board may provide additional intervention and referral services for the pupil according to the requirements of N.J.S.A. 18A:40A-10 and N.J.A.C. 6A:16-8.

Whenever any teaching staff member, certified or non-certified school nurse, or other educational personnel shall have reason to believe a pupil has used or may be using anabolic steroids, that person shall report the matter in accordance with N.J.A.C. 6A:16-4.3(b)1.

The Building Principal or designee upon receiving such report shall immediately notify the parent(s) or legal guardian(s) and Superintendent and shall arrange for an examination of the pupil as soon as possible to determine whether the pupil has been using anabolic steroids in accordance with N.J.A.C. 6A:16-4.3(b)2.

The Superintendent will disclose to law enforcement authorities the identity of the pupil pursuant to the requirements of N.J.A.C. 6A:16-4.3(b)3.

A written report of the examination shall be provided by the examining physician to the parent(s) or legal guardian(s), Building Principal, and Superintendent.

If it is determined the pupil has used anabolic steroids, an appropriately certified school staff member(s) shall interview the pupil and others to determine the extent of the pupil's involvement with and use of anabolic steroids and the possible need for referral for treatment in accordance with N.J.A.C. 6A:16-4.3(b)5.

If the results of a referral for evaluation have positively determined the pupil's involvement with and use of anabolic steroids represents a danger to the pupil's health and well-being, an appropriately certified school staff member(s) shall initiate a referral for treatment to agencies and/or private practitioners as outlined in N.J.A.C. 6A:16-4.3(b)6.

In-Service Training

N.J.S.A. 18A:40A-15(b)

The Board directs the Superintendent to develop a program of in-service training for all teaching staff members involved in the instruction of pupils. The Board will provide time for the conduct of the program during the usual school schedule. In-service training shall prepare teachers to instruct pupils on substance abuse and inform teachers about the nature of substances, the symptomatic behavior



associated with substance abuse, the availability of rehabilitation and treatment programs, the legal aspects of substance abuse, and Board policy and regulations on substance abuse.

Outreach to Parents

N.J.S.A. 18A:40A-16; 18A:40A-17
N.J.A.C. 6A:16-4.1(c)7.

The Board will provide an outreach program to parent(s) or legal guardian(s) of pupils that includes information on the district's substance abuse curriculum, the identification of substance abusers, and rehabilitation organizations and agencies. The Superintendent is directed to develop the program in consultation with local agencies recommended by the Commissioner and to offer the program at times and in places convenient to parent(s) or legal guardian(s) on school premises or in other suitable facilities.

Records

§408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act,
42 U.S.C., and Implementing Regulations, 42 CFR Part 2
N.J.S.A. 18A:40A-7.1

Notations concerning a pupil's involvement with substances may be entered on his/her records, subject to Board Policy #8330 – Pupil Records regarding confidentiality and limited access. All such notations shall be expunged when they are no longer required for the counseling or discipline of the pupil or when the pupil leaves school. Information regarding a pupil's involvement in a school intervention or treatment program shall be kept strictly confidential in accordance with §408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, 42 U.S.C. 290 ee-3, and implementing regulations, 42 CFR Part 2.

If an elementary or secondary pupil involved in a school-based drug or alcohol counseling program provides information during the course of a counseling session in that program which indicates that the pupil's parent(s) or legal guardian(s) or other person residing in the pupil's household is dependent upon or illegally using a substance as that term is defined in N.J.S.A. 18A:40A-9, that information shall be kept confidential and may be disclosed only with the pupil's written consent, to another person or entity whom the pupil specifies in writing in the case of a secondary pupil, or to a member of the pupil's immediate family or the appropriate school personnel in the case of an elementary pupil; pursuant to a court order; to a person engaged in a bona fide research purpose, except that no names or other information identifying the pupil or the person with respect to whose substance abuse the information was provided, shall be made available to the researcher; or to the Division of Youth and Family Services or to a law enforcement agency, if the information would cause a person to reasonably suspect that the elementary or secondary pupil or another child may be an abused or neglected child.

Nonpublic School Pupils

N.J.S.A. 18A:40A-5; 18A:40A-17c



The Board will lend to pupils attending nonpublic schools located in this district and to the parent(s) or legal guardian(s) of such pupils educational materials on substance abuse prepared and supplied by the Commissioner. The loan of such materials shall be at no cost to the district.

Civil Immunity

N.J.S.A. 18A:40A-13, 18A:40A-14;
N.J.A.C. 6A:16-4.3(c)

No civil action of any kind shall lie against any employee, officer or agent of the Board because of actions taken under the education statutes on substance abuse, N.J.S.A. 18A:40A-1 et seq., provided the skill and care given is that ordinarily required and exercised by other such employees, officers and agents of the Board.

Any educational or non-educational school staff member who in good faith reports a pupil to the Building Principal or designee in compliance with N.J.A.C. 6A:16-4.3 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 14.

Reporting Pupils to Law Enforcement Authorities

N.J.A.C. 6A:16-6.3(a)

The Superintendent, or designee, shall report pupils to law enforcement authorities if the staff member has reason to believe a pupil is unlawfully possessing or in any way involved in the distribution of controlled dangerous substances, anabolic steroids, or drug paraphernalia, pursuant to N.J.A.C. 6A:16-6.3(a). The Superintendent will not report pupils who have voluntarily sought treatment or counseling for a substance abuse problem provided the pupil is not involved or implicated in a current drug distribution activity.

The Superintendent or designee may, but need not disclose to law enforcement authorities the identity of a pupil suspected to be under the influence of alcohol and/or controlled dangerous substances, pursuant to N.J.A.C. 6A:16-4.3(a), or a pupil suspected to have used or who may be using anabolic steroids, pursuant to N.J.A.C. 6A:16-4.3(b), and who is referred for a medical evaluation, pursuant to N.J.A.C. 6A:16-4.3(a) or (b), as appropriate, for the purposes of providing appropriate health care for the pupil and for determining whether the pupil is under the influence of alcohol or other drugs or has been using anabolic steroids, provided the pupil is not reasonably believed to be in possession of a controlled dangerous substance or drug paraphernalia, and is not reasonably believed to be involved or implicated in drug distribution activities.

Policy Review and Accessibility

N.J.S.A. 18A:40A-10; 18A:40A-11
N.J.A.C. 6A:16-4.2(a) & (b)

The Board will annually review the effectiveness of this Policy and Regulation on pupil alcohol and drug abuse. The Board shall solicit parent(s) or legal guardian(s), pupil and community input, as well



as consult in the review process with local alcohol or other drug abuse prevention, intervention and treatment agencies licensed by the New Jersey Department of Human Services.

This Policy and Regulation shall be made available annually, at the beginning of the school year, to all school employees, pupils, and parent(s) or legal guardian(s). Each newly hired employee and transferred pupil will be offered this Policy and implementing regulations on his/her arrival in the district.

Legal References

N.J.S.A. 18A:40A-1 et seq.; 18A:40A-7.1 et seq.

N.J.A.C. 6A:16-4.1 et seq.

Adopted: August 18, 2009



R5530 – Substance Abuse (M)

The following procedures are established in implementation of [Board Policy #5530 – Substance Abuse](#).

A. Definitions

1. “Evaluation” means those procedures used by a certified or licensed professional to make a positive determination of a pupil’s need for programs and services which extend beyond the general school program by virtue of learning, behavior or health difficulties of the pupil or the pupil’s family.
2. “Intervention” means those programs, services and actions taken to identify and offer help to a pupil at risk for learning, behavior or health difficulties.
3. “Referral for evaluation” means those programs and services offered to a pupil or his or her family in order to make a positive determination regarding a pupil’s need for services which extend beyond the general school program.
4. “Parent” means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a pupil. Where parents are separated or divorced, “parent” means the person or agency that has legal custody of the pupil, as well as the natural or adoptive parent(s) of the pupil, provided such parental rights have not been terminated by a court of appropriate jurisdiction.
5. “Substance” means alcoholic beverages, controlled dangerous substances, including anabolic steroids as defined at N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, any chemical or chemical compound which 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 and over-the-counter and prescription medications which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
6. “Substance abuse” means the consumption or use of any substance for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.
7. “Under the influence” of substances means that the pupil is observed in the use of a substance or exhibits physical and/or behavioral characteristics that indicate the immediate use of a substance.

B. Discipline

1. Any violation of Board rules prohibiting the use, possession and/or distribution of a substance is a serious offense, and the pupil who violates a substance abuse rule will be disciplined accordingly. Repeated violations are more severe offenses and warrant stricter disciplinary measures. Pupils who violate the substance abuse rules will be disciplined as follows:



- a. First offense:
 - (1) For possession or being under the influence
 - In school suspension
 - (2) Distribution
 - Out of school suspension;
 - b. Second offense:
 - (1) For possession or being under the influence
 - Out of school suspension
 - (2) Distribution
 - Expulsion;
 - c. Third offense:
 - Expulsion.
2. In accordance with N.J.A.C. 6A:16-4.1(c), the following disciplinary action will be taken in the event the pupil does not follow through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors:
- a. First offense:
 - Administrative hearing and possible suspension;
 - b. Second offense:
 - Board hearing with recommendations;
 - c. Third offense:
 - Referred to juvenile justice: Warren County Prosecutor.

C. Identification and Remediation of Pupils Involved with Substances.

1. Teaching staff members shall be alert to the signs of a pupil's involvement with substances, in accordance with the training offered in in-service training sessions.
2. A teaching staff member who suspects that a pupil is involved with substances, but not under the influence of them, should refer the pupil to the School Nurse, the Substance Awareness Coordinator, a Guidance Counselor, the Child Study Team, or another professional staff member or trained resource person, as appropriate. The staff member shall notify the Building Principal of the referral; if appropriate, the Building Principal should notify the pupil's parent(s) or legal guardian(s) of the referral and discuss with the parent(s) or legal guardian(s) the possibility of medical or therapeutic treatment.
3. When a pupil involved with substances has discussed his/her involvement with a teaching staff member with an expectation of confidentiality, the staff member may respect that confidence. The teaching staff member should encourage the pupil to seek aid from a professional trained in counseling and to confide in his/her parent(s) or legal guardian(s). When the staff member believes that the pupil requires professional counseling or intervention that the pupil will not



seek on his/her own, the staff member may report the pupil to the Building Principal, who shall determine whether to notify the pupil's parent(s) or legal guardian(s) and may report the pupil to an appropriate district professional or trained resource person or to an appropriate agency for evaluation and possible treatment.

D. Reporting and Examination of Pupils Under the Influence of Anabolic Steroids

1. Whenever any teaching staff member, certified or non-certified nurse or other educational personnel have reason to believe that a pupil has used or may be using anabolic steroids that person must report the matter as soon as possible to the Building Principal (or, in the Building Principal's absence, to a person designated by the Building Principal) and either the certified or non-certified school nurse or the school physician or the Substance Awareness Coordinator.
2. The Building Principal or designee, in response to every report, shall immediately notify the pupil's parent(s) or legal guardian(s) and the Superintendent.
3. The Building Principal shall arrange for the immediate examination of the pupil by a physician licensed to practice medicine or osteopathy selected by the parent(s) or legal guardian(s). If the physician selected by the parent is not available to perform the examination, the examination will be conducted by the school physician or another physician identified by the Building Principal. An examination conducted, at parental request, by a physician other than the school physician or another physician identified by the Building Principal shall not be at the district's expense.
4. The pupil shall be examined as soon as possible for the purpose of determining whether the pupil has been using anabolic steroids.
5. The Superintendent or designee may, but need not, disclose to law enforcement authorities the identity of a pupil suspected or have used or who may be using anabolic steroids. The Superintendent shall disclose to law enforcement authorities the identity of a pupil reasonably believed to be in possession of anabolic steroids or related paraphernalia or a pupil reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.
6. A written report of the examination of the pupil shall be furnished by the examining physician to the pupil's parent(s) or legal guardian(s), the Building Principal, and to the Superintendent.
7. If it is determined that the pupil has used anabolic steroids, an individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds either the school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker or student personnel services endorsement on the Educational Services Certificate and is trained to assess alcohol and other drug abuse shall interview the pupil and others, as necessary, for the purpose of determining the extent of the pupil's involvement with and use of anabolic steroids and the possible need for referral for treatment. To make this determination, the school staff member(s) identified above may conduct a reasonable investigation, which may include



interviews with the pupil's teachers and parents and consultation with experts in pupil alcohol or other drug abuse, as may be appropriate and necessary.

8. If the results of a referral for evaluation have positively determined that the pupil's use of anabolic steroids represents a danger to the pupil's health and well-being, the school staff member(s) identified in 7. above shall initiate a referral for treatment to appropriate community agencies as defined in N.J.A.C. 6A:16-4.1(b), to out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services, or to private practitioners certified by appropriate drug and alcohol licensing board.

E. Evaluation and Treatment of Pupils Under the Influence of a Substance Other Than Anabolic Steroids

1. Any educational staff member or other professional to whom it appears that a pupil may be currently under the influence of alcohol or other drugs on school grounds, including on a school bus or at a school-sponsored function, shall report the matter as soon as possible to the Building Principal and either the certified school nurse, non-certified school nurse, the school physician, or the substance awareness coordinator pursuant to N.J.S.A. 18A:40A-12. In the absence of the Building Principal, his or her designee shall be notified. In instances where the Building Principal and either the certified school nurse, non-certified school nurse, the school physician or the substance awareness coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified. The referring staff member shall complete the Violence, Vandalism and Substance Abuse Incident Report, according to N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3.
2. The Building Principal or designee, in response to every report, shall immediately notify the pupil's parent(s) or legal guardian(s) and the Superintendent and/or designee.
3. The Superintendent or designee may, but need not, disclose to law enforcement authorities the identity of a pupil suspected to be under the influence of alcohol or other drugs. The Superintendent shall disclose to law enforcement authorities the identity of a pupil reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a pupil reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.
4. The Building Principal or designee, in response to every report, must arrange for an immediate medical examination of the pupil for the purposes of providing appropriate health care for the pupil and for determining whether the pupil is under the influence of alcohol, or other drugs, other than anabolic steroids. The medical examination shall be performed by a physician licensed to practice medicine or osteopathy that is selected by the parent(s) or legal guardian(s). If the parent's or legal guardian's physician licensed to practice medicine or osteopathy is not immediately available, the medical examination shall be conducted by the school physician. If neither the parent's or legal guardian's physician nor the school physician is immediately available, the pupil shall be taken to the emergency room of the nearest hospital



for examination. The pupil shall be accompanied by the pupil's parent(s) or legal guardian(s) if available and by a member of the school staff appointed by the Building Principal. Parental or legal guardian permission is not required for the school's physician or emergency room examination. The parent(s) or legal guardian(s) may, but is not required to accompany the pupil to the school physician and/or emergency room. The Building Principal and/or designee will supervise the pupil while the pupil is waiting for the parent(s) or legal guardian(s) to take the pupil to the physician selected by the parent, or waiting for and receiving the examination by the school physician or in the emergency room. An examination conducted by a physician selected by the parent(s) or legal guardian(s) shall be at the expense of the parent and shall not be at the expense of the school district. An examination conducted by the school physician or by a physician at the emergency room of the nearest hospital shall be at the expense of the school district.

5. The school district, in cooperation with the medical professional licensed to practice medicine or osteopathy will establish the minimum requirements to be used for these medical examinations conducted in accordance with N.J.A.C. 6A:16-4.3 et seq. The minimum requirements for the examination will be periodically reviewed and updated as needed. Any substance screening conducted by the school nurse and/or other staff is not a substitute for the required medical examination required in N.J.S.A. 18A:40A-12.
6. A written report of the examination of the pupil shall be furnished by the examining physician to the pupil's parent(s) or legal guardian(s), the Building Principal, and to the Superintendent within twenty-four hours of the referral of the pupil for suspected drug or alcohol use. The findings of the report shall verify whether the pupil's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.
7. When the medical examination is performed by a physician other than the school physician or at the emergency room of the nearest hospital, the parent is required to verify within twenty-four hours of the notification that the pupil is suspected of alcohol or other drug use that the medical examination in accordance with this Policy was performed. The verification shall include, at a minimum, the printed name, address and phone number, date and time of the medical examination, signature of the examining physician and the date by which the written report of the examination will be provided.
8. If the written report of the examination is not submitted to the parent, Building Principal or Superintendent within twenty-four hours of the referral of the pupil, the pupil will be allowed to return to school until such time a positive determination of alcohol or other drug use is received from the physician.
9. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the pupil's physical and mental ability to perform in school, the pupil will be immediately returned to school.
10. If there is a positive determination from the medical examination, indicating the pupil's alcohol or other drug use interferes with his or her physical or mental ability to perform in school the



pupil will be returned to the parent's care as soon as possible. Attendance at school will not resume until a written report has been submitted to the parent(s) or legal guardian(s), Building Principal and Superintendent from the physician who has examined the pupil to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school. The report must verify the pupil's alcohol or other drug use no longer interferes with the pupil's physical and mental ability to perform in school. Removal of a pupil with a disability shall be made in accordance with N.J.A.C. 6A:14.

11. Refusal or failure by a parent/legal guardian to comply with the provisions of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 shall be treated as a policy violation of the Compulsory Education Act pursuant to N.J.S.A. 18A:38-25 and 18A:38-31, and child neglect laws pursuant to N.J.S.A. 9:6-1 et seq., and N.J.A.C. 6A:16-11. Refusal or failure of a pupil to comply with N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 shall be treated by the school district as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.1(c)2.
12. While the pupil is home because of the medical examination or after the pupil returns to school, an individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds either the school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker or student personnel services endorsement on the Educational Services Certificate and is trained to assess alcohol and other drug abuse shall:
 - a. Conduct an alcohol and other drug assessment of the pupil and a reasonable investigation of the situation, which may include interviews with the pupil's teachers and parents and consultation with experts in pupil alcohol or other drug abuse as may be appropriate and necessary, for the purpose of making a preliminary determination of the pupil's need for educational programs, supportive services or treatment which extend beyond the general school program by virtue of the use of alcohol or other drugs by the pupil. The findings of the assessment alone shall not prevent a pupil from attending school; and
 - b. Cooperate with community agencies as defined in N.J.A.C. 6A:16-4.1(b) and juvenile justice officials in providing evaluation, referral and continuity of care for substance abuse treatment.
13. While the pupil is at home because of the medical examination or after the pupil returns to school, the Building Principal or Superintendent may recommend or require alcohol and other drug assessment of the pupil or evaluation by appropriately certified or licensed professionals to make a positive determination of a pupil's need for programs and services which extend beyond the general school program, as necessary. The findings of these additional evaluations alone shall not be used to prevent a pupil from attending school.
14. If at any time it is determined a pupil's use of substances presents a danger to the pupil's health and well-being, an individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds either the school nurse, school nurse/non-instructional, school



psychologist, school counselor, school social worker or student personnel services endorsement on the Educational Services Certificate and is trained in alcohol and other drug abuse treatment referral shall initiate a referral for substance abuse treatment.

