

Regulation

CONCEPTS AND ROLES IN STUDENT PERSONNEL;
PERSONAL GOALS AND OBJECTIVES FOR STUDENTS

Board of Education

The board of education:

- A. Establishes policies to provide the best atmosphere for educating district students;
- B. Authorizes the establishment of special classes or other facilities for students who are in need of special education;
- C. Provides for physical and mental well-being of students;
- D. Determines policies regarding student behavior and attendance within the limits of the law.
- E. Has sole authority in student expulsion cases.

Chief School Administrator

The chief school administrator:

- A. Administer all schools and classes;
- B. Directs the instruction, guidance and discipline of all students;
- C. Provides leadership and guidance to establish the pattern of education to be offered to students;
- D. Has general charge of the enforcement of the compulsory attendance law;
- D. Has immediate authority for the closing of school in cases of emergencies involving the health and safety of students.
- E. Has ultimate responsibility for all activities involving student health and safety;
- F. Implements the board of education's policies.

Generally

CONCEPTS AND ROLES; GOALS AND OBJECTIVES (continued)

The basic aim of the Elizabeth Public Schools is to develop the skills, abilities, concepts and practices that will help the individual to reach his/her best self and to become the kind of citizen who can and will perpetuate the best American ideals.

The purpose of the Elizabeth Public Schools is to provide educational opportunities for all students regardless of socioeconomic background, race, creed (religion), color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity and expression, familial status, marital status, pregnancy, or disabilities; to make the most of their abilities; to realize their potentials and their identities as human beings.

Therefore, in order that students in the Elizabeth Public Schools receive a well-rounded education, the schools will provide educational opportunities and experiences for all students to:

- A. Achieve the learning goals and objectives of the New Jersey Student Learning Standards;
- B. Know about the world and its people, past and present, to help make a better future;
- C. Be a good citizen;
- D. Be prepared to earn a living;
- E. Understand and get along with people who look, speak or dress differently than themselves;
- F. Be responsible members of their families;
- G. Practice good habits;
- H. Appreciate art, music, dance and the beauty of words;
- I. Know right from wrong and to respect other people;
- J. Feel good about themselves and to do their best;
- K. Want to learn now and in the future.

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Possible

<u>Cross References:</u>	*1220	<u>Ad hoc</u> advisory committees
	*5113	Absences and excuses

CONCEPTS AND ROLES; GOALS AND OBJECTIVES (continued)

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

Policy

ROLE OF PARENTS/GUARDIANS

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

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

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

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

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

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<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:35-4.9	Student promotion and remediation; policies and procedures
	<u>N.J.S.A.</u> 18A:35-22	Notice to parents that child identified as eligible for enrollment; option of declining enrollment; involvement of parents in program
	<u>N.J.A.C.</u> 6A:8-4.3	Accountability
	<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

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

Possible

Cross References: *1220 Ad hoc advisory committees

ROLE OF PARENTS/GUARDIANS (continued)

*1230	School-connected organizations
*1250	Visitors
*5113	Absences and excuses
*5114	Suspension and expulsion
*5120	Assessment of individual needs
*5124	Reporting to parents/guardians
*5125	Student records
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*6142.2	English as a second language; bilingual/bicultural
*6146	Graduation requirements
*6146.2	Promotion/retention
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*6171.3	At-risk and Title 1
*6171.4	Special education

Policy

ADMISSION

Eligibility

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

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

Proof of Eligibility

The board shall accept any of the forms of documentation that are listed in the administrative code when they are presented by persons attempting to demonstrate a student's eligibility for enrollment in the district. The board shall consider the totality of information and documentation offered by an applicant and may accept other forms of documentation or information presented by a person seeking to enroll a student.

The board shall not require or request any information or document protected from disclosure by law or pertaining to criteria that are not legitimate bases for determining eligibility to attend school.

ADMISSION (continued)

Pre-Kindergarten/ Three Year-Old

Any child residing in the district shall be admitted to the pre-kindergarten/ three-year-old provided:

- A. The child will have attained the age of three years on or before October 1 of that school year;
- B. Proof shall be furnished of immunization against the communicable diseases at the time of enrollment or such immunization shall be completed within 30 days from date of entry into the school;
- C. The child shall have been examined by either the school or a private physician, and the results shall be furnished to the school on the form provided.

Pre-Kindergarten/ Four Year-Old

Any child residing in the district shall be admitted to the pre-kindergarten/ four-year-old provided:

- A. The child will have attained the age of four years on or before October 1 of that school year;
- B. Proof shall be furnished of immunization against the communicable diseases at the time of enrollment or such immunization shall be completed within 30 days from date of entry into the school;
- C. The child shall have been examined by either the school or a private physician, and the results shall be furnished to the school on the form provided.

Kindergarten

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

- A. The child will have attained the age of five years on or before October 1 of that school year;
- B. Proof shall be furnished of immunization against the communicable diseases at the time of enrollment or such immunization shall be completed within 30 days from date of entry into the school;
- C. The child shall have been examined by either the school or a private physician, and the results shall be furnished to the school on the form provided.