15. Any educational or non-educational school staff member who in good faith reports a pupil to the Building Principal or Building Principal's designee in compliance with N.J.A.C. 6A:16-4.3 and 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 14.
16. The district may provide additional intervention and referral services for the pupil according to the requirements of N.J.S.A. 18A:40A-10 and N.J.A.C. 6A:16-7.1 through 7.3.

F. Presence of Substances on School Premises

1. A pupil's person, effects, or school storage places may be searched for substances in accordance with [Board Policy #5770 – Pupil Right of Privacy](#).
2. The Building Principal or other school officer conducting the search shall confiscate as evidence any substance found in the pupil's possession.
 - a. Any controlled dangerous substance as defined in N.J.S.A. 24:21-1 or at N.J.S.A. 2C:35-2, including controlled dangerous analogs and drug paraphernalia, shall be handled in accordance with [Board Policy #7433 – Hazardous Substances](#) and implementing regulations.
 - b. Any substance or evidence of the use of a substance other than a controlled dangerous substance shall be sealed in an appropriate container and labeled with the date, name of the pupil, and name of the school official who conducted the search and found the drug. The evidence shall be locked in a secure place until it is no longer required for a determination of the pupil's involvement with a substance other than a controlled dangerous substance.

G. Outreach to Parents

1. An outreach program will be provided for the parent(s) or legal guardian(s) of pupils enrolled in the district. The program will be conducted at times, including evenings and weekends, convenient to parent(s) or legal guardian(s) and on school premises or at suitable facilities closer to pupil's residences or parents' workplaces.
2. The parents' outreach program will include:
 - a. A thorough and comprehensive review of the substance abuse instruction curriculum to be taught to the children of the parents during the school year;
 - b. Recommendations as to the ways in which parent(s) or legal guardian(s) may enhance, reinforce, and supplement substance abuse instruction;
 - c. Information on the pharmacology, physiology, psychosocial, and legal aspects of substance abuse;



- d. Instruction on the identification of the symptoms and behavioral patterns that might indicate a substance abuser;
- e. Information on the State and local organizations available to assist in the prevention of substance abuse and the early intervention, treatment, and rehabilitation of substance abusers; and
- f. Review of Board policy and administrative regulations on substance abuse with attention to the role of parents.

H. Records

1. Notations concerning a pupil's involvement with substances may be entered on his/her records, subject to Board Policy #8330 – Pupil Records regarding confidentiality and limited access. All such notations shall be expunged when they are no longer required for the counseling or discipline of the pupil or when the pupil leaves school.
2. Information regarding a pupil's involvement in a school intervention or treatment program shall be kept strictly confidential in accordance with §408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, 42 U.S.C. 290 ee-3, and implementing regulations, 42 CFR Part 2.
3. If an elementary or secondary pupil involved in a school-based drug and alcohol counseling program provides information during the course of a counseling session in that program which indicates that the pupil's parent(s) or legal guardian(s) or other person residing in the pupil's household is dependent upon or illegally using a substance as that term is defined in N.J.S.A. 18A:40A-9, that information shall be kept confidential and may be disclosed only under the circumstances expressly authorized as follows:
 - a. Subject to the pupil's written consent, to another person or entity whom the pupil specifies in writing in the case of a secondary pupil, or to a member of the pupil's immediate family or the appropriate school personnel in the case of an elementary pupil;
 - b. Pursuant to a court order;
 - c. To a person engaged in a bona fide research purpose; except that no names or other information identifying the pupil or the person with respect to whose substance abuse the information was provided, shall be made available to the researcher; or
 - d. To the Division of Youth and Family Services or to a law enforcement agency, if the information would cause a person to reasonably suspect that the elementary or secondary pupil or another child may be an abused or neglected child.

Any disclosure made pursuant to a. and b. above shall be limited to that information which is necessary to carry out the purpose of the disclosure, and the person or entity to which the information is disclosed shall be prohibited from making any further disclosure of that information without the pupil's written consent. The disclosure must be accompanied by a written statement from the Board of Education advising the recipient that the information is being disclosed from the records the confidentiality of which is protected by P.L. 1997,362



(N.J.S.A. 18A:40A-7.1 et seq.) and that this law prohibits any further disclosure of this information without the written consent of the person from whom the information originated.

Nothing in this Policy prevents the Division of Youth and Family Services or a law enforcement agency from using or disclosing the information in the course of conducting an investigation or prosecution. Nothing in this Policy shall be construed as authorizing a violation of any federal law.

The prohibition on the disclosure of information provided by a pupil shall apply whether the person to whom the information was provided believes that the person seeking the information already has it, has other means of obtaining it, is a law enforcement or other public official, has obtained a subpoena, or asserts any other justification for the disclosure of this information.

A person who discloses or willfully permits the disclosure of information provided by a pupil in violation of this Policy is subject to fines in accordance with N.J.S.A. 18A:40A-7.2.

4. Each incident of substance abuse shall be reported to the Commissioner on the Violence, Vandalism and Substance Abuse Incident Report form.

Adopted: August 18, 2009



5533 – Pupil Smoking (M)

The Board of Education recognizes the use of tobacco presents a health hazard that can have serious implications both for the smoker and the nonsmoker and that smoking habits developed by the young may have lifelong deleterious consequences.

For purposes of this Policy, “smoking” means the burning of, inhaling the smoke from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked and the use of smokeless tobacco and snuff.

For the purposes of this Policy, “school grounds” means and includes land, portions of land, structures, buildings, and vehicles owned, operated, or used for the provision of academic or extracurricular programs by the district or community provider and structures that support these buildings, including, but not limited to administrative buildings, kitchens, maintenance shops, and garages. “School grounds” also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and other recreational places owned by the local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land.

The Board prohibits smoking by pupils at any time on any school grounds as defined above, at events sponsored by the Board away from school, and on any transportation vehicle supplied by the Board. Pupils who violate the provisions of this Policy shall be subject to appropriate disciplinary measures and may be subject to fines in accordance with the law.

In the event the pupil is found to have violated this Policy and the law, the Building Principal or designee may file a complaint with the appropriate Municipal Court or other agency with jurisdiction as defined in N.J.A.C. 8:6-9.1(c).

A pupil found to have violated this Policy and the law may be required to participate in additional educational programs to help the pupil understand the deleterious effects upon smokers and to discourage the use of tobacco products. These programs may include, but are not limited to, counseling, smoking information programs, and/or smoking cessation programs sponsored by this school district or available through approved outside agencies.

The Board directs that the health curriculum include instruction in the potential hazards of the use of tobacco. All staff members shall, by example and persuasion, make every reasonable effort to discourage pupils from developing the habit of smoking.

The Board of Education will comply with any provisions of a municipal ordinance which provides restrictions on or prohibitions against smoking equivalent to, or greater than, those provided in N.J.S.A. 26:3D-55 through N.J.S.A. 26:3D-63.

Legal References

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



N.J.S.A. 26:3D-55 through 26:3D-63
N.J.A.C. 6A:16-1.3

Adopted: August 18, 2009
Revised: April 13, 2010



R5533 – Pupil Smoking

The Board of Education is committed to maintaining a smoke-free environment on school grounds, at events sponsored by the Board away from school, and on any transportation vehicle supplied by the Board. The school administration and all school staff members shall strictly enforce this smoking prohibition and will work together to ensure pupils do not smoke in violation of [Board Policy #5533 – Pupil Smoking](#) and the law.

A. Notice Provisions

1. Each school's student handbook will indicate smoking is prohibited on school grounds, at events sponsored by the Board away from school, and on any transportation vehicle supplied by the Board of Education.
2. A public address announcement will be made, when practicable, at school-sponsored events indicating smoking is prohibited in school buildings and on school grounds.

B. Reporting Procedures

1. Any teaching staff member who observes a pupil smoking in violation of [Board Policy #5533 – Pupil Smoking](#) shall inform the pupil to cease smoking and report the violation to the Building Principal, or designee.
2. Any support staff member who observes a pupil smoking in violation of [Board Policy #5533 – Pupil Smoking](#) shall either inform a teaching staff member, who shall report the violation to the Building Principal or designee or the support staff member may report the violation directly to the Building Principal or designee.
3. The Building Principal, or designee, will investigate each report received from a staff member and make a determination whether the pupil has violated [Board Policy #5533 – Pupil Smoking](#).

C. Violation Consequences

1. In the event the Building Principal, or designee, determines a pupil has violated [Board Policy #5533 – Pupil Smoking](#), the pupil will be assigned appropriate discipline in accordance with the school's pupil discipline/code of conduct.
2. The Building Principal, or designee, will notify the pupil's parent(s) or legal guardian(s) when discipline is being imposed for a violation of [Board Policy #5533 – Pupil Smoking](#).

Adopted: April 13, 2010



5550 – Disaffected Pupils (M)

The Board of Education believes that the educational needs of all pupils should be served. The Board will make every reasonable effort to identify and serve disaffected pupils whose learning is impeded by environmental circumstances, the pupil's attitude, or an inappropriate instructional program.

For the purposes of this Policy, "disaffected pupil" means the pupil who has instructional needs that are not being met by the regular instructional program and who is performing well below his/her social or academic capacity.

Disaffected pupils may include pupils unable to function properly within a traditional school program; pupils of average or above average intelligence and ability who achieve below their potential; pupils unable to establish occupational or future goals; pupils with a pattern of behavior problems, including problems with attendance and tardiness; pupils who lack motivation, direction, and decision making ability; pupils who possess a poor self-image; pupils suffering stressful family settings; pupils hostile toward adults and authority figures; pupils in difficulty with community and law enforcement agencies; and pupils lacking interest in school and avoiding involvement in school activities.

Teaching staff members shall be alert to pupils experiencing difficulty in their classes. Any such pupil who does not appear to be disabled may be referred to the Intervention & Referral Services Team (I & RS).

A disaffected pupil who may have disabilities shall be referred to the Child Study Team for evaluation in accordance with Board Policy #2460 – Special Education.

Legal References

N.J.A.C. 6A:16-7.1 et seq.

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

Adopted: August 18, 2009



R5550 – Disaffected Pupils

A. Grades Kindergarten through 4

1. Each pupil's work habits, behavior, products, and records will be continually monitored for signs of disaffection by teaching staff members responsible for the pupil's instructional program. Such signs of disaffection might include, but need not be limited to, the pupil's:
 - a. Working below potential set by IQ indicators,
 - b. Depressed standard test scores,
 - c. Excessive absenteeism or truancy,
 - d. Change in personality or work habits,
 - e. Marked irritability, lassitude, or hypersensitivity.
2. The teacher or other professional staff member who observes signs that a pupil may be disaffected will confer with the Building Principal/designee. If it is determined that concern about the pupil's welfare is warranted, the pupil's parent(s) or legal guardian(s) will be called in and made aware of the problems, and steps to deal with the pupil's disabling attitude will be proposed.
3. Once a pupil is identified as disaffected, steps to offset the effects of disaffection may be initiated. Such steps may include:
 - a. Referred to the Intervention and Referral Services Team,
 - b. Guidance Counselor,
 - c. A meeting with the learning disabilities teacher consultant to help teachers shape classroom strategies that might reduce disaffection,
 - d. Building on the pupil's strengths to help bolster his/her sense of self-worth,
 - e. Providing instructional alternatives to stimulate the pupil's interest by utilizing such devices as calculators, computers, educational games, and teaching machines,
 - f. Assigning the pupil to another teacher,
 - g. Transferring the pupil to another school in the district, and/or
 - h. Referring the pupil to the Child Study Team.

B. Grades 5 through 8

1. A disaffected pupil in the middle school may be identified by one or more of the following signs:
 - a. Argumentative behavior and truculence,
 - b. Willful disregard of school rules and lack of concern for others,
 - c. Disrespect for authority figures,
 - d. Excessive absenteeism or truancy,
 - e. Acting-out and/or aggressive behavior, and



- f. Working below his/her potential.
2. The teacher or other professional staff member who observes signs that a pupil may be disaffected will confer with the Building Principal/designee. If it is determined that concern about the pupil's welfare is warranted, the pupil's parent(s) or legal guardian(s) will be called in and made aware of the problems, and steps to deal with the pupil's disabling attitude will be proposed.
3. Once a pupil is identified as disaffected, the following steps will be taken:
 - a. The pupil will be referred to the school guidance office for counseling where:
 - (1) The parent(s) or legal guardian(s) may be asked to seek outside support services; and/or
 - (2) The teaching staff members responsible for the pupil may be asked to observe the pupil, formally monitor his/her progress, and report regularly to the guidance counselor.
 - b. Intervention and Referral Services Team
 - c. The pupil's schedule may be modified as necessary,
 - d. The learning disabilities teacher-consultant may be consulted, and
 - e. The pupil may be referred to the Child Study Team.

Adopted: August 18, 2009



5560 – Disruptive Pupils (M)

The Board of Education believes that the pupils of this district are entitled to an education free from undue disruption. Pupils who willfully disrupt the educational program shall be subject to the discipline procedures of this district. Every reasonable effort shall be made to determine and remediate the cause or causes of a chronically disruptive pupil's unacceptable conduct.

For the purposes of this Policy, "disruptive pupil" means the pupil who has difficulty establishing good relationships with peers and adult authority figures and who exhibits a pattern of conduct which is in defiance of school rules or regulations and which hinders academic success for other pupils as well as for himself or herself.

Disruptive pupils may be disciplined in accordance with [Board Policy #5600 – Pupil Discipline/Code of Conduct](#).

A disruptive pupil who does not appear to be disabled may be referred to the Intervention and Referral Services Team (I&RS) in accordance with [Board Policy #2417 – Pupil Intervention and Referral Services](#).

A disruptive pupil who may have disabilities shall be referred to the Child Study Team for evaluation in accordance with [Board Policy #2460 – Special Education](#) and Regulations in the #2460.nn series.

The Superintendent shall report regularly to the Board the incidence of acts of violence and vandalism in the school district and shall prepare a remedial plan whenever the report shows a significant increase in the number of such acts.

Legal References

N.J.S.A. 18A:17-46 et seq.; 18A:37-1 et seq.

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

Adopted: August 18, 2009



R5560 – Disruptive Pupils

A. Grades Kindergarten through 4

1. Any of the following signs may indicate a disruptive pupil in the elementary grades:
 - a. Unsatisfactory grades in citizenship or work habits,
 - b. A worsening negative attitude,
 - c. Disobedience and willful disregard of rules,
 - d. Lack of concern for the rights of others,
 - e. Argumentative behavior and truculence,
 - f. Disregard for authority, or
 - g. Fighting with classmates.
2. Any of the following steps may be followed, singly or in combination, to deal with the elementary pupil who has been identified as disruptive:
 - a. After-school detention,
 - b. Lunch detention,
 - c. Referred to guidance counselor,
 - d. Use of behavior modification as well as other techniques designed to change disruptive classroom displays,
 - e. Intervention by the Building Principal,
 - f. Parent-teacher conference,
 - g. Suspension, in accordance with [Board Policy #5610 – Suspension](#), and
 - h. Referral to the Child Study Team.

B. Grades 5 through 8

1. Any of the following signs may indicate a disruptive pupil in the middle school:
 - a. Argumentative behavior and truculence,
 - b. Willful disregard of school rules and lack of concern for others,
 - c. Disrespect for authority figures,
 - d. Excessive absence or truancy,
 - e. Acting-out and/or aggressive behavior, or
 - f. Difficulty with community or law enforcement agencies.
2. Any of the following steps may be used singly or in combination to deal with the disruptive pupil in the middle school:
 - a. Detention after school during which time the pupil may be admonished about his/her conduct in the classroom,
 - b. Referral to the school's guidance counselor for counseling,



- c. Conference among the teacher, guidance counselor, and parent(s) or legal guardian(s),
- d. Referral to the Assistant Principal/designee when the pupil is constantly disruptive or causes major infractions of the school rules,
- e. In-school suspension during which the pupil is placed under the supervision of a teacher, isolated from the mainstream, and assigned school work to complete,
- f. Home suspension, in accordance with [Board Policy #5610 – Suspension](#), when other alternatives fail to curb the pupil's disruptiveness, and
- g. Referral to the Child Study Team.

Adopted: August 18, 2009



5561 – Use of Physical Restraint

The Board of Education strives to provide a safe, caring atmosphere that supports all learners in the least restrictive environment. On occasion, during an emergency, a situation may arise making it necessary to temporarily restrain a pupil. An emergency is defined as a situation in which the pupil's behavior poses a threat of imminent, serious physical harm to the pupil or others or imminent, serious property destruction.

In accordance with N.J.S.A. 18A:6-1, no person employed or engaged in school or educational instruction, whether public or private, shall inflict or cause to be inflicted corporal punishment upon a pupil attending such school or institution. However, any such person may, within the scope of his/her employment, use and apply such amounts of force as is reasonable and necessary: to quell a disturbance, threatening physical injury to others; to obtain possession of weapons or other dangerous objects upon the person or within the control of a pupil, for the purpose of self-defense; and for the protection of persons or property. Any such acts, as above, shall not be construed to constitute corporal punishment within the meaning and intent of N.J.S.A. 18A:6-1.

“Physical restraint” means holding a pupil or otherwise restricting his/her movements. Physical restraint shall include the use of specific, planned techniques and shall only be used with reasonable limitations by school staff members who shall receive training in the use of physical restraint. Classroom and security interventions should be implemented, when possible, prior to the use of any physical restraint. The use of physical restraint shall be limited to only those circumstances and situations where other interventions are not possible or have been unsuccessful.

A pupil shall be released from physical restraint immediately upon a determination by the school staff member administering the restraint that the pupil is no longer in imminent danger of causing harm to him/herself, others, or imminent property destruction. The Principal or designee will notify the parent/legal guardian in the event an emergency existed and physical restraint was used on their child. The pupil shall be examined by the school nurse after any physical restraint.

Legal References

N.J.S.A. 18A:6-1

Adopted: May 10, 2011



R5561 – Use of Physical Restraint

A. Definitions

“Physical restraint” means holding a pupil or otherwise restricting his/her movements.

B. Physical Restraint Limitations

Physical restraint shall only be used by a school staff member in an emergency situation with the following limitations:

1. Limited to the use of only the reasonable force needed;
2. Discontinued immediately when the emergency no longer exists;
3. Implemented in such a way as to protect the health and safety of the pupil and others; and
4. Not deprive the pupil of basic human necessities.

C. Physical Restraint Training Requirements

The training requirements on the use of physical restraint shall be as follows:

1. Building level administrators and school staff members designated by the Principal likely to be confronted with the need to use physical restraint shall be trained on the use of physical restraint.
 - a. If, in the event of an emergency, a person(s) who has not received training uses physical restraint, training for the person(s) that used such restraint shall occur within thirty days of the incident.
2. Training must include techniques of prevention and de-escalation, as well as alternatives to physical restraint.
3. Training must include current professionally accepted practices and standards regarding behavior management and use of physical restraint.

D. Interventions

1. Classroom interventions may include, but not be limited to, the following strategies:
 - a. The staff member may ignore the behavior;
 - b. The staff member may redirect the pupil to a task with verbal or non-verbal prompts or gestures. Proximity helps, as may the use of gentle humor, when appropriate;
 - c. The staff member shall be clear, polite, and respectful when requesting the targeted behavior. The staff member may make eye contact and tell the pupil what to do such as “I can’t teach when you are talking, throwing things, ...” or “Please stop and listen, read, write, ...” The staff member should remind the pupil of consequences and rewards if they comply with the staff member’s request;



- d. The staff member shall be polite at all times. The staff member may repeat steps a. through c. above and/or quietly give the pupil adequate wait time. Sometimes if the staff member moves on with the lesson the pupil may comply after the initial confrontation;
 - e. The staff member may advise the pupil to proceed to a time-out area in the classroom for a limited time (elementary and middle school); and
 - f. If classroom removal is required, the staff member shall follow school discipline procedures for notification and request for assistance if necessary.
2. Security interventions may include, but are not limited to, the staff member:
 - a. Standing quietly in the doorway and asking the pupil to accompany the staff member;
 - b. Informing the pupil of the violation of the school discipline code and procedure and assure the pupil they have the choice to leave the classroom quietly; and/or
 - c. Using a minimal and gentle hold on arm to remove the pupil.

E. Use of Physical Restraint

1. If the pupil's behavior reaches the level defined as an emergency, physical restraint may be needed.
2. If necessary, the staff member may utilize approved physical restraint, using the least amount of force necessary.
3. If necessary, the staff member shall restrain the pupil until the emergency no longer exists (i.e. the pupil stops punching, kicking, spitting, damaging property, etc.).
4. The staff member shall immediately contact the appropriate administrator and school nurse and complete a written report on the physical restraint the staff member used during the emergency situation.
5. If physical restraint is used, the Principal or designee shall attempt to notify the parent/legal guardian by telephone of the use of physical restraint on the day it occurs and written notification of the incident shall be mailed to the parent within one school day after the use of physical restraint.
6. Written documentation, including the Principal's or designee's report and any staff member's report regarding the incident and the use of physical restraint shall be placed in the pupil's school file.
7. The use of physical restraint is subject to the following requirements:
 - a. The pupil must possess a physical risk to him/herself, or others;
 - b. Physical restraint techniques shall consider the pupil's medical conditions and shall be modified as necessary;
 - c. Staff applying physical restraint shall have been trained in the safe application of physical restraint;



- d. Pupils will not be subjected to physical restraint for using profanity or other verbal displays or disrespect, or for non-compliance. A verbal threat will not be considered as constituting a physical danger unless a pupil also demonstrates a means of or intent to carry out the threat;
- e. In determining whether a pupil who is being physically restrained should be removed from the area where the restraint was initiated, the supervising staff should consider the potential for injury to the pupil, the pupil's need for privacy, and the educational and emotional well-being of the other pupils in the vicinity;
- f. A pupil shall be released from physical restraint immediately upon a determination by the staff member administering the restraint that the pupil is no longer in imminent danger of causing harm to him/herself, others, or imminent property destruction; and
- g. The pupil shall be examined by the school nurse after any restraint.

Adopted: May 10, 2011



5570 – Sportsmanship

The Board of Education requires that all individuals involved in or attending an athletic or other competitive (e.g., forensics, choral or band competition, Almost Anything Goes) program sponsored by the Board exhibit sportsmanship when representing the school at any event. Sportsmanship is defined as abiding by the rules of the contest as defined or accepted by the participating teams and the gracious acceptance of victory or defeat. In exhibiting sportsmanship all participants shall:

1. Understand and follow the rules of the contest;
2. Recognize skilled performance of others regardless of affiliation;
3. Display respect for all individuals participating in the athletic event;
4. Treat opponents in an empathetic manner; and
5. Congratulate opponents in victory or defeat.

Failure to exhibit good sportsmanship shall include, but not be limited to the following conduct:

1. Any person who strikes or physically abuses an official, coach, contestant, moderator, judge or spectator;
2. Any person who intentionally incites participants or spectators to abusive action;
3. Any person who uses obscene gestures or unduly provocative language or action towards officials, coaches, opponents, moderators, judges or spectators;
4. Any school staff member who is publicly critical of officials, moderators, judges, or opposing teams/groups;
5. Any person who engages in conduct which exhibits bias based on race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability;
6. Schools or school organizations engaging in pre-event activities of an intimidating nature, (e.g., blaring sirens/horns, unusual sound effects, or similar activities); and
7. Other conduct judged by the Building Principal to be unsportsmanlike in character.

Failure to exhibit good sportsmanship may result in the Board denying the opportunity for any individual to participate in future programs or events.

Legal References

NJSIAA Guidelines

Adopted: August 18, 2009



R5570 – Sportsmanship

Individuals who violate [Board Policy #5570 – Sportsmanship](#) shall be subject to the following disciplinary actions to be imposed by the Building Principal or designee.

- A. Violations shall be dealt with in the following manner:
 1. First Offense – warning by the Building Principal or designee.
 2. Second Offense – short term suspension from the competitive program – duration to be determined by the Building Principal or designee, but not to exceed ten school days.
 3. Third Offense – long term suspension – up to one school year from the competitive program.
 4. Fourth Offense – permanent expulsion from participation in the competitive program by the Building Principal or designee.
- B. The determination of the Building Principal or designee may be appealed to the Superintendent who shall make a determination within ten working days.
- C. A determination by the Superintendent resulting in a long term suspension or expulsion from the competitive program may be appealed to the Board which may hold a hearing on the matter and render a determination of the matter within forty-five calendar days.

Adopted: August 18, 2009



5600 – Pupil Discipline/Code of Conduct

The Board of Education adopts this Pupil Discipline/Code of Conduct Policy to establish standards and procedures for positive pupil development and behavioral expectations on school grounds, including on a school bus or at school-sponsored functions, and as appropriate, for conduct away from school grounds.

Every pupil enrolled in this district shall observe promulgated rules and regulations and submit to the discipline imposed for infraction of those rules. [Board Regulation #5600 – Pupil Discipline/Code of Conduct](#) shall include a description of school responses and consequences to violations of the behavioral expectations established by the Board that, at a minimum, are graded according to the severity of the offenses, considering the developmental ages of the pupil offenders and pupils' histories of inappropriate behaviors pursuant to N.J.A.C. 6A:16-7.1(c)5. The pupil code of conduct will be included in the Pupil Handbook.

The administration and Policy Committee will review this Policy and its associated Regulation on an annual basis. They will report to the Board at an open meeting where the public will have the opportunity to comment.

The Board will review this Policy and its associated Regulation after considering the findings of the annual reports of pupil conduct, including suspensions and expulsions, pursuant to N.J.A.C. 6A:16-7.1(a)5 and 6, and the incidences reported under the Electronic Violence and Vandalism Reporting System, in accordance with N.J.A.C. 6A:16-5.3.

The Superintendent shall report annually on the implementation of the Pupil Discipline/Code of Conduct Policy to the Board at a public meeting pursuant to N.J.A.C. 6A:16-7.1(a)5. The Superintendent shall submit a report annually to the New Jersey Department of Education on pupil conduct, including all pupil suspensions and expulsions, and the implementation of the Pupil Discipline/Code of Conduct Policy in accordance with the format prescribed by the Commissioner of Education and the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3(e).

For pupils with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. § 1400 et seq., the Individuals with Disabilities Education Improvement Act, and accommodation plans under 29 U.S.C. §§ 794 and 705(20), pupil discipline and the code of conduct shall be implemented in accordance with the components of the applicable plans.

The Building Administrator, or designee, shall have the authority to assign discipline to pupils. School authorities also have the right to impose a consequence on a pupil for conduct away from school grounds, including on a school bus or at a school-sponsored function pursuant to N.J.A.C. 6A:16-7.6. This authority shall be exercised only when it is reasonably necessary for the pupil's physical or emotional safety, security, and well-being or for reasons relating to the safety, security, and well-being of other pupils, staff, or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2. This authority shall be exercised only 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. Consequences shall be handled in accordance with this Policy and [Board Regulation #5600 – Pupil Discipline/Code of Conduct](#), pursuant to N.J.A.C. 6A:16-7.1, and as appropriate, in accordance with N.J.A.C. 6A:16-7-2, 6A:16-7.3, or 6A:16-7.5.

Consequences and appropriate remedial action for a pupil who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion. The factors for determining consequences and remedial measures and examples of consequences and remedial measures are listed in [Board Policy #5512 – Harassment, Intimidation, and Bullying](#).

Consequences for a pupil 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 pupil and the pupil's history of problem behaviors and performance, and shall be consistent with this Policy and the school district's pupil discipline/code of conduct pursuant to N.J.A.C. 6A:16-7.1.

Remedial measures shall be designed to correct the problem behavior; prevent another occurrence of the problem; protect and provide support for the victim of the act; and take corrective action for documented systemic problems related to harassment, intimidation, or bullying.

Any pupil to be disciplined shall be provided the due process procedures for pupils and their families as set forth in N.J.A.C. 6A:16-7.2 through 7.6.

When a pupil transfers to a public school district from another public school district, all information in the pupil's record related to disciplinary actions taken against the pupil by the school district and any information the school district has obtained pursuant to N.J.S.A. 2A:4A-60, Disclosure of Juvenile Information, Penalties for Disclosure, shall be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19(a), N.J.A.C. 6A:32(e)10.iv., and N.J.A.C. 6A:16-7.10.

[Board Regulation #5600 – Pupil Discipline/Code of Conduct](#) shall include a description of pupil responsibilities that include expectations for academic achievement and behavior, a description of behaviors that will result in suspension or expulsion pursuant to N.J.S.A. 37-2, and a description of pupil rights pursuant to N.J.A.C. 6A:16-7.1(c)3.i through vii.

Comprehensive behavioral supports that promote positive pupil development and the pupil's abilities to fulfill the behavioral expectations established by the Board will include: positive reinforcement for good conduct and academic success including the programs as outlined in [Board Policy #5440 – Honoring Pupil Achievement](#); supportive interventions and referral services including those services outlined in [Board Policy #2417 – Pupil Intervention and Referral Services](#); remediation of problem behaviors that take into account the nature of the behaviors, the developmental ages of the pupils and the pupil's histories of problem behaviors and performance; and for pupils with disabilities, the behavior interventions and supports shall be determined and provided pursuant to the requirements of N.J.A.C. 6A:14.



The Building Principal shall maintain a current list of community-based health and social service provider agencies available to support a pupil and the pupil's family, as appropriate, and a list of legal resources available to serve the community.

Pupil discipline and code of conduct in the district will be applied without regard to 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, pursuant to N.J.S.A. 10:5.

This Pupil Discipline/Code of Conduct Policy and associated Regulation shall be disseminated annually to all school staff, pupils, and parent(s) or legal guardian(s). School staff shall be trained annually on this Policy and its associated Regulation, which shall include training on the prevention, intervention, and remediation of pupil conduct in violation of this Policy and its associated Regulation. Information on this Policy and Regulation shall be incorporated into the orientation program for new employees.

Legal References

N.J.S.A. 18A:6-1; 18A:36-25.1; 18A:25-2; 18A:36-19a;

N.J.S.A. 18A:37-1 et seq.; 18A:37-13.1 et seq.

N.J.A.C. 6A:16-7.1 et seq.; 6A:14-1.1 et seq.

Adopted: August 18, 2009

Revised: August 30, 2011



R5600 – Pupil Discipline/Code of Conduct (M)

A. Purpose

The purpose of these regulations is to achieve the following purposes:

1. Foster the health, safety, social, and emotional well-being of pupils;
2. Support the establishment and maintenance of civil, safe, secure, supportive, and disciplined school environments conducive to learning;
3. Promote achievement of high academic standards;
4. Prevent the occurrence of problem behaviors;
5. Establish parameters for the intervention and remediation of pupil problem behaviors at all stages of identification; and
6. Establish parameters for school responses to violations of the pupil discipline/code of conduct that take into account, at a minimum, the severity of the offenses, the developmental ages of the pupil offenders, and pupils' histories of inappropriate behaviors.

B. Rules of Conduct

1. All pupils are bound by law, policies of the Board of Education, and the administrative regulations of this school district.
2. In addition, pupils shall not:
 - a. Be insubordinate to teachers or other school staff members or disregard their instructions or demonstrate lack of respect for their authority;
 - b. Create disorder or disruptions on school premises;
 - c. Use, threaten, or incite the use of physical force against other pupils, staff members, or visitors to the school;
 - d. Steal, damage, or deface the property of other pupils, staff members, or the district;
 - e. Engage in the sexual and/or other harassment of pupils or staff members;
 - f. Violate codes of conduct adopted for organizations of pupils;
 - g. Possess or use weapons or any implement intended to harm others;
 - h. Use foul, abusive, derogatory, or demeaning language, including racial and ethnic remarks;
 - i. Convey information about other pupils or staff members known to be false;
 - j. Act so recklessly as to endanger the safety of others;
 - k. Procure the property of others by threat or intimidation;
 - l. Enter school premises or any specific portion of the premises without permission and without authority;



- m. Vandalize school property, real or personal;
 - n. Create litter on school property;
 - o. Be truant from school or class;
 - p. Cheat or otherwise engage in academic dishonesty;
 - q. Persistently refuse to complete homework and other assignments;
 - r. Engage in illegal gambling;
 - s. Smoke on school property;
 - t. Falsify an excuse or any school document;
 - u. Set fire to or cause a fire in any way on school premises;
 - v. Possess or explode a firecracker or other explosive device on school premises;
 - w. Sound or cause to be sounded a false alarm for fire, bomb, or other condition or circumstance hazardous to others;
 - x. Possess, use, or distribute a substance in violation of [Board Policy #5530 – Substance Abuse](#);
 - y. Join a secret society prohibited by law;
 - z. Engage in public displays of affection;
 - aa. Commit an act of dating violence as defined in [Board Policy and Regulation #5519 – Dating Violence at School](#);
 - bb. Commit an act of harassment, intimidation, or bullying; or
 - cc. Engage in any other activity expressly prohibited by a school staff member in authority.
3. Pupils assigned to a school bus must obey all school rules, and
- a. Show respect for the driver at all times;
 - b. Enter and leave the bus in an orderly manner;
 - c. Ride only the bus to which they have been assigned;
 - d. Be and remain seated while the bus is in motion;
 - e. Avoid reckless and boisterous activity at all times, including during waits at pickup points;
 - f. Talk in a reasonable tone of voice and avoid loud noises;
 - g. Do not extend any portion of the body or other object out a bus window;
 - h. Keep aisles clear at all times;
 - i. Do not bring animals or bulky, unmanageable projects onto the school bus;
 - j. Do not smoke, eat, or drink on the bus; and



- k. Do not possess, use, or distribute any substance in violation of Board Policy #5530 – Substance Abuse.
4. The Building Administrator, or designee, has the right to impose a consequence on a pupil for conduct away from school grounds pursuant to N.J.A.C. 6A:16-7.6. This authority shall be exercised only when it is reasonably necessary for the pupil's physical or emotional safety, security, and well-being or for reasons relating to the safety, security, and well-being of other pupils, staff, or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2 or 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. Consequences shall be handled in accordance with Board Policy and Regulation #5600 – Pupil Discipline/Code of Conduct, pursuant to N.J.A.C. 6A:16-7.1, and as appropriate, in accordance with N.J.A.C. 6A:16-7-2, 6A:16-7.3, or 6A:16-7.5.

C. Factors to Be Used in Determining Consequences and Appropriate Remedial Actions

The Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for pupils who commit one or more acts that violate the pupil Code of Conduct. The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each violation of the Code of Conduct. Appropriate consequences and remedial actions are those that are graded according to the severity of the offense(s), and consider the developmental ages of the pupil offenders and pupils' histories of inappropriate behaviors, per the Code of Pupil Conduct and N.J.A.C. 6A:16-7.

Factors for Determining Consequences

1. Age, health, cognitive ability, developmental and maturity levels of the parties involved, and their relationship to the school district;
2. Degrees of harm;
3. Surrounding circumstances;
4. Nature and severity of the behavior(s);
5. Incidences of past or continuing patterns of behavior;
6. Relationships between the parties involved; and
7. Context in which the alleged incidents occurred.

Factors for Determining Remedial Measures

Personal

1. Life skill deficiencies;
2. Social relationships;
3. Strengths;
4. Talents;



5. Traits;
6. Interests;
7. Hobbies;
8. Extra-curricular activities;
9. Classroom participation;
10. Academic performance; and
11. Relationships to pupils and the school district.

Environmental

1. School culture;
2. School climate;
3. Pupil-staff relationships and staff behavior toward the pupil;
4. General staff management of classrooms or other educational environments;
5. Staff ability to prevent and manage difficult or inflammatory situations;
6. Social-emotional and behavioral supports;
7. Social relationships;
8. Community activities;
9. Neighborhood situation; and
10. Family situation.

D. Consequences/Disciplinary Measures

The following disciplinary measures may be applied as appropriate to the pupil's violation of school rules. The measures are sequential and are organized in order of severity.

1. Admonishment

A school staff member in authority may admonish the pupil for his/her unacceptable conduct and warn the pupil that additional misconduct may warrant a more severe penalty.

2. Demerits

Pupils may be issued demerits for loud and boisterous conduct in the classroom, hallways, bathrooms, gym, cafeteria, on a school bus, or during class trips or school-sponsored events; not cooperating with the teacher; being unprepared for class or failure to do or bring in homework assignments; failure to get forms signed; dress code violations; lateness to class and school; or other activities as defined and documented by the administration. Demerits will only be issued for behaviors demonstrated by a pupil and not for academic reasons. For example, if a student only completes part of a homework assignment because they legitimately had difficulty understanding how to solve a specific type of math problem, that should not result in a demerit for an incomplete homework assignment. The pupil's teacher



will be the sole arbiter in determining a pupil's academic ability to complete a homework assignment.

An accumulation of demerits will result in a detention and other consequences based on documented administrative practices (see the table below). However, inappropriate conduct does not necessitate a demerit before a detention is given. Demerits only accumulate for one marking period; so the count is reset to zero (0) at the beginning of each marking period.

Cumulative Demerits	Consequences
5 to 9	One (1) After School Detention
10 to 14	One (1) Lunch and One (1) After School Detention
15 to 19	Two (2) After School Detention and Guidance Intervention
20 to 24	Two (2) After School Detentions, Parent Conference, and Loss of Privileges to be Determined by Building Administration
25+	ISS and Loss of Privileges for the School Year to be Determined by Building Administration

3. Disciplinary Conference with the Pupil

A conference is held with the pupil, an administrator and/or the teacher to discuss the inappropriate behavior and discuss/develop a plan for changing the pupil's behavior. The parent(s) may be notified and also be requested to attend the conference.

4. Essay Assignments

A pupil may be given an essay assignment due to a disciplinary situation. The assignment must be completed at home with parent(s) or legal guardian(s) signature and turned into the main office the next school day.

5. Detention

- The pupil may be required to report before or after the school day to detention for a period of supervised study.
- Transportation home will be the responsibility of _the pupil's parent(s) or legal guardian(s).
- The pupil may be excused from detention only for an unavoidable commitment previously made; any such excused detention must be made up on another day.

6. Temporary Removal from Classroom

- The classroom teacher may direct the pupil to report to the office of the administrator in charge of pupil discipline.
- The teacher will complete a form that indicates the pupil's name, homeroom, and the conduct that has caused the pupil's removal from the room.



- c. The administrator in charge of discipline will interview the pupil and determine which, if any, additional disciplinary steps are indicated.

7. Deprivation of Privileges

The pupil may be deprived of the privilege of:

- a. Moving freely about the school building,
- b. Participation in co-curricular activities,
- c. Attendance at school-related social activities,
- d. Participation in graduation ceremonies,
- e. Transportation by school bus, or
- f. Any other privilege the Building Administrator, or designee, determines may be appropriate and consistent with this Regulation, [Board Policy #5600 – Pupil Discipline/Code of Conduct](#), and N.J.A.C. 6A:16-7.1 et seq.

8. Grading

A pupil who has cheated on a test or assignment, plagiarized material, falsified sources, refused to submit assignments, or otherwise indulged in academic dishonesty or negligence (paragraph B.2.p. and paragraph B.2.q.) may suffer a reduced grade by virtue of the disqualified work. In no other instance may a pupil's grade be lowered as a direct penalty for misconduct.

9. In-School Suspension (ISS)

- a. The pupil may be removed from his/her regular classes and required to report to an in-school suspension program for supervised study.
- b. In-school suspension is a deprivation of the pupil's right to a thorough and efficient education and will not be imposed without the due process set forth in [Board Policy and Regulation #5610 – Suspension](#).

10. Out of School Suspension (OSS)

- a. The pupil may be denied the right to attend school for a period of time pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.2, and 6A:16-7.3, and [Board Policy #5610 – Suspension](#).
- b. Suspension from school is a deprivation of the pupil's right to a thorough and efficient education and will not be imposed without the due process set forth in [Board Policy and Regulation #5610 – Suspension](#).

11. Expulsion

- a. The Board may expel a general education pupil from school, pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.5, and [Board Policy #5620 – Expulsion](#).



- b. Expulsion is an extremely serious disciplinary measure; it deprives the pupil of his/her right to a thorough and efficient education and will not be imposed without the due process set forth in Board Policies [#5610 – Suspension](#) and [#5620 – Expulsion](#).

12. Referral to Law Enforcement Authority

School officials are not required to initiate or complete due process procedures prior to notifying law enforcement officers. Any action taken by law enforcement will be separate from disciplinary action taken by the school district.

E. Remedial Measures

The following are examples of, but are not limited to, remedial measures that may be taken to aid in correcting pupil behavior/conduct and to ensure that the pupil is properly placed in an appropriate educational environment and is not in need of special education and/or related services.

1. Restitution and Restoration

- a. The pupil may be required, to:
 - (1) Make restitution, in kind or cost or labor, for any loss he/she has caused; or
 - (2) Restore to its former condition, by his/her own labor, any property the pupil has damaged or defaced.
- b. A pupil who refuses to make restitution or restoration as directed may be disciplined by one or more of the measures included at paragraph C.

2. Counseling

- a. The pupil may be required to consult with school guidance counselors to determine the causes of his/her misconduct and to assess the need for a change in educational placement.
- b. The counselor will explain:
 - (1) Why the pupil's conduct is unacceptable to the school and damaging to the pupil,
 - (2) What the consequences of continued misconduct are likely to be, and
 - (3) Appropriate alternate behaviors.
- c. The counselor may refer the pupil, as appropriate, for additional counseling, evaluation, intervention, treatment, or therapy. The pupil's parent(s) will be provided with information regarding any such referrals. Referrals may be made to:
 - (1) The Child Study Team,
 - (2) Intervention and Referral Services Team,
 - (3) A public or private social agency, or
 - (4) A legal agency.
- d. The pupil may be assigned a peer/buddy/coach (e.g., another pupil or a staff member) to help guide them in determining appropriate and inappropriate behaviors.



3. Pupil/Parent Conferences

A conference is held with the pupil by the building administrator and/or the teacher to discuss the inappropriate behavior and discuss/develop a plan for changing the pupil's behavior. The pupil may be required to attend a similar meeting with his/her parent(s) and appropriate staff members to discuss the causes of the pupil's behavior, possible remediation, potential disciplinary measures, and alternative conduct.

4. Alternate Educational Program

The pupil may be assigned to an alternate educational program as recommended by the pupil's guidance counselor, classroom teacher, Child Study Team, and/or Superintendent.

F. Consequences and Remedial Measures for Acts of Harassment, Intimidation, or Bullying

1. Consequences

Consequences for a pupil who commits an act of harassment, intimidation, or bullying shall be varied and graded according to the Factors for Determining Consequences in Section C. above. The consequences may include, but are not limited to those listed in Section D. above.

2. Remedial Measures

Remedial measures shall be designed to correct the problem behavior; prevent another occurrence of the problem; protect and provide support for the victim of the act; and take corrective action for documented systemic problems related to harassment, intimidation, or bullying. See the Factors for Determining Remedial Measures in Section C. and possible remedial measures in Section E. above.

G. Chart of Discipline

The following chart provides a broad range of disciplinary actions. Whether the minimum, maximum, or a disciplinary action between the two is taken will depend on the behavior problem and the factors listed in Section C. above.

Defiance of Authority

Refusal to comply with reasonable requests of school officials.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Pupil Conference; Detention (MS)	Detention – Multiple Days; ISS
Maximum:	Detention; ISS	OSS



Dress Code Violation

Failure to comply with district and school dress code standards.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Change Clothes	Parent Notification; Change Clothes; Demerits (MS); Detention
Maximum:	Parent Notification; Change Clothes; Demerit (MS)	Parent Notification; Change Clothes; ISS

Eating Outside of the Cafeteria Without the Teacher's Permission

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Detention	Detention – Multiple Days
Maximum:	Lunch and After School Detentions – Multiple Days	ISS

Fighting

Mutual participation in physical violence against a person or persons.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Two (2) Days ISS	Three (3) Days ISS; Referral to Local Authorities
Maximum:	OSS	OSS

Forgery (Level I)

Use of signature or initials of another person on a classroom document (e.g., test, progress report, homework).

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Pupil Conference; Parent Notification; Demerit (MS)	Detention – Multiple Days
Maximum:	Detention – Multiple Days	ISS

Forgery (Level II)

Use of signature or initials of another person on documents such as permission slips, doctor notes, or excuse notes.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Detention	ISS
Maximum:	Detention – Multiple Days	OSS



Gum Chewing within the School and/or on School Grounds

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Demerits (MS)	Detention – Multiple Days
Maximum:	Lunch and After School Detentions – Multiple Days	ISS

Homework Violations/Unprepared for Class (Based on Pupil Behaviors)

Not turning in assigned homework, turning in an incomplete assignment, or arriving to class without the subject's academic needs (e.g., books, writing instruments).

<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Demerit (MS)	Demerits (MS); Parent Notification; Detention (MS)

Identification Badge Misplacement

Pupil must wear the school issued ID badge and lanyard at all times. Pupils will be charged \$5.00 if they lose or damage their badge.

<u>Occurrence</u>	<u>Action</u>
Three (3) times per year	Issue Temporary ID
Four (4) or more times per year	Detention
ID (permanent or temporary) not worn after the conclusion of homeroom period)	Detention
ID (not turned in at the conclusion of the school year)	Withhold End of Year Privileges if \$5.00 loss of ID fee is not paid

Inappropriate Language/Drawings

Includes, but is not limited to, profanity or obscene gestures either written or verbal.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Pupil Conference; Parent Notification	Detention – Multiple Days
Maximum:	Detention; ISS	OSS



Internet/Computer Violation

Inappropriate use of school computers and electronic information services, including the Internet and e-mail.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Pupil Conference; Possible Loss of Computer Usage	ISS; Loss of Computer Usage for a Year
Maximum:	Detention – Multiple Days	ISS; Loss of Computer Usage for Next Year

Leaving Class Without Permission

Any time a pupil leaves a classroom without signing out and/or receiving teacher permission.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Detention	ISS
Maximum:	Detention – Multiple Days	ISS – Multiple Days

Leaving School Without Permission

Any time a student leaves school without permission.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	ISS; Contact Local Authorities	ISS – Multiple Days; Contact Local Authorities
Maximum:	ISS - Multiple Days; Contact Local Authorities	OSS; Contact Local Authorities

Lying/False Accusation

Knowingly giving false or misleading information including false accusations against others.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Detention	Detention – Multiple Days
Maximum:	ISS	OSS



Misconduct – Academic/Cheating

Action enabling a pupil to receive a grade or score that was not or would not have been earned legitimately.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Pupil Conference; Demerit (MS); Parent Notification	Detention – Multiple Days
Maximum:	Detention – Multiple Days	ISS

(In all incidents academic consequences will be issued by the pupil’s grade level teaching team.)

Misconduct – Bus

Violation of bus rules (refer to handbook).

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Pupil Conference; Parent Notification	Parent Notification; Detention
Maximum:	Denial of Bus Privileges and Detention	Denial of Bus Privileges – Multiple Days

Misconduct – Cafeteria

Violation of cafeteria rules.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Pupil Conference; Demerit (MS)	Removal from Table and Detention
Maximum:	Removal from Cafeteria; Detention – Multiple Days	Removal from Cafeteria; ISS

Misconduct – Classroom

Violation of classroom rules.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Pupil Conference (ES, MS); Demerit (MS)	Detention – Multiple Days; ISS
Maximum:	Detention; ISS	OSS



Misconduct – Other School Building Areas/Grounds Locations

Violation of rules of conduct in other areas of the school buildings (e.g., corridors, bathrooms, gym) or on school grounds.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Pupil Conference (ES, MS); Demerit (MS)	Detention – Multiple Days; ISS
Maximum:	Detention; ISS	OSS

Misconduct – Procedural

Not having disciplinary report returned with parent's signature.

<u>Occurrence</u>	<u>Action</u>
Three (3) Times per Year	Warnings (phone call home)
Four (4) or More Times per Year	Detention (phone call home)

Plagiarism

Copying another person's idea or written work (including from the Internet) and claiming it as his/her own.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Detention – Two (2) Days	Detention – Multiple Days (more than two); ISS
Maximum:	ISS	OSS

Possession of Electronic Battery Devices

Including, but not limited to, cell phones, iPods, CD players, walkmans, beepers, laser pointers.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Confiscation; Parent Retrieval; Demerit (MS)	Detention – Multiple Days; Parent Retrieval; Loss of Privilege to Carry Device Within the School Building
Maximum:	Detention; Parent Retrieval	ISS; Parent Retrieval; Loss of Privilege to Carry Device Within the School Building



Procedural Misconduct

Not having disciplinary report returned with parent's signature.

<u>Occurrence</u>	<u>Action</u>
Three (3) Times per Year	Warnings (phone call home)
Four (4) or More Times per Year	Detention (phone call home)

Pushing/Shoving

Physical contact by one pupil upon another or mutual physical contact among two or more pupils, but not rising to the level of fighting.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Detention	ISS
Maximum:	Detention – Multiple Days; ISS	OSS

Tardiness

Late arrival to a scheduled class or appointment.

<u>First, Second and Third Occurrence</u>	<u>Fourth Occurrence</u>	<u>Thereafter</u>
Warnings	Detention	ISS

Tardiness/Late to School (Unexcused)

<u>First, Second, and Third Occurrence</u>	<u>Fourth Occurrence</u>	<u>Thereafter</u>
Warnings	Detention	ISS

Teasing/Name Calling

Causing another pupil to feel uncomfortable, but not rising to the level of harassment, intimidation, or bullying.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Warning	Detention
Maximum:	OSS	OSS

Theft

Taking or concealing property that belongs to others.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Detention; Parent Notification	ISS (incident to be reviewed)
Maximum:	Three (3) Days ISS	OSS



Vandalism

Destroying or defacing property of the district, staff or pupils.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Three (3) Days After School Detention; Restitution or Restoration	ISS; Restitution or Restoration
Maximum:	Expulsion; Restitution or Restoration	Expulsion; Restitution or Restoration

Serious Misconduct

The following offenses are serious and would result in maximum penalties by the school system.

Alcohol Violation

Use, possession, sale, purchase or distribution of alcoholic substances. This violation includes drunkenness at a school event.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	ISS; Parent Conference	OSS; Parent Conference
Maximum:	Expulsion	Expulsion

Assault

A physical attack on another person.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	ISS; Parent Conference	ISS; Parent Conference
Maximum:	Expulsion	Expulsion

Dating Violence at School

See [Board Policy and Regulation #5519 – Dating](#) Violence at School for the definition.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Pupil Conference	Detention
Maximum:	Expulsion	Expulsion



Harassment, Intimidation, or Bullying

See Section B of the [Board Policy #5512 – Harassment, Intimidation, and Bully](#) for the definition.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Pupil Conference	Detention
Maximum:	Expulsion	Expulsion

Dangerous Weapon

Use, display, or possession of a knife or any other instrument that is capable of causing injury, given the manner in which it is used or threatened to be used. This could include a toy gun.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	ISS	OSS
Maximum:	Expulsion	Expulsion

Drug Violation (distribution)

Distribution of illegal drugs or fake illegal drugs.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	OSS; Referral to Local Authorities	OSS; Referral to Local Authorities
Maximum:	Expulsion; Referral to Local Authorities	Expulsion; Referral to Local Authorities

Drug Violation (possession)

Possession of illegal drugs or fake illegal drugs.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	ISS; Counseling	OSS
Maximum:	Expulsion	Expulsion

Serious Threat

Threatening the safety of persons or property.

<u>Range</u>	<u>Any Occurrence</u>
Minimum:	ISS or OSS; Referral to Local Authorities
Maximum:	Expulsion; Referral to Local Authorities



Sexual Harassment

Unwelcome conduct of a sexual nature.

<u>Range</u>	<u>Any Occurrence</u>
Minimum:	ISS or OSS; Referral to Local Authorities
Maximum:	Expulsion; Referral to Local Authorities

Tobacco Violation

The use, possession, or distribution of a tobacco product.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	Three (3) Days ISS; Parent Conference	OSS; Parent Conference
Maximum:	Expulsion	Expulsion

Truancy

Any absence that is not excused by the pupil's parent or legal guardian and approved by the appropriate school official.

<u>Range</u>	<u>First Occurrence</u>	<u>Repeated Occurrences</u>
Minimum:	One (1) Day ISS	Two (2) Days ISS; Referral to Local Authorities
Maximum:	Three (3) Days ISS; Referral to Local Authorities	Expulsion; Referral to Local Authorities

H. Disciplinary Procedures

1. [Board Policy and Regulation #5600 – Pupil Discipline/Code of Conduct](#) shall be disseminated annually to all school staff, pupils, and parent(s). Building Principals will distribute these documents to all pupils on the first day of each school year and to transferring pupils on the first day of their enrollment in this district.
2. Teachers and administrators in charge of pupil discipline shall make every effort to administer these rules consistently and fairly.
3. The staff member who disciplines a pupil for conduct shall, however minimal the offense or the discipline,
 - a. Verbally inform the pupil of the conduct for which he/she is being disciplined; and
 - b. Offer the pupil an opportunity to deny the charge or to present extenuating circumstances.
4. Where the discipline is greater than an admonishment, the pupil's parent(s) or legal guardian(s) will be notified within one school day of the offense and of the discipline imposed and will be



offered an opportunity to confer with the pupil's teacher or Building Administrator, as appropriate.

5. Where the offense is serious and the discipline greater than detention, every effort will be made to notify the parent(s) prior to the informal hearing conducted in accordance with paragraph H.3.
6. An in-school suspension, suspension from school, or expulsion will be conducted in strict accordance with law and [Board Policies #5610 – Suspension](#) and [#5620 – Expulsion](#).
7. Violations of the rules regarding pupil conduct on school buses will be handled as follows.
 - a. The driver will report the offensive conduct to the Building Administrator of the school in which the pupil is enrolled by submission of a completed written form that includes the name of the pupil, the school, and the specific offensive conduct.
 - b. The parent(s) or legal guardian(s) will be notified, by copy of the form, of the pupil's conduct.
 - c. The Building Administrator will determine the discipline to be administered, in accordance with the severity of the infraction. In general, when the offense is not severe:
 - (1) On the first notice of misconduct, the pupil will be counseled, the parent(s) or legal guardian(s) notified, and the pupil suspended from the bus for one (1) school day;
 - (2) On the second notice of misconduct, the pupil and parent(s) or legal guardian(s) will attend a conference, and the pupil will be suspended from the bus for five (5) school days; and
 - (3) On the third notice of misconduct, the Building Administrator will confer with the parent(s) or legal guardian(s) and the pupil will be suspended from the bus for a period not less than twenty (20) school days or more than one semester or the balance of the school year, whichever is less.
 - d. When the misconduct is severe, the pupil may be summarily suspended from the bus pending a conference with the parent(s) or legal guardian(s) and further disciplinary action.

I. Pupils with Disabilities

For pupils with disabilities, subject to Individualized Education Programs (IEPs) in accordance with 20 U.S.C. §1400 et seq., the Individuals with Disabilities Educational Improvement Act, and accommodation plans under 29 U.S.C. §§ 794 and 705(20), pupil discipline and the code of conduct shall be implemented in accordance with the components of the applicable plans.

J. Pupil Rights

Pupils subject to the consequences of this Pupil Discipline/Code of Conduct Policy and its associated Regulation shall be informed of their rights, pursuant to N.J.A.C. 6A:16-7.1(c)3.i. through vii., that include:



1. Advance notice of behaviors that will result in suspensions and expulsions that have been identified under authority of N.J.S.A. 18A:37-2;
2. Education that supports pupils' development into productive citizens;
3. Attendance in safe and secure school environments;
4. Attendance at school irrespective of pupils' marital status, pregnancy, or parenthood;
5. Due process and appeal procedures, pursuant to N.J.A.C. 6A:3-1.3 through 1.17, N.J.A.C. 6A:4 and, where applicable, N.J.A.C. 6A:14-2.7 and 2.8;
6. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3; and
7. Protections pursuant to 20 U.S.C. §1232g and 34 CFR Part 99, Family Educational Rights and Privacy Act; 20 U.S.C. § 1232h and 34 CFR Part 98, Protection of Pupil Rights Amendment; N.J.A.C. 6:3-6, Pupil Records; 45 CFR §160, Health Insurance Portability and Accountability Act; 20 U.S.C. §6301, Title IV(A)IV §4155 of the Elementary and Secondary Education Act as reauthorized under the No Child Left Behind Act; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, School-based drug and alcohol abuse counseling; information from participants; disclosure; N.J.A.C. 6A:16-3.2, Confidentiality of pupil alcohol and other drug information; N.J.S.A. 18A:36-19, Creation; Pupil Records: Maintenance and Retention, Security and Access; Regulations; Non-Liability; N.J.A.C. 6A:14-2.9, Student Records; as well as other existing Federal and State laws pertaining to pupil protections.

K. Records

1. Instances of pupil discipline will be recorded in the pupil's file in strict compliance with N.J.A.C. 6A:32-7.1 et seq. and Board Policy #8330 – Pupil Records.
2. When a pupil transfers to a public school district from another public school district, all information in the pupil's record related to disciplinary actions taken against the pupil by the school district and any information the school district has obtained pursuant to N.J.S.A. 2A:4A-60, disclosure of juvenile information; penalties for disclosure, shall be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19(a), N.J.A.C. 6A:32-7.5(e)10.iv., and N.J.A.C. 6A:16-7.10.
 - a. The record shall be provided within two weeks of the date that the pupil enrolls in the receiving district.
 - b. Written consent of the parent or adult pupil shall not be required as a condition of the transfer of this information, however, written notice of the transfer shall be provided to the parent or the adult pupil.
 - c. When a pupil transfers to a private school, which includes all sectarian or nonsectarian nonprofit institutional day or residential schools that provide education for pupils placed by their parents and that are controlled by other than public authority, all pupil disciplinary



records, with respect to suspensions or expulsions, shall be provided by the public school district of residence to the private school upon written request from the private school, in the same manner as such records would be provided by a public school district of residence to another public school district, pursuant to N.J.A.C. 6A:16-7.10(b).

- d. The Board shall not use a pupil's past offenses on record to discriminate against that pupil.
- e. All pupil disciplinary records maintained in the district shall conform to the requirements set forth in N.J.A.C. 6A:16-7.10(d).

L. Annual Report

The Superintendent shall report annually on the implementation of this Pupil Discipline/Code of Conduct Policy and its associated Regulation to the Board at a public meeting. The annual summary shall contain, at a minimum:

- 1. A numerical inventory of all violations of the pupil behavioral expectations;
- 2. Associated school responses to the violations of the pupil behavioral expectations;
- 3. An explanation and evidence of the effectiveness of this Policy and its associated Regulation. The explanation and evidence, at a minimum, shall address:
 - a. The degree of effectiveness of the school district's activities in achieving the purposes of this Policy and its associated Regulation, pursuant to the purposes as outlined in A. above; and
 - b. The degree and effectiveness of the implementation of the contents of this Policy and its associated Regulation.
- 4. Any proposed changes to the school district's current policies, procedures, programs or initiatives, based on the annual report.

Adopted: August 18, 2009

Revised:



5610 – Suspension

The Board of Education recognizes that even the temporary exclusion of a pupil from the educational program of this district is a severe sanction and one that cannot be imposed without due process.

Any pupil who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school. Conduct which shall constitute good cause for suspension or expulsion of a pupil guilty of such conduct shall include, but not be limited to, the conduct as defined in N.J.S.A. 18A:37-2 and the school district's Pupil Discipline/Code of Conduct Policy and Regulation ([Board Policy and Regulation #5600](#)) in accordance with the N.J.A.C. 6A:16-7.1. et seq.

For the purposes of this Policy, “suspension” means the temporary removal of a pupil from the regular instructional program, an out-of-school suspension contrasted with an in school suspension.

For the purposes of this Policy, “short term suspension” means a suspension for a term of ten consecutive school days or less and “long term suspension” means a suspension for more than ten consecutive school days.

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-sponsored function shall be immediately removed from the school's regular educational program pending a hearing before the Board of Education to remove the pupil in accordance with N.J.S.A. 18A:37-8 and [Board Policy and Regulation #5611 – Removal of Pupils from the General Education Program for Weapons/Firearms Offenses](#).

Any pupil who commits an assault, as defined pursuant to N.J.S.A. 2C:12-1, upon a pupil, teacher, administrator, Board member, or other school district employee or volunteer, with a weapon other than a firearm, on any school property, on a school bus, or at a school-sponsored function must be immediately removed from the school's regular education program and placed in an alternative education school or program, pending a hearing before the Board of Education in accordance with N.J.S.A. 18A:37-2.2. and [Policy #5612 – Assault by Pupils on Board Members or Employees](#).

Any pupil who commits an assault, as defined pursuant to N.J.S.A. 2C:12-1, upon a teacher, administrator, Board member, or other school district employee, or volunteer acting in the performance of his duties in a situation where his authority to so act is apparent, or as a result of the victim's relationship to an institution of public education in New Jersey, not involving the use of a weapon or firearm, shall be immediately suspended from school consistent with procedural due process pending suspension or expulsion proceedings before the Board in accordance with N.J.S.A. 18A:37-2.1.a.

Pursuant to N.J.S.A. 18A:37-2.1.b., whenever a teacher, administrator, Board member, school district employee or volunteer, or a labor representative on behalf of an employee makes an allegation in writing that the Board member or employee has been assaulted by a pupil, the Building Principal shall



file a written report with the Superintendent. The Superintendent, upon receiving such report shall report the alleged assault to the Board at the next regular Board meeting; provided the name of the pupil, who allegedly committed the assault; although it may be disclosed to the Board members, shall be kept confidential to the public at the Board meeting. A person failing to file a report of an alleged assault may be liable to disciplinary action.

A pupil may be suspended only by the Building Principal, who shall report any suspension to the Superintendent as soon as possible. The Superintendent shall report the suspension to the Board at its next regular meeting.

The suspended pupil may be reinstated by the Building Principal or by the Superintendent at any time before the second meeting of the Board following the suspension, or by the Board of Education at the first meeting following the suspension, except that no pupil suspended for reasons of assault upon a person in authority may be reinstated before the Board has held a hearing, within thirty calendar days of the suspension, to consider that pupil's expulsion from school. At its second regular meeting after the suspension and thereafter, the Board alone may reinstate the pupil or continue the suspension.

In each instance of a short-term suspension, the pupil and their parent(s) or legal guardian(s) will be provided oral or written notice of the charges and an informal hearing conducted by the Building Principal or designee in accordance with the procedures outlined in N.J.A.C. 6A:16-7.2. To the extent the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the pupil may be immediately removed from the pupil's educational program and the informal hearing shall be held as soon as practical after the suspension.

In each instance of a long-term suspension, the district shall assure the rights of the pupil pursuant to N.J.A.C. 16A:16-7.3.

The district will comply with the requirements of N.J.A.C. 6A:16-7.2 and 7.3, in addition to all the procedural protections set forth in N.J.A.C. 6A:14, for each pupil with a disability who is subject to a short-term or long-term suspension.

In each instance of a short- or long-term suspension, the district shall provide academic instruction, either in school or out of school, that addresses the Core Curriculum Content Standards pursuant to N.J.A.C. 6A:8-3.1, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10. These services shall be provided within five school days of the suspension. Educational services provided to a pupil with a disability shall be provided consistent with the pupil's Individualized Education Program, in accordance with N.J.A.C. 6A:14. At the completion of a short-term suspension, the general education pupil shall be returned to the general education program.

The records of a pupil disciplined by suspension will be expunged in accordance with Board Policy and Regulation #8330 – Pupil Records. All record of a suspension will be immediately expunged if the pupil is found innocent of the charges levied. The name of a disciplined pupil will not appear in the agenda or minutes of a public meeting or in any public record of this district; any such pupil will be designated by code.



Legal References

N.J.S.A. 18A:37-1 et seq.

N.J.A.C. 6A:16-7.2; 6A:16-7.3; 6A:14-2.8 et seq.

20 U.S.C. 1415

Adopted: August 18, 2009



R5610 – Suspension Procedures

A. Short-Term Suspensions

1. In each instance of a short-term suspension, the Building Principal or designee, shall assure the rights of a pupil suspended for ten or fewer consecutive school days by providing for the following:
 - a. As soon as practicable, oral or written notice of charges to the pupil.
 - (1) When charges are denied, an explanation of the evidence forming the basis of the charges shall also be provided.
 - b. An informal hearing prior to the suspension in which the pupil is given the opportunity to present the pupil's side of the story regarding the actions leading to the short-term suspension and the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2. and 5.
 - (1) The informal hearing shall be conducted by the Building Principal or designee;
 - (2) To the extent that a pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the pupil may be immediately removed from the pupil's educational program and the informal hearing shall be held as soon as practical after the suspension;
 - (3) The informal hearing should take place even when a school staff member has witnessed the conduct forming the basis of the charge; and
 - (4) The informal hearing and the notice given may take place at the same time.
 - c. Oral or written notification to the pupil's parent(s) or legal guardian(s) of the removal from the pupil's educational program prior to the end of the school day on which the Building Principal or designee makes the decision to suspend the pupil, which shall include an explanation of:
 - (1) The specific charges;
 - (2) The facts on which the charges are based;
 - (3) The provision(s) of the pupil code of conduct the pupil is accused of violating;
 - (4) The pupil's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.6; and
 - (5) The terms and conditions of the suspension.
 - d. Appropriate supervision of the pupil while waiting for the pupil's parent(s) or legal guardian(s) to remove the pupil from school during the school day; and
 - e. Academic instruction, either in school or out of school, that addresses the Core Curriculum Content Standards, pursuant to N.J.A.C. 6A:8-3.1, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10.
 - (1) Services shall be provided within five school days of the suspension.



- (2) Educational services provided to a pupil with a disability shall be provided consistent with the pupil's Individualized Education Program in accordance with N.J.A.C. 6A:14.
 - (3) At the completion of a short-term suspension, the district Board of Education shall return the general education pupil to the general education program.
2. The suspending Building Principal/designee shall immediately report the suspension to the Superintendent, who is required to report it to Board of Education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.
3. A Board may deny the pupil participation in extracurricular activities, school functions, sports, or graduation exercises as disciplinary sanctions, where such measures are designed to maintain the order and integrity of the school environment.
4. For a pupil with a disability, the provisions set forth in this section shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.

B. Long-Term Suspensions

1. In each instance of a long-term suspension, the Building Principal or designee shall assure the rights of a pupil suspended for more than ten consecutive school days by providing the following:
 - a. Immediate notification to the pupil of the charges, prior to the pupil's removal from school;
 - b. An informal hearing prior to the suspension in which the pupil is given the opportunity to present the pupil's side of the story regarding the pupil's actions leading to the long-term suspension and the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;
 - c. Immediate notification to the pupil's parent(s) or legal guardian(s) of the pupil's removal from school;
 - d. Appropriate supervision of the pupil while waiting for the pupil's parent(s) or legal guardian(s) to remove the pupil from school during the school day;
 - e. Written notification to the parent(s) or legal guardian(s) by the Superintendent or designee within two school days of the initiation of the suspension, stating:
 - (1) The specific charges;
 - (2) The facts on which the charges are based;
 - (3) The pupil's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.6; and
 - (4) That further engagement by the pupil in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the pupil's right to a free public education, in the event that a decision to expel the pupil is made by the Board, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.5.



- (a) The Board shall request written acknowledgement of the notification of the provisions of B.1.e.(4) above from the parent(s) or legal guardian(s) and the pupil subsequent to the removal from the pupil's educational program, pursuant to N.J.A.C. 6A:16-7.3.
- f. A list of witnesses and their statements or affidavits, if any, no later than five days prior to the formal hearing, pursuant to B.1.j. below;
- g. A pupil with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal regulations;
- h. Information on the right of the pupil to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)8;
- i. Educational services, either in school or out of school, that are comparable to those provided in the public schools for pupils of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10.
 - (1) The services shall be provided within five school days of the suspension.
 - (2) The Board shall make decisions regarding the appropriate educational program and support services for the suspended general education pupil, at a minimum, based on the following criteria:
 - (a) A behavioral assessment or evaluation including, but not limited to, a referral to the Child Study Team, as appropriate;
 - (b) The results of any relevant testing, assessments or evaluations of the pupil;
 - (c) The pupil's academic, health, and behavioral records;
 - (d) The recommendation of the Superintendent, Building Principal, or other relevant school or community resource;
 - (e) Considerations of parental input; or
 - (f) Consultation with the Intervention and Referral Services Team, in accordance with N.J.A.C. 6A:16-8, as appropriate.
 - (3) Educational services provided to a pupil with a disability shall be provided consistent with the pupil's Individualized Education Program, in accordance with N.J.A.C. 6A:14.
- j. A formal hearing before the Board, which, at a minimum, shall:
 - (1) Be conducted by the Board or delegated by the Board to a Board committee, a school administrator or an impartial hearing officer for the purpose of determining facts or making recommendations.
 - (a) The Board as a whole shall receive and consider either a transcript or detailed report on such hearing before taking final action.
 - (2) Include the opportunity for the pupil to:



- (a) Confront and cross-examine witnesses, when there is a question of fact; and
 - (b) Present his or her own defense and produce oral testimony or written supporting affidavits.
- (3) Take place no later than thirty calendar days following the day the pupil is suspended from the general education program;
- (4) Not be subject to the provisions of the “Open Public Meetings Act,” pursuant to N.J.S.A. 10:4-6; and
- (5) Result in a decision by the Board, which at a minimum, shall be based on the preponderance of competent and credible evidence.
- k. A written statement to the pupil’s parent(s) or legal guardian(s) of the Board’s decision within five school days after the close of the hearing that includes, at a minimum:
 - (1) The charges considered;
 - (2) A summary of the documentary or testimonial evidence from both the pupil and the administration that was brought before the district Board of Education at the hearing;
 - (3) Factual findings relative to each charge and the Board’s determination of each charge;
 - (4) Identification of the educational services to be provided to the pupil pursuant to B.1.i. above;
 - (5) The terms and conditions of the suspension; and
 - (6) The right to appeal the Board’s decision regarding the pupil’s general education program to the Commissioner of Education in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
- l. Immediate return to the general education program if at any time it is found that the general education pupil did not commit the offense;
- m. For a pupil with a disability found not to have committed the offense, the pupil’s program shall be determined in accordance with the provisions of N.J.A.C. 6A:14; and
- n. At the completion of a long-term suspension, the Board shall return the general education pupil to the general education program.
- 2. Any appeal of the Board’s decision regarding the general education pupil’s program shall be made to the Commissioner of Education, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
- 3. Suspension of general education pupils shall not be continued beyond the Board’s second regular meeting following the suspension, unless the Board so determines, pursuant to N.J.S.A. 18A:37-5.
 - a. The Board shall determine whether to continue the suspension, pursuant to B. above, based on the following criteria:



- (1) The nature and severity of the offense;
 - (2) The Board’s removal decision;
 - (3) The results of any relevant testing, assessments or evaluations of the pupil; and
 - (4) The recommendation of the Superintendent, Building Principal or Director of the alternative education program or home or other out-of-school instruction program in which the pupil has been placed.
- b. The Board shall develop and adopt policies and procedures providing for action on the continuation of pupil suspensions in the event of cancellation of the first or second regular Board meeting pursuant to N.J.S.A. 18A:37-4 and 5. In this unlikely event, the full Board will make a decision on the continuation of the suspension during a special meeting.
4. When the Board votes to continue the suspension of a general education pupil, the Board, in consultation with the Superintendent, shall review the case at each subsequent Board meeting for the purpose of determining:
 - a. The status of the pupil’s suspension;
 - b. The appropriateness of the current educational program for the suspended pupil; and
 - c. Whether the suspended pupil’s current placement, pursuant to B.1.i. above, should continue or whether the pupil should return to the general education program.
5. When the Board votes to continue the suspension of a general education pupil, the Board, in consultation with the Superintendent, shall make the final determination on:
 - a. When the pupil is prepared to return to the general education program;
 - b. Whether the pupil shall remain in an alternative education program or receive home or other in-school or out-of-school instruction, based on the criteria set forth in B.3.a.(1) through (4) above; or
 - c. Whether to initiate expulsion proceedings in accordance with N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.5 and [Board Policy #5620 – Expulsion](#).
6. The Board shall provide a general education pupil suspended under N.J.A.C. 6A:16-7.3 with an appropriate educational program or appropriate educational services, based on the criteria set forth under B.1.i.(2) above, until the pupil graduates from high school or reaches the age of twenty, whichever comes first.
 - a. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14-2 and 4.3, whichever is applicable; or
 - b. The educational services provided, either in school or out of school, shall be comparable to those provided in the public schools for pupils of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.



7. For a pupil with a disability who receives a long-term suspension, the Board shall proceed in accordance with N.J.A.C. 6A:14 in determining or changing the pupil's educational placement to an interim or alternate educational setting.
 - a. All procedural protections set forth in N.J.A.C. 6A:14 and N.J.A.C. 6A:16-7.3 shall be afforded to each pupil with a disability who is subjected to a long-term suspension.
 - b. All decisions concerning the pupil's educational program or placement shall be made by the pupil's Individualized Education Program team.
 - c. The provisions of B.2. through B.6. above shall not apply to pupils with disabilities.

Adopted: August 18, 2009



5611 – Removal of Pupils from the General Education Program for Weapons/Firearms Offenses (M)

The Board of Education is committed to providing a safe school environment to all pupils attending the public schools. To provide this safe learning environment, the Board of Education will implement policies and procedures regarding pupil offenses involving firearms, as defined in N.J.S.A. 2C:39-1(f) and 18 U.S.C. §921, according to the requirements of The Zero Tolerance For Guns Act, pursuant to N.J.S.A. 18A:37-7 through N.J.S.A. 37-12.

Any pupil convicted or adjudicated delinquent for possession of a firearm or dangerous weapon, or committing a crime while in possession of a firearm or dangerous weapon, or found knowingly in possession of a firearm or dangerous weapon, on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular educational program for a period of not less than one calendar year and placed in an alternative education school or program pending a hearing before the Board of Education to remove the pupil.

Any pupil who threatens or assaults a pupil, teacher, administrator, Board member, or other school district employee, or volunteer with a weapon other than a firearm on school property, on a school bus, or at a school-sponsored function must be immediately removed from the school's regular education program and placed in an alternative education school or program, pending a hearing before the Board of Education.

The Superintendent determines whether the pupil is prepared to return to the regular education program or whether the pupil remains in the alternative education program or other educational placement. The Superintendent's decision must be made in accordance with school district policy and New Jersey Administrative Code. If the pupil is disabled, the pupil's placement is determined by the Child Study Team and the pupil's parent(s) or legal guardian(s) in accordance with N.J.A.C. 6A:14 et seq., Special Education.

If a pupil is removed from the regular education program and a placement in an approved alternative education program is not available, or if the Superintendent determines that it is not in the best interest of the pupil and the school to modify the conditions for the removal and placement of the pupil, the school district will provide home or out-of-school instruction in accordance with Board Policy #2481 – Home or Out-of-School Instruction for General Education Pupils.

Pupils with disabilities, who exhibit dangerous or violent behavior, may be removed immediately from the school setting and be disciplined in accordance with Board Policy #2460 – Special Education.

The Board of Education will adopt policies and procedures to ensure cooperation between school staff and law enforcement authorities pursuant to N.J.A.C. 6A:16-6.1.



Legal References

N.J.S.A. 18A:37-1 et seq.

N.J.A.C. 6A:14-2.8 et seq.; 6A:16-5 et seq. through 6A:16-9 et seq.

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Adopted: August 18, 2009



R5611 – Removal of Pupils from the General Education Program for Weapons/Firearms Offenses (M)

A. Definitions for the Purposes of This Regulation are:

1. “Removal” – The exclusion of a pupil from the regular education program in the school in which the pupil was assigned and the assignment of the pupil to an alternative education school or program for at least one calendar year, following a proper hearing conducted by the Board of Education.
2. “Suspension” – A temporary exclusion from school, following due process procedures.
3. “Expulsion” – A permanent exclusion from school which denies a pupil the free, thorough and efficient public education provided by the public school district in which the pupil resides, based on specific conditions and following due process procedures, including a hearing conducted by the Board of Education.

B. Procedures – Removal of Pupils From General Education For Firearm Offenses and Assaults with Weapons Offenses

1. Any pupil convicted or found to be delinquent for the following offenses shall be immediately removed from the school’s general educational program for a period of not less than one calendar year and placed in an alternative education school or program pending a hearing before the Board of Education to remove the pupil:
 - a. Convicted or adjudicated delinquent for possession of a firearm on any school property, on a school bus, or at any school-sponsored function; and
 - b. Convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school property, on a school bus, or at any school-sponsored function; and
 - c. Knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function.
2. Any pupil who commits an assault as defined in N.J.S.A. 2C:12-1(a)1, upon a pupil, teacher, administrator, Board member, or other school district employee, with a weapon, which includes, but is not limited to those items enumerated in N.J.S.A. 2C:39-1(r), except a firearm, as defined by N.J.S.A. 2C:39-1(f) and 18 USC §921, on any school property, on a school bus, or at a school-sponsored function must be immediately removed from the school’s general education program for a period not exceeding one calendar year.
3. The Building Principal or designee will remove the pupil and immediately report the removal to the Superintendent and the local law enforcement agency. The Building Principal or designee will isolate the pupil and place the pupil under the supervision of school staff until such time as the parent(s) or legal guardian(s) or law enforcement officials take custody of the pupil.



4. The Building Principal will notify the pupil's parent(s) or legal guardian(s) of the removal action; the law enforcement notification; the change in custody, if it occurs; and the pupil's due process rights.
5. Any pupil that is removed under this Regulation will be placed in an alternative education program, according to the requirements of N.J.A.C. 6A:16-8 et seq. If placement in an approved alternative education program is not available, the pupil must be provided home instruction or other out-of-school instruction, according to N.J.A.C. 6A:16-9 et seq. and Board Policy #2481 – Home or Out-of-School Instruction for General Education Pupils until placement is available.
6. The school district may consider other alternative education programs, such as an Individualized Program Plan (IPP) developed in accordance with the graduation requirement standards set forth in N.J.A.C. 6:8-7.1(d)ii.
7. Any pupil removed for a weapons offense is entitled to a hearing before the Board of Education to determine if the pupil is guilty of the offense.
 - a. The hearing shall take place no longer than thirty calendar days following the day the pupil is removed from the general education program. The hearing is not subject to the provisions of the Open Public Meetings Act, P.L. 1975, c.231 (C. 10:4-6 et seq.).
 - b. The decision of the Board of Education must be made within five calendar days after the close of the hearing. Any appeal to the Commissioner of Education must be made within ninety calendar days of the Board's decision.
 - c. If the Board finds the pupil is not guilty of the offense(s), the pupil must be immediately returned to the general education program.
 - d. The Superintendent may modify the removal of the pupil on a case-by-case basis for firearm offenses as defined in B.1. above.

C. Violations – Return of Pupils to General Education Program

1. The Superintendent will determine whether the pupil is prepared to return to the regular education program or whether the pupil will remain in the alternative education program or receive home or other out-of-school instruction. This decision will be based on the nature and severity of the offense; the Board's removal decision; the results of any relevant testing, assessments or evaluation of the pupil; and the recommendation of the Building Principal or director of the alternate education program in which the pupil has been placed.
2. The Superintendent's decision must be made in accordance with school district policy and New Jersey Administrative Code.
3. If the pupil is disabled, the pupil's placement is determined by the Child Study Team and the pupil's parent(s) or legal guardian(s) in accordance with N.J.A.C. 6A:14-1.1 et seq., Special Education.



D. **Expulsion**

In accordance with N.J.A.C. 6A:16-5.5(b)1. and 6A:16-5.6(b)1. The Board of Education is not prohibited from removing a pupil with a disability or the expulsion of a general education pupil.

E. **Superintendent's Authorization for Firearm/Weapon**

The Superintendent may grant written authorization to written requests from staff members to sponsor curriculum related associations and activities that may involve the demonstration of weapons (i.e., reenactments). The Superintendent will not grant such permission to any pupil who has been convicted nor is an adjudicated delinquent for possession of a firearm or weapon or for a crime involving the use of a firearm.

F. **Alternative Education Settings**

If a pupil is removed from the regular education program and a placement in an approved alternative education program is not available, or if the Superintendent determines that it is not in the best interest of the pupil and the school to modify the conditions for the removal and placement of the pupil, the educational program will be provided in accordance with Board Policy #2481 – Home or Out-of-School Instruction for General Education Pupils.

G. **Special Education**

Pupils with disabilities shall be disciplined in accordance with Board Policy #2460 – Special Education.

Adopted: August 18, 2009



5612 – Assault by Pupils on Board Members or Employees (M)

Any pupil who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, not involving the use of a weapon or firearm, upon a Board member or any district employee in the performance of his or her duties and in a situation where his or her authority to act is apparent, or as a result of the victim's relationship to the school district, according to the requirements of N.J.S.A. 18A:37-2.1, will be immediately suspended from school consistent with due process procedures, pending suspension or expulsion hearings before the Board.

This section shall be construed in a manner consistent with 20 U.S.C. §1400 et seq. and N.J.A.C. 6A:14-2.8. Nothing in this Policy will be construed as prohibiting the removal of a pupil with a disability or the expulsion of a general education pupil.

The Building Principal or designee will remove, isolate and place the pupil under the supervision of school staff until such time as the parent(s) or legal guardian(s) or appropriate agency takes custody of the pupil. The Building Principal will immediately report the removal of the pupil to the Superintendent and notify the pupil's parent(s) or legal guardian(s) of the removal action and the pupil's due process rights.

The Board will provide a hearing no later than thirty days following the day on which the pupil is suspended. The decision of the Board will be made within five days after the close of the hearing. Any appeal of the Board's decision shall be made to the Commissioner of Education within ninety days of the Board's decision.

Legal References

N.J.A.C. 6A:16-5.7

Adopted: August 18, 2009



5615 – Suspected Gang Activity

Pupils that initiate, advocate, or promote activities, openly or otherwise, and/or threaten the safety or well-being of others disrupt the school environment and are harmful to the educational process in this school district. Any physical or verbal harassing, intimidating, or bullying conduct by a pupil or group of pupils directed toward any school staff member or any other pupil or group of pupils anywhere on school grounds, at any school related or sponsored activity, on school buses, at school bus stops, and any other place where pupils are supervised by school district staff will not be tolerated.

In the event the Building Principal or designee, believe any physical or verbal harassing, intimidating, or bullying conduct was, or is being committed, for the benefit of, at the direction of, or in association with a group of three or more persons, the school staff will investigate further to determine if the conduct was committed by those pupils representing a criminal street gang (hereinafter referred to as a “gang”) as defined in N.J.S.A. 2C:44-3.h. If it is determined unacceptable conduct was committed by pupils representing a gang, the Building Principal or designee will assign appropriate disciplinary action and will notify the parent(s) or legal guardian(s) of the victim and the offender. The Building Principal or designee will also inform the Superintendent and local law enforcement.

To further ensure the safety and well-being of all pupils in the district and to increase awareness within the school community regarding potential gang activity, pupils are prohibited from wearing on school grounds, at any school related or sponsored activity, on school buses, and any other place where pupils are supervised by school district staff, any type of clothing or accessory that would indicate a pupil has membership in, or affiliation with, any gang associated with criminal activities pursuant to N.J.S.A. 18A:11-9.

The parent(s) or legal guardian(s) of any pupil identified as being potentially involved in gang-related activities shall be notified by the Building Principal or designee. A pupil identified as being potentially involved in gang-related activities shall be offered appropriate counseling by school district staff.

School staff members shall be provided in-service training on gangs and gang related conduct and activities including, but not limited to, recruitment procedures; threats/intimidation; clothing; insignia; hand signs; symbols; graffiti; terminology; or other indicia of gang association.

Information regarding gangs shall be shared by school district staff to local law enforcement officials and the school district’s administrative staff members will encourage local law enforcement to share gang related information with school officials.

Nothing in this Policy shall supersede or negate any existing New Jersey law or Board Policy regarding pupil discipline and/or the school district’s pupil discipline code. This Policy shall be made available to school staff, pupils, and parent(s) or legal guardian(s).



Legal References

N.J.S.A. 18A:11-9

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

New Jersey State Police Street Gang Bureau – Know the Signs: A Guide to Gang Identification

Adopted: August 18, 2009



5620 – Expulsion

The Board of Education recognizes that expulsion from this district is the most severe sanction that can be imposed upon a pupil. For the purposes of this Policy, “expulsion” means the Board discontinuing the educational services or discontinuing payment of educational services for a general regular education pupil from school pursuant to N.J.S.A. 18A:37-2.

The Board may expel a general education pupil only after the Board has provided the procedural due process rights set forth in N.J.A.C. 6A:16-7.3 and 7.4 and as outlined in [Board Policy and Regulation #5610 – Suspension](#), subsequent to a long-term suspension pursuant to N.J.A.C. 6A:16-7.3, and only after the Board has provided an appropriate educational program or appropriate educational services, based on the criteria set forth under N.J.A.C. 6A:16-7.3(f) and as outlined in [Board Regulation #5610 – Suspension](#). The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2, Alternative Educational Programs, and N.J.A.C. 6A:16-10.2, Home or Out-of-School Instruction for General Education Pupils, and N.J.A.C. 6A:14-2, Special Education, Procedural Safeguards and N.J.A.C. 6A:14-4.3, Special Education, Programs and Instruction, whichever are applicable. The educational services provided, either in school or out of school, shall be comparable to those provided in the public schools for pupils of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.

Any appeal of the Board’s decision regarding the cessation of the pupil’s general education program shall be made to the Commissioner of Education in accordance with N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3-1.3 through 1.17. The Board shall continue to provide an appropriate educational program or appropriate educational services until a final determination has been made on the appeal of the Board’s action to expel a pupil.

The Board shall comply with the mandated pupil removal from general education pursuant to N.J.A.C. 6A:16-7.4. The Board shall follow N.J.A.C. 6A:16-5.5 for pupil removal for firearm offenses, N.J.A.C. 6A:16-5.6 for pupil removal for assaults with weapons offenses, and N.J.A.C. 6A:16-5.7 for pupil removal for assaults on district Board of Education members and employees.

An expulsion of a pupil with a disability from a receiving school shall be handled in accordance with N.J.A.C. 6A:14.

Legal References

N.J.S.A. 18A:37-2

N.J.A.C. 6A:16-7.4; 6A:16-7.5

Adopted: August 18, 2009



5700 – 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 and 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.

Legal References

N.J.S.A. 9:17B-1

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

Adopted: August 18, 2009



5701 – Plagiarism

- A. Pupils are expected to be honest in all of their academic work. This means that they will not engage in any of the following acts:
1. Cheating on examinations, including but not limited to, the non-authorized use of books or notes, the use of crib sheets, copying from other pupils' papers, exchanging information with other pupils orally, in writing, or by signals, obtaining copies of the examination illegally and other similar activities.
 2. Plagiarism is not permitted in term papers, themes, essays, reports, images, take-home examinations, and other academic work. Plagiarism is defined as stealing or use without acknowledgment of the ideas, words, formulas, textual materials, on line services, computer programs, etc. of another person, or in any way presenting the work of another person as one's own.
 3. Falsifications, including forging signatures, altering answers after they have been graded, the insertion of answers after the fact, the erasure of grader's markings, and other acts that allow for falsely taking credit.
- B. A pupil found guilty of academic dishonesty may be subjected to a full range of penalties including, but not limited to, reprimand and loss of credit for all of the work that is plagiarized.
- C. A teacher who believes that a pupil has been academically dishonest in his/her class should resolve the matter in the following manner:
1. Reprimand the pupil orally and/or in writing. The teacher is also authorized to withhold credit in the work tainted by the academic dishonesty.
 2. If warranted, the teacher shall file a written complaint against the pupil with the Building Principal, requesting a more stringent form of discipline. The complaint must describe in detail the academic dishonesty that is alleged to have taken place, and must request that the matter be reviewed by the Building Principal.
 3. The Building Principal will determine if further discipline of the pupil is appropriate, and will determine the nature of the discipline on a case-by-case basis.
 4. If the pupil is not in agreement with the disciplinary action of the teacher, he/she may appeal the action to the Building Principal. If the pupil is dissatisfied with the Building Principal's disposition of the case, he/she may grieve the action in accordance with [Board Policy #5710 – Pupil Grievance](#).

Adopted: August 18, 2009



5710 – Pupil Grievance

The Board of Education believes that pupils are citizens who possess the right to request redress of grievances and that pupils should be encouraged to respect lawful procedures for the resolution of disputes. Accordingly, the Board will establish and observe procedures by which the grievances of pupils will be heard.

For the purposes of this Policy, a pupil grievance means any complaint that arises out of the acts or policies of this Board or the acts of its employees.

A pupil grievance will be heard in the following manner:

1. A pupil should first make the grievance known to the staff member most closely involved or with a guidance counselor and both shall attempt to resolve the matter informally and directly;
2. A grievance not resolved at the first step must be reduced to a written statement in which the pupil sets forth the specific nature of the grievance, the facts that gave rise to it, the relief sought, and the reasons why that relief is appropriate;
3. The written grievance may be submitted to the Building Principal, the Superintendent, and the Board of Education, in that order and within a suitable period of time to be allowed at each level for the hearing of the grievance and the preparation of a response;
4. At each step beyond the first, the school authority hearing the grievance may summon the parent(s) or legal guardian(s) of a grievant who is not an adult. The grievant may summon the assistance of his/her parent(s) or legal guardian(s) at any step;
5. A pupil grievance that proceeds to the Board will be determined promptly and the Board will issue a decision in no more than ten calendar days. The pupil will be informed of the right to appeal a decision of the Board to the Commissioner of Education.

The Superintendent shall direct all staff members to respect the right of pupils to seek redress of grievances by lawful procedures without fear of reprisal.

Adopted: August 18, 2009



5721 – Independent Publications

The Board of Education respects the right of pupils to express themselves in written word or picture, or video image or computer generated illustrations, and to distribute printed materials as part of that expression; at the same time, the Board recognizes that the exercise of that right is limited by the rights of other members of the school community.

For the purposes of this Policy, “printed materials” include any written or printed cards, letters, circulars, books, pamphlets, notices, newspapers, and similar materials but do not include any publication that is sponsored by this Board.

Certain printed materials are not protected by a pupil’s right of free expression because they violate the rights of others. The Board may identify and prohibit the distribution on school premises of printed materials that are grossly prejudicial to an ethnic, national, religious, or racial group or to either gender; libel any person or persons; seek to establish the supremacy of a particular religious denomination, sect, or point of view over any other; advocate the use or advertise the availability of any substance or material that constitutes a direct and substantial danger to the health of pupils; contain obscenity or material otherwise deemed to be harmful to impressionable pupils; incite violence, advocate the use of force, or urge the violation of law or school regulations; advertise goods or services for the benefit of profit-making organizations; fail to identify the pupil responsible for distribution and the agent responsible for reproduction; solicit funds for nonschool organizations when such solicitations have not been approved by the Board; or promote, favor, or oppose any candidate for election to the Board or the adoption of any bond issue, proposal, or questions submitted at any election.

The Board requires that the distribution of printed material take place only at the places and during the times established by rule in order not to disrupt the orderly operation of the educational program.

Legal References

N.J.S.A. 2C:34-3

N.J.S.A. 18A:42-4

Adopted: August 18, 2009



R5721 – Distribution of Independent Publications

A. Definition

“Independent publications” are written or printed cards, letters, circulars, books, pamphlets, notices, newspapers, and other documents prepared and distributed by pupils, independent of any curricular or co-curricular activity sponsored by the Board of Education.

B. Distribution

1. Independent publications may be distributed on school premises only by the pupils enrolled in that school.
2. Distribution may be conducted during periods of time when the activity will not interrupt the instructional program or interfere with an exercise necessary for pupil safety, such as a fire drill.
3. Distribution may be conducted in places in which the activity will not obstruct the passage of persons, cause a safety hazard, or interfere with the orderly operation of the school.
4. The Building Principal will establish, in consultation with recognized pupil organizations, rules setting specific times and places for the distribution of independent publications on the school premises.

C. Littering

1. Distribution will be conducted in a manner that reduces the possibility of litter.
2. Pupils who distribute independent publications are responsible for policing the area in which the distribution takes place and assuring that all litter is promptly removed.

D. Enforcement

1. The Building Principal or designee will enforce these regulations and will determine whether distribution violates the standards set forth in paragraph B2 and paragraph B3.
2. A decision of the Building Principal may be appealed to the Superintendent.

Adopted: August 18, 2009



5750 – Equal Educational Opportunity (M)

The Board of Education directs that all pupils enrolled in the schools of this district shall be afforded equal educational opportunities in strict accordance with law. No pupil shall be denied access to or benefit from any educational program or activity or from a co-curricular or athletic activity on the basis of the pupil's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability. The Board shall assure that all pupils are free from harassment, sexual or otherwise.

The Board directs the Superintendent to allocate faculty, administrators, support staff members, curriculum materials, and instructional equipment supplies among and between the schools and classes of this district in a manner that ensures equivalency of educational opportunity throughout this district. The school district's curricula in the following areas will eliminate discrimination, promote mutual acceptance and respect among pupils, and enable pupils to interact effectively with others, regardless of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability:

1. School climate/learning environment;
2. Courses of study, including Physical Education;
3. Instructional materials and strategies;
4. Library materials;
5. Software and audio-visual materials;
6. Guidance and counseling;
7. Extra-curricular programs and activities;
8. Testing and other assessments.

The school district's curricula will include Multi-cultural Education content and practices, instruction on African-American History in the teaching of U.S. History and instruction on the Holocaust and Genocide.

Affirmative action shall be taken to ensure that pupils are protected from the effects of discrimination, in accordance with Board Policy #2260 – Affirmative Action Program for School and Classroom Practices. Pupils who experience less than equal educational opportunities or experience discrimination shall use the procedure established by Board Regulation #5750 – Equal Education Opportunity to report and appeal any harassment or discriminatory practice.

The conduct of teaching staff members shall exemplify the highest principles of equality and democracy. Conduct and attitudes that display discrimination are contrary to the policies of this Board and, further, are destructive to the self esteem that this Board wishes to encourage in all pupils. A teaching staff member, support staff, administrators, and Board members act of derision or enmity, in any form, against a person or persons on the basis of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or



disability shall be considered to be conduct unbecoming to a professional staff member of this district and shall be subject to appropriate discipline.

The Superintendent shall develop and promulgate a procedure by which a pupil or parent may appeal Board policy, district practice, or the act or omission of any district employee that allegedly violates this Policy.

Legal References

42 U.S.C.A. 12101

N.J.S.A. 10:5-1

N.J.S.A. 18A:4A-1, et seq.; 18A:6-5 et seq.; 18A:36-20

N.J.A.C. 6A:7-1.1 et seq.; 6A:14-1.2

Adopted: August 18, 2009



R5750 – Equal Educational Opportunity Complaint Procedure (M)

A. Purpose and Application

1. The purpose of this procedure is to give any pupil or the parent of a pupil the opportunity to appeal an allegedly discriminatory practice in the program of this district or an alleged denial of equal educational opportunity.
2. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and should be implemented in an informal manner.
3. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.
4. All participants in the procedure will respect the confidentiality that this district accords to information about individual pupils.

B. Definitions

1. “Board of Education” means the Board of Education of the Lopatcong Township School District.
2. “Complaint” means an unresolved problem concerning the interpretation or application by an officer or employee of the school district relating to compliance with law, regulations, or policies regarding equal educational opportunities.
3. “Complainant” means a pupil or a parent of a pupil who alleges a complaint.
4. “Day” means a working day unless otherwise identified as a calendar day.
5. “Pupil” means an individual enrolled in any formal educational program provided by the school district.
6. “School district” means the Lopatcong Township School District.

C. Procedure

1. A complainant shall discuss his/her complaint with the staff member most closely involved, in an attempt to resolve the matter informally.
2. If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:
 - a. The pupil’s name and, in the complaint of a person acting on behalf of the pupil, the name and address of the complainant;
 - b. The specific act or practice that the complainant complains of;



- c. The school employee, volunteer, or Board member if any, responsible for the allegedly discriminatory act;
 - d. The results of discussions conducted in accordance with paragraph C1; and
 - e. The reasons why those results are not satisfactory.
3. The Affirmative Action Officer will investigate the matter informally and will respond to the complainant in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent. If the complaint is against the Superintendent, then the Board President will fill the Superintendent's role.
4. The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily.
5. On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven working days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with a discriminatory act and any other person with knowledge of the act complained of.
6. The Superintendent will render a written decision in the matter no later than ten working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties and to the Board of Education.
7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal will include:
 - a. The original complaint,
 - b. The response to the complaint,
 - c. The Superintendent's decision,
 - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and
 - e. The complainant's reason for believing the Superintendent's decision should be changed.
8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a discriminatory act.
9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which



all parties may be represented by counsel and may present and examine witnesses, who will testify under oath. If the complaint is against a member of the Board, that member will reclude him/himself from the complaint process.

10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
11. The complainant will be informed of his/her right to appeal the Board's decision to the Commissioner of Education or to the New Jersey Division on Civil Rights.

D. Record

The records of any complaint processed in accordance with this procedure shall be maintained in a file separate from the pupil's cumulative file. A notation shall be made in the pupil's file of the existence of the record in the separate file.

Adopted: August 18, 2009



5751 – Sexual Harassment (M)

The Board of Education will not tolerate sexual harassment of pupils by school employees, other pupils, or third parties. Sexual harassment of pupils is a form of prohibited sex discrimination. School district staff will investigate and resolve allegations of sexual harassment of pupils engaged in by school employees, other pupils (peers), or third parties.

The Board shall establish a grievance procedure through which school district staff and/or pupils can report alleged sexual discrimination, including sexual harassment which may include quid pro quo harassment and hostile environment.

Definitions:

1. Quid pro quo harassment occurs when a school employee explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm. It also occurs if the pupil is the instigator.
2. Hostile environment sexual harassment is sexually harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another pupil, or by a third party that is sufficiently severe, persistent, or pervasive to limit a pupil's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.

This Policy protects any "person" from sex discrimination; accordingly both male and female pupils are protected from sexual harassment engaged in by school district employees, other pupils, or third parties. Sexual harassment, regardless of the gender of the harasser, even if the harasser and the pupil being harassed are members of the same gender is prohibited. Harassing conduct of a sexual nature directed toward any pupil, regardless of the pupil's sexual orientation, may create a sexually hostile environment and therefore constitute sexual harassment. Nonsexual touching or other nonsexual conduct does not constitute sexual harassment.

The regulation and grievance procedure shall provide a mechanism for discovering sexual harassment as early as possible and for effectively correcting problems.

The Superintendent, or designee, will take steps to avoid any further sexual harassment and to prevent any retaliation against the pupil, who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The school district staff can learn of sexual harassment through notice and any other means such as from a witness to an incident, an anonymous letter or telephone call.

This Policy and Regulation on sexual harassment of pupils shall be published and distributed to pupils and employees to ensure all pupils and employees understand the nature of sexual harassment and that



the Board will not tolerate it. The Board shall provide training for all staff and age-appropriate classroom information for pupils to ensure the staff and the pupils understand what type of conduct can cause sexual harassment and that the staff know the school district policy and regulation on how to respond.

In cases of alleged harassment, the protections of the First Amendment must be considered if issues of speech or expression are involved. Free speech rights apply in the classroom and in all other programs in the public schools. The Superintendent, or designee, will formulate, interpret, and apply the policy so as to protect free speech rights of staff, pupils and third parties.

In addition, if the Board accepts federal funds, the Board shall be bound by Title IX of the Education Amendments of 1972 prohibiting sexual harassment of pupils. Title IX applies to all public school districts that receive federal funds and protects pupils in connection with all the academic, educational, extra-curricular, athletic, and other programs of the school district, whether they take place in the school facilities, on the school bus, at a class or training program sponsored by the school in a school building or at another location.

Legal References

United States Department of Education - Office of Civil Rights Sexual Harassment Guidance:
Harassment of Students by School Employees, Other Students, or Third Parties (1997)

Adopted: August 18, 2009



R5751 – Sexual Harassment of Pupils (M)

Sexual harassment of pupils is prohibited by the Board of Education. The Superintendent and school district staff will use the following methods to investigate and resolve allegations of sexual harassment of pupils engaged in by school employees, other pupils (peers), or third parties.

A. Definitions

1. **Quid Pro Quo Harassment** – When a school employee explicitly or implicitly conditions a pupil’s participation in an educational program or activity or bases an educational decision on the pupil’s submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm. It also applies when the pupil is the instigator.
2. **Hostile Environment Sexual Harassment** – Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another pupil, or by a third party that is sufficiently severe, persistent, or pervasive to limit a pupil’s ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.
3. **Notice** – The school district has notice if it actually “knew, or in the exercise of reasonable care, should have known” about the harassment. If an agent or responsible employee of the school district received notice, the school district is deemed to have notice. The school district may receive notice in many different ways:
 - a. A pupil may have filed a grievance or complained to a teacher about fellow pupils harassing him/her.
 - b. A pupil, parent, or other pupil may have contacted other appropriate school personnel.
 - c. An agent or a responsible employee of the school district may have witnessed the harassment.
 - d. The school district may obtain information in an indirect manner such as staff, community members, newspapers, etc.
4. **Constructive Notice** – A school district will be in violation if the school district has “constructive notice” of a sexually hostile environment and fails to take immediate and appropriate corrective action. Constructive notice exists if the school district “should have” known about the harassment and if the school district would have found out about the harassment through a “reasonable diligent inquiry.”
5. **Gender-based Harassment** – Gender-based harassment that includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.



6. Title IX of the Education Amendments of 1972 – Title IX applies to all public school districts that receive federal funds and protects pupils in connection with all the academic, educational, extra-curricular, athletic, and other programs of the school district, whether they take place in the school facilities, on the school bus, at a class or training program sponsored by the school at another location, or elsewhere. Title IX protects any “person” from sex discrimination; accordingly both male and female pupils are protected from sexual harassment engaged in by school district employees, other pupils, or third parties. Title IX prohibits sexual harassment regardless of the gender of the harasser even if the harasser and the pupil being harassed are members of the same gender. Although Title IX does not specifically prohibit discrimination on the basis of sexual orientation, sexual harassment directed at gay or lesbian pupils may constitute sexual harassment as prohibited by Title IX. Harassing conduct of a sexual nature directed toward gay or lesbian pupils may create a sexually hostile environment and therefore be prohibited under Title IX.
7. Grievance Procedure – The grievance procedure provides for prompt and equitable resolution of discrimination complaints, including complaints of sexual harassment. The grievance procedure provides the school district with a mechanism for discovering sexual harassment as early as possible and for effectively correcting problems.
8. Office Of Civil Rights (OCR) – The OCR of the United States Department of Education has federal government’s enforcement authority of Title IX.
9. Unwelcomeness – In order to be actionable as harassment, sexual conduct must be unwelcomed. Conduct is unwelcomed if the pupil did not request or invite it and “regarded the conduct as undesirable or offensive.” The school district will be concerned about the issue of welcomeness if the harasser is in a position of authority.
10. Acquiescence – Acquiescence in the conduct or the failure to complain does not always mean the conduct was welcome. The fact that a pupil may have accepted the conduct does not mean that he/she welcomed it. The fact the a pupil willingly participated in conduct on one occasion does not prevent him/her from indicating that the same conduct has become unwelcome on a subsequent occasion. On the other hand, if a pupil actively participates in sexual banter and discussions and gives no indication he/she objects, then the evidence generally will not support a conclusion that the conduct was unwelcomed.
11. Sufficiently Severe, Persistent, or Pervasive Conduct – In determining whether conduct is sufficiently severe, persistent, or pervasive, the conduct should be considered from a subjective and objective perspective. In making this determination, all relevant circumstances should be considered:
 - a. The degree to which the conduct affected one or more pupils’ behavior. The conduct must have limited a pupil’s ability to participate in or benefit from his/her education or altered the conditions of the pupils’ educational environment.
 - b. The type, frequency, and duration of the conduct.



- c. The identity of and relationship between the alleged harasser and the subject or subjects of the harassment.
- d. The number of individuals involved.
- e. The age and gender of the alleged harasser and the subject or subjects of the harassment.
- f. The size of the school, location of the incidents, and context in which they occurred.
- g. Other incidents at the school.
- h. Incidents of gender-based, but non-sexual harassment.

B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of Harassment of Pupils by School Employees, Other Pupils, or Third Parties:

1. Reporting of Sexual Harassment Conduct

- a. Any person with any information regarding actual and/or potential sexual harassment of a pupil by any school employee, other pupils, or third parties must report the information to the school Building Principal, their immediate supervisor or the Affirmative Action Officer.
 - (1) If the Building Principal deems it appropriate, he/she may immediately notify the parent(s) or legal guardian(s) of the alleged harasser(s) or alleged victim(s) upon receipt of any information prior to notifying the Affirmative Action Officer.
 - (2) The Building Principal will not disclose the name(s) of the alleged harasser(s) or alleged victim(s) to the other party.
- b. The school district can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter or telephone call.
- c. Nothing in the Policy and Regulation on Pupil Sexual Harassment shall preclude the Building Principal, or designee, from complying with the provisions of [Board Policy #5600 – Pupil Discipline/Code of Conduct](#) in order to maintain the health, safety and welfare of staff and/or pupils.
- d. A report from the school Building Principal or an immediate supervisor will be forwarded to the school district Affirmative Action Officer within one working day, even if the school Building Principal or immediate supervisor feels sexual harassment conduct was not present.
- e. Upon receipt of an allegation and/or report, the Affirmative Action Officer shall immediately notify the parent(s) or legal guardian(s) of any alleged harasser(s) and victim(s) for whom a report has been filed even if the Building Principal has previously notified the parent(s) or legal guardian(s).



f. The Affirmative Action Officer shall notify the parent(s) or legal guardian(s) of all involved pupils and any other involved individuals of the process to be followed in investigating a report or complaint.

2. Affirmative Action Officer's Investigation

- a. Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.
- b. When a pupil or the parent(s) or legal guardian(s) of a pupil provides information or complains about sexual harassment of the pupil, the Affirmative Action Officer will initially discuss what actions the pupil or parent(s) or legal guardian(s) is seeking in response to the harassment.
- c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any pupils who may have been sexually harassed by any school employee, other pupils, or third parties and any other reasonable methods to determine if sexual harassment conduct existed.
- d. The Affirmative Action Officer will request, if relevant to an investigation, the parent(s) or legal guardian(s) of any pupil involved in the investigation to assist in the investigation to determine if sexual harassment conduct exist(ed).
- e. The Affirmative Action Officer will provide a copy of the Board Policy and Regulation to all persons who are interviewed with potential knowledge and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.
- f. The Affirmative Action Officer will explain the avenues for formal and informal action, including a description of the grievance procedure that is available for sexual harassment complaints and an explanation on how the procedure works.
- g. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.
- h. The Affirmative Action Officer and/or Superintendent may contact law enforcement agencies if there is potential criminal conduct by any party.
- i. The school district administrators may take interim measures during an Affirmative Action Officer's investigation of a complaint in order to alleviate any conditions which prohibit the pupil from assisting in the investigation.
- j. If elementary or middle school pupils are involved, it may become necessary to determine the degree to which they are able to recognize that certain sexual conduct is conduct to which they can or should reasonably object and the degree to which they can articulate an objection. The Affirmative Action Officer will consider the age of the pupil,



- the nature of the conduct involved, and other relevant factors in determining whether a pupil had the capacity to welcome sexual conduct.
- k. The Affirmative Action Officer will consider particular issues of welcomeness if the alleged harassment relates to alleged “consensual” sexual relationships between a school employee and a pupil.
- (1) If elementary or middle school (grades K-8) pupils are involved, welcomeness will not be an issue. Sexual conduct between a school employee and an elementary pupil will not be viewed as consensual.
- l. If there is a dispute about whether harassment occurred or whether it was welcome (in a case which it is appropriate to consider whether the conduct could be welcome) determinations should be based on the totality of the circumstances. The following types of information may be helpful in resolving the dispute:
- (1) Statements made by any witnesses to the alleged incident.
 - (2) Evidence about the relative credibility of the alleged harassed pupil and the alleged harasser.
 - (3) Evidence that the alleged harasser has been found to have harassed others may support the credibility of the pupil claiming harassment.
 - (4) Evidence of the allegedly harassed pupil’s reaction or behavior after the alleged harassment.
 - (5) Evidence about whether the pupil claiming harassment filed a complaint or took other action to protest the conduct soon after the alleged incident occurred.
 - (6) Other contemporaneous evidence such as did the pupil write about the conduct and his/her reaction to it soon after it happened in diary or letter and/or tell friends or relatives.
- m. The scope of a reasonable response also may depend upon whether a pupil, or parent(s) or legal guardian(s) reporting harassment asks that the pupil’s name not be disclosed to the harasser or that nothing be done about the harassment. The Affirmative Action Officer:
- (1) Will provide an overview of harassment policy [and Title IX if applicable] to the pupil, parent(s) or legal guardian(s) guardian which shall include the prohibition of retaliation. In the event the pupil, parent(s) or legal guardian(s) request the pupil’s name remain confidential, the Affirmative Action Officer will inform the pupil, parent(s) or legal guardian(s) that the request may limit the school district’s ability to respond.
 - (2) Will evaluate the confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all pupils. The factors to be considered shall be the seriousness of the alleged harassment, the age of the pupil harassed, whether there have been any other complaints or reports against the alleged harasser. And the rights of the accused individual to receive



information about the accuser and the allegations if a formal proceeding with sanctions may result.

- (3) May use other means available to address the harassment. Steps that may be taken to limit the effects of the alleged harassment and prevent its reoccurrence without initiating a formal complaint and revealing the identity of the complainant. These steps may require sexual harassment training at the site where the problem occurred, taking a pupil survey concerning any harassment problems that may exist, or other systematic measures where the alleged harassment occurred.
- (4) By conducting a limited investigation without revealing the name of the pupil sexually harassed, may be able to learn about or confirm a pattern of harassment based on claims of different pupils that were harassed by the same individual. The Affirmative Action Officer may place an individual on notice of allegation of harassing behavior and counsel appropriately without revealing, even indirectly, the identity of the pupil who notified the school district.

3. Investigation Results

- a. Upon the conclusion of the investigation, but not later than ten working days after reported, the Affirmative Action Officer will prepare a summary of findings to the parties. At the least this shall include the person(s) providing notice to the school district and the pupil(s) who were alleged to be sexually harassed.
- b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.
- c. If the Affirmative Action Officer concludes sexual harassment conduct was not, or is not present, the investigation is concluded.
- d. If the Affirmative Action Officer determines that sexual harassment has occurred, the school district administrators and staff shall take reasonable, age-appropriate, and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action, as specified in pupil and/or staff discipline policies and regulations. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.
- e. In the event the Affirmative Action Officer determines a hostile environment exists, the school district administrators and staff shall take steps to eliminate the hostile environment. The school district administrators may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed pupil, dissemination of information, distribution of new policy statements or other steps to communicate the message that the



Board does not tolerate harassment and will be responsive to any pupil that reports such conduct.

- f. In some situations, the school district administrators may need to provide other services to the pupil that was harassed if necessary to address the effects of the harassment on that pupil. Depending on the type of harassment found, these additional services may include an independent re-assessment of the harassed pupil's work, re-taking a course with a different instructor, tutoring and/or other measures that are appropriate to the situation.
 - g. The school district administrators will take steps to avoid any further sexual harassment and to prevent any retaliation against the pupil, who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The Affirmative Action Officer will inform the sexually harassed pupil and his/her parent how to report any subsequent problems and make follow-up inquiries to see if there have been any new incidents or retaliation.
 - h. All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.
4. Affirmative Action Officer's Investigation Appeal Process
- a. Any person found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any pupil who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Superintendent. The Superintendent will make his/her determination within ten working days of receiving the appeal.
 - b. Any person who is not satisfied with the Superintendent's determination may appeal to the Board. The Board will make its determination within forty-five calendar days of receiving an appeal from the Superintendent's determination.

C. Office of Civil Rights (OCR) Case Resolution

Parents or pupils not satisfied with the resolution of an allegation of sexual harassment by the school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.

1. Any alleged victim of sexual harassment may appeal a decision of the Affirmative Action Officer, Superintendent, or the Board to the Office of Civil Rights (OCR).
2. Any person may report an allegation of sexual harassment to the OCR at any time. If the OCR is asked to investigate or otherwise resolve incidents of sexual harassment of pupils, including incidents caused by employees, other pupils, or third parties, OCR will consider whether:
 - a. The school district has a policy prohibiting sex discrimination under Title IX and an effective Title IX grievance procedure;
 - b. The school district appropriately investigated or otherwise responded to allegations of sexual harassment; and



- c. The school district has taken immediate and appropriate corrective action responsive to Quid Pro Quo or Hostile Environment Harassment.
3. If the school district officials have taken the steps described in 2 above, the OCR will consider the case against the school district resolved and take no further action other than monitoring compliance with any agreement between the school district and the OCR. This shall apply in cases in which the school district was in violation of Title IX, as well as those in which there has been no violation of Title IX.

Adopted: August 18, 2009



5752 – Marital Status and Pregnancy (M)

The Board of Education will not discriminate among pupils on the basis of their marital status or parenthood. No pupil, male or female, who is married or a parent shall be denied access to or benefit from any educational, co-curricular, or athletic program or activity on the basis of his/her marital status or parenthood.

A pregnant pupil shall not be excluded from any educational program or activity because of her pregnancy or pregnancy-related condition unless the pupil so requests or a physician certifies that her exclusion is necessary for the pupil's physical, mental, or emotional well-being. An excluded pregnant pupil will be provided with adequate and timely opportunity for instruction to continue or make up her schoolwork without prejudice or penalty. Pregnant pupils will be provided a special instructional program in accordance with Board Policy #2416 – Programs for Pregnant Pupils.

Legal References

N.J.A.C. 6A:7-1.7(a)6

Adopted: August 18, 2009



5755 – Equity in Educational Programs and Services (M)

Equity in Pupil Access

It is the policy of the Board of Education to ensure equal and bias-free access to all school facilities, courses, programs, activities, and services, regardless of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability.

The school district administration will ensure: that all pupils will have equal and barrier-free access to all school and classroom facilities, that minority and female pupils are not under-represented in gifted and talented or accelerated/advanced courses and that minority and male pupils are not over-represented in detentions, suspensions, expulsions, dropouts, or special needs classifications. Support services will be available to all pupils and that all limited English-proficient pupils and pupils with disabilities will have equal and bias-free access to all school programs and activities. The school district will ensure equal and bias-free access for all pupils to computers, computer classes, vocational education classes, and technologically-advanced instructional assistance, regardless of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability.

The Board of Education will refrain from locating new facilities in areas that will contribute to imbalanced, isolated, or racially identifiable school enrollments. The school district administration will assign pupils to ensure that the racial/national origin composition of each school's enrollment reflects the composition of the district-wide enrollment and so that school and classroom enrollments are not identifiable on the basis of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability.

Pupils will not be separated or isolated by race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability within schools, courses, classes, programs, or extracurricular activities. Bias-free multiple measures for determining the special needs of language-minority pupils and pupils with disabilities will be utilized. Pregnant pupils will be permitted to remain in the regular school program and activities and if not permitted to attend school by her doctor, the pupil will be provided equivalent instruction.

The school district will ensure the guidance program provides access to adequate and appropriate counseling services for minority pupils, limited English-proficient pupils, non-college bound pupils, and pupils with disabilities. A full range of possible career, professional, and/or vocational choices will be presented to all pupils.

Equity in Physical Education Training

All school district physical education programs will be co-educational, with the exception of wrestling practice and a minimum of 75% of the electives are chosen by at least 30% of enrolled male and female pupils, when the physical education programs are elective.



Appeal Procedure

Any pupil or their parent(s) or legal guardian(s) may appeal school practices involving equity through the procedure established in [Board Regulation #5750 – Equal Educational Opportunity Complaint Procedure](#).

Legal References

N.J.A.C. 6:4-1 et seq.

Title IX of the Education Amendments of 1972

Athletic Guidelines 1986

Adopted: August 18, 2009



5770 – Pupil Right of Privacy

The Board of Education recognizes that a pupil's right of privacy may not be violated by unreasonable search and seizure and directs that no pupil be searched without reason or in an unreasonable manner.

Teaching staff members are charged with the responsibility of maintaining order and discipline in the schools and of safeguarding the safety and well-being of the pupils in their care. In the discharge of that responsibility, a teaching staff member may search or request the search of the person or property of a pupil as authorized by this Policy, with or without the pupil's consent, whenever he/she has reasonable grounds to suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the seriousness of the alleged infraction, the pupil's age, and the pupil's disciplinary history. Except in exigent circumstances, an intrusive search of a pupil's person or intimate personal belongings shall be conducted by a person of the pupil's gender.

The Board acknowledges the need for the in-school storage of pupils' possessions and shall provide storage places, including desks and lockers, for that purpose. Where locks are provided for such storage places, pupils may lock them against incursion by other pupils. In storage place(s) provided by the Board pupils should not have an expectation of privacy as to prevent examination by a school official. Pupils shall be notified in writing at the beginning of each school year that inspections of their lockers, desks, and other storage facilities on school district property may be conducted. The school Building Principal or designee is directed to conduct, without further notice, the regular inspection of such facilities provided to pupils for the storage of property.

Except as required by exigent circumstances, a request for the search of a pupil or a pupil's private possessions will be directed to the Building Principal or designee who shall, whenever feasible, first request the freely offered consent of the pupil to the inspection.

Whenever possible, a search will be conducted by the Building Principal in the presence of the pupil, the pupil's parent(s) or legal guardian(s) or a representative of the parent(s) or legal guardian(s), and a teaching staff member other than the Building Principal. Under no circumstances shall any pupil be subjected to a strip search or a body cavity search.

A search prompted by the reasonable belief that the circumstances are exigent and pose an immediate threat, will be conducted by any teaching staff member with as much speed and dispatch as may be required to protect persons and property.

The Building Principal shall conduct a pupil search on the request of a law enforcement officer only on presentation of a duly authorized search warrant or on the voluntary and knowing consent of the pupil or when the Building Principal has independent grounds to suspect the presence of an incriminating object.

The Building Principal shall be responsible for the prompt recording in writing of each pupil search, including the reasons for the search; information received that established the need for the search and the name of the informant, if any; the persons present when the search was conducted; any substances



or objects found; and the disposition made of them. The Building Principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a pupil.

Pupils should have no expectation of privacy in their use of the district's computers, computer network, and internet access.

Legal References

N.J.S.A. 18A:36-19.2; 18A:37-6

Adopted: August 18, 2009



5820 – Student Government

The Board of Education recognizes the importance of offering pupils the opportunity to participate in representative self-government and to develop leadership skills. Pupils shall have the right to organize, conduct meetings, elect officers and representatives, and petition the Board of Education.

The Board recognizes the Student Council as the official voice of the student body for pupils in grades six through eight, provided the constitution and bylaws of that organization have been duly approved by the pupils it represents and by the Board and provided that all pupils have equal access to their student government and an equal opportunity to vote and hold office.

The Board shall appoint qualified teaching staff members to serve as advisors to student government activities.

The Board directs that decisions made and actions duly taken by the official student government, in accordance with and within the scope of its constitution and bylaws, may not be voided or vetoed by any staff member.

Adopted: August 18, 2009



5830 – Pupil Fund Raising

The Board of Education will limit the solicitation of funds by and from the pupils of this district in order to protect pupils from unnecessary pressures and the instructional program from disruption.

“Pupil fund raising” means the solicitation and collection of money by pupils, on or off school premises, for any purpose associated directly or indirectly with the school district or under circumstances in which the solicitors are identified as pupils of this district.

Pupils may solicit and collect money on behalf of approved school organizations, provided the fundraising has been approved by the Building Principal and the Superintendent. PTA fund raisers do not require approval.

No pupil will be permitted to solicit and collect money on school premises or at a school-sponsored event for the pupil’s own benefit.

The Superintendent shall develop regulations regarding pupil fund raising that establish times and places in which pupil fund raising may be conducted and ensure adequate accounting of funds collected. The Building Principal shall distribute this Policy and the Superintendent’s regulations to each recognized pupil organization.

Adopted: August 18, 2009



R5830 – Pupil Fund Raising

A. Approval of Fund Raising Activities

1. Requests for approval of fund raising activities must be submitted in writing to the school officer designated by [Board Policy #5830 – Pupil Fund Raising](#) no later than thirty working days prior to the scheduled beginning of the activity.
2. The request must include the name of the requestor, the name of the organization that will receive the funds collected, the purpose of the collection, and the name of a responsible adult member of the collecting organization.
3. Approval will not ordinarily be granted for the collection of funds for essential supplies or equipment to be used in regularly scheduled curricular or co-curricular activities. Such activities should be funded through regular district budgeting and purchasing procedures.
4. Approval will be granted only for fund raising that is carefully planned and dedicated to specific objectives.
5. Approval will not be granted for the collection of funds:
 - d. Without a specified purpose;
 - e. For the purpose of qualifying pupils for membership in an organization;
 - f. For the purpose of selling raffle tickets or conducting any activity that is based upon gain by chance;

B. Time and Place of Fund Raising

1. The Building Principal of each school will determine the times and places in which fund raising may take place, in accordance with these regulations.
2. Fund raising activities cannot interfere with the orderly operation of the instructional program. A class should not be interrupted for the sale of items.
3. No food, candy, soft drinks, or the like may be sold while classes are in session.
4. Fund raising activities should be coordinated to the greatest extent possible in order to control and limit the potential disruption to school operations.

C. Accounting for Funds

1. All funds collected by pupils must be promptly turned over to the adult responsible for the fund raising activity.
2. Funds collected for school organizations must be promptly deposited and reported to the custodian of the General Activities Fund. The report must include any New Jersey sales tax collected.



3. Neither the Board of Education nor any of its employees is responsible for the protection of or the accounting for funds collected by pupils for organizations not affiliated with the school district.

D. **Infractions**

A pupil who collects money for an organization without having first secured approval in accordance with [Board Policy #5830 – Pupil Fund Raising](#) or who misrepresents a fund raising activity in order to gain approval or who collects money for his/her own benefit must be reported to the Building Principal and will be subject to discipline in accordance with [Board Policy #5600 – Pupil Discipline/Code of Conduct](#).

Adopted: August 18, 2009



5841 – Secret Societies

The Board of Education affirms the legislative prohibition of pupil organizations with closed membership practices as hostile to the democratic ideals of public education.

No social organization of pupils will be granted the use of school facilities or permitted the use of the name of the school or this school district unless that organization has first been approved by the Building Principal. The application for such approval will set forth the purposes, constitution, and bylaws of the organization; its membership qualifications; and the process by which a person becomes a member.

No organization will be approved if its purposes conflict with the authority and goals of this Board or the best interests of the pupils of this district; if membership is drawn from outside the currently enrolled student body; if membership qualifications are based on considerations of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, disability or political beliefs, or any other consideration not appropriate to the purpose of the organization; or if any qualifying pupil who applies may be denied membership.

Nothing in this Policy shall prevent or otherwise deny participation in constitutionally protected prayer consistent with protections of the First Amendment of the United States Constitution.

A pupil who seeks to form or is a member of a fraternity, sorority, or other secret organization formed in whole or in part of pupils enrolled in this district may be disciplined by this Board. The Board reserves the right to require that any pupil attest as to his/her membership in a secret organization.

Legal References

N.J.S.A. 18A:42-5; 18A:42-6

Adopted: August 18, 2009



5842 – Equal Access of Pupil Organizations

The Board of Education will permit the use of school facilities by pupil-initiated organizations for non-curricular pupil activities. A pupil-initiated organization, regardless of the size of the group, will not be denied an opportunity to meet and use school facilities on the basis of the religious, political, philosophical, or other content of the speech at their meeting.

An application for permission to meet on school premises shall be made to the Building Principal, who shall grant permission provided that he/she determines that:

1. The activity has been initiated by pupils;
2. Attendance at the meeting is voluntary;
3. No agent or employee of the district will promote, lead, or participate in the meeting;
4. The meeting is for a lawful purpose;
5. The meeting does not materially and substantially interfere with the orderly conduct of instructional activities in the school;
6. Nonschool persons do not direct, conduct, control, or regularly attend the activity; and
7. The activity is adequately supervised by appropriately certified school district staff.

A pupil-initiated group granted permission to meet on school premises shall be subject to the same rules and regulations that govern the meetings of pupil organizations sponsored by this Board, except as provided by this Policy. Participation in a pupil-initiated meeting must be available to all pupils who wish to attend and cannot be denied on the basis of a pupil's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability. The Board will not permit the organization of a fraternity, sorority, or secret society. A pupil-initiated meeting may be attended by no more than two outside resource persons.

Access to school facilities by pupil organizations will be provided within the governing principles of the First Amendment of the Constitution of the United States.

An appropriately certified staff member shall be assigned to attend a pupil-initiated meeting in a custodial capacity and shall not participate in the activity while serving in this custodial capacity. No teaching staff member shall be compelled to attend a pupil-initiated meeting if the content of the speech at the meeting is contrary to his/her beliefs.

The Building Principal may take such actions as may be necessary to maintain order and discipline on school premises and to protect the safety and well-being of pupils and staff members.



Legal References

20 U.S.C.A. 1701 et seq.

United State Department of Education - Guidance on Constitutionally Protected Prayer in Public
Elementary and Secondary Schools

Adopted: August 18, 2009



5850 – Social Events

The Board of Education recognizes the value of social events that will enhance and enrich the school experience for the pupils of this district.

For purposes of this Policy, a “social event” is a party, celebration, or dance organized for the participation of pupils.

The Board will make school facilities available and assign staff members as appropriate for the conduct of social events on school premises that have been approved by the Building Principal and for social events away from school premises that have been approved by the Building Principal. A social event may be considered to have been approved by this Board only when the Board has passed a resolution approving it. The Board will assume no responsibility for a pupil social event that has not been approved in accordance with this Policy.

The Board reserves the right to cancel any scheduled social event.

Social events are not part of the thorough and efficient system of education provided by the Board. Participation in them is therefore not a right and may be denied to any pupil without the due process of notice and an opportunity to be heard. A pupil who demonstrates disregard for school rules may summarily be denied participation in social events.

Pupils who participate in social events are subject to district rules for pupil conduct and must submit to the authority of assigned chaperones. Infractions of the rules will be subject to discipline in the same manner as are infractions of rules during the regular school program.

A pupil who possesses or consumes alcohol or drugs in the course of a social event will be deemed to have placed all other participating pupils at risk and shall be immediately dismissed from the event.

The Superintendent will develop regulations governing the conduct and safety of all participants in social events and will distribute them to pupil and adult participants.

Adopted: August 18, 2009



R5850 – Social Events

1. The front doors are unlocked at the designated time for pupils to enter the school. Pupils may only enter school at the front doors. At the conclusion of the activity, pupils may only exit from the front doors.
2. Tickets, if required for the event, will be collected from each pupil who enters the building.
3. A pupil may purchase a ticket only if he/she has a signed permission form. Permission forms must be completed and given to the Assistant Principal no later than the morning of the social event.
4. A minimum of eight chaperones is needed for supervision for most activities. Chaperones should be stationed in the following areas:
 - a. Two at the table to collect tickets and supervise doors;
 - b. One at the soda cooler;
 - c. One at each door of the multi-purpose room that leads to the parking lot;
 - d. One at each doorway of the multi-purpose room; and
 - e. Three to walk around in the multi-purpose room.
5. A list of parent volunteers must be provided to the Assistant Principal by one day before the social event. Only parent volunteers that have been approved by the Board according to Board Policy #9180 – School Volunteers will be allowed to serve as chaperones.
6. No pupil may leave the social event early unless a parent(s) or legal guardian(s) comes into the building with notification that the pupil is going home early. When a pupil leaves the activity they may not return.
7. If there is an emergency, the telephone in the main office can be used – it will be unlocked at 7:00 p.m.
8. If a pupil misbehaves and will not cooperate, a chaperone will call the parent(s) or legal guardian(s) and have that pupil picked up. Notify the administrator and follow up with the discipline referral the next day or Monday morning regarding the incident.
9. Serious incidents should be called into the police and an administrator notified immediately.
10. At 10:00pm, or the approved time, the lights will be turned on in the multi-purpose room, pupils will be informed that the social event is over and it is time to leave so the clean-up crew can take down the decorations and begin clean up.
11. Several chaperones should stand outside at the front door to watch pupils leave the building.
12. The nurse's room is not available during the social event. If someone is ill or injured, call the parent(s) or legal guardian(s) for a pick-up and let the administrator in attendance know what happened. Follow-up with the accident form the next day or Monday morning.
13. Soda and snacks are only permitted in the designated area of the multi-purpose room.



14. Pupils must cooperate with the parent volunteers at all times. Any issues of disrespect will be subject to the school discipline policy.
15. Pupils are not allowed to use cell phones during the social event. Any cell phone being used by a pupil will be confiscated until Monday after school. Any phone calls can be made in front of a chaperone in the foyer.

Adopted: August 18, 2009



5880 – Public Performances by Pupils

The Board of Education recognizes the value to pupils and to the community of the demonstration of pupil talents and skills in performances of pupil organizations in public events. The Board endorses such performances when they contribute to the instructional program, do not interfere with scheduled school activities, and do not exploit or endanger participating pupils.

Public performances of pupil organizations must be approved in advance by the Building Principal. The members of a pupil organization invited to perform shall be polled for their willingness to perform. No pupil may be compelled to participate in an elective public performance or penalized for his/her failure to participate. Approval for a public performance will not be granted unless the staff advisor determines that the number of pupils who agree to participate is sufficient to represent the school fairly.

When public performances are scheduled as a regular part of a course of study taken for credit, pupils shall be informed in advance of their obligation to participate; they will be excused from participation only in accordance with Board policy on pupil attendance.

No pupil, pupil organization, or employee of this Board shall receive compensation for the performance in public of pupils organized for a school activity.

Legal References

N.J.S.A. 18A:42-2

Adopted: August 18, 2009