Grade One

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

- A. The child will have attained the age of six years on or before October 1 of that school year;

ADMISSION (continued)

- B. He/she has been in the first grade in another public school;
- C. Proof has been furnished of immunization against communicable diseases.

Transfers Into Grades Two through 12

Students transferring into the district are expected to present copies of records from the previously attended school (or district) to aid in placement. Also required are proof of immunizations and proof of identity such as birth certificate, social security card, etc.

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

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

Joint Custody

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

Affidavit Students

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

Nonresidents

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

Students Returning from County Detention

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

Homeless Students

Each child of a homeless individual and each homeless youth shall have equal access to the same free, appropriate public education, including a public preschool education, as provided to other

ADMISSION (continued)

children and youths of this district. Homeless children and youths shall also have access to the education and other services that they need to ensure they have an opportunity to meet achievement standards of the New Jersey Student Learning Standards to which all students are held.

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

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

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

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Second Revision:	April 5, 2001
Third Revision:	June 25, 2009
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<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:7B-12	District of residence; determination
	<u>N.J.S.A.</u> 18A:7B-12.1	Homeless child; responsibility for education; of placement; payment of costs
determination	<u>N.J.S.A.</u> 18A:7C	Proficiency standards and assessment
	<u>N.J.S.A.</u> 18A:7C-12	Juvenile detention centers, transfer of credit
	<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and identification
	<u>N.J.S.A.</u> 18A:36-25.1	Proof of child's identity required for enrollment; record between districts
transfer of	<u>N.J.S.A.</u> 18A:38 et seq.	School attendance
	<u>N.J.S.A.</u> 18A:38-1	Attendance at school free of charge
	<u>N.J.S.A.</u> 18A:38-2	Free attendance at school by nonresidents placed in district under court order
	<u>N.J.S.A.</u> 18A:38-3	Admission for nonresidents; parent active duty
	<u>N.J.S.A.</u> 18A:38-4	Free attendance to persons over age
	<u>N.J.S.A.</u> 18A:38-5	Admission of students under age
	<u>N.J.S.A.</u> 18A:38-5.1	No child to be excluded from school because of race,
etc.		

ADMISSION (continued)

admission	<u>N.J.S.A.</u> 18A:38-6	Time of admission of students; first school year
	<u>N.J.S.A.</u> 18A:38-7.7	Legislative findings and declarations
	<u>N.J.S.A.</u> 18A:38-8	Duty to receive students from other districts
	<u>N.J.S.A.</u> 18A:38-25	Attendance required of children between six and 16; exceptions
	<u>N.J.S.A.</u> 18A:40-20	Immunization at public expense
	<u>N.J.S.A.</u> 18A:44-1	Establishment of preschool
	<u>N.J.S.A.</u> 18A:44-2	Establishment of kindergarten; eligibility for
	<u>N.J.S.A.</u> 26:1A-9.1	Exemption of students from mandatory immunization
	<u>N.J.S.A.</u> 26:4-6	Prohibiting attendance of teachers or students
	<u>N.J.A.C.</u> 6A:12-3.1	Choice district application procedures
Education	<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
	<u>N.J.A.C.</u> 6A:16-2.2	Required health services
	<u>N.J.A.C.</u> 6A:16-2.4	Required student health records
	<u>N.J.A.C.</u> 6A:17-1.1 <u>et seq.</u>	Students at Risk of Not Receiving a Public
	<u>N.J.A.C.</u> 6A:22-1.1 <u>et seq.</u>	Entitlement to Attend School Based on
Domicile or	<u>See particularly:</u>	Student Residency
	<u>N.J.A.C.</u> 6A:22-2.1, -3.1, 3.2, 3.3, 3.4	
	<u>N.J.A.C.</u> 6A:23A-19.2, -19.3	Method of determining the district of residence
	<u>N.J.A.C.</u> 6A:32-8.2	School enrollment
	<u>N.J.A.C.</u> 8:57	Communicable diseases
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 8:57-2	
	<u>N.J.A.C.</u> 8:61-1.1	Attendance at school by students or adults infected by Human Immuno-Deficiency Virus (HIV)
	<u>Tepper v. Board of Education of the Township Hackensack, Bergen County, 1971 S.L.D. 549</u>	
	<u>Every Student Succeeds Act of 2015</u> , Pub.L. 114-95, 20 <u>U.S.C.A.</u> 6301 <u>et seq.</u>	
	<u>Plyler v. Doe</u> , 457 <u>U.S.</u> 202 (1982)	
	<u>Plainfield Board of Education v. Cooperman</u> , 105 <u>NJ</u> 587 (1987)	
	<u>J.A. v. Board of Education of South Orange/Maplewood</u> , 318 <u>N.J. Super.</u> 512 (App.Div.1999)	

Possible Cross References:

*5118 Nonresidents

ADMISSION (continued)

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

ATTENDANCE, ABSENCES, AND EXCUSES

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

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

Attendance

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

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

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

A student shall be recorded as absent in the school register when not in attendance at a session, except for the following reasons:

- A. Religious observance as defined by law (N.J.A.C. 6A:32-8.3(h));
- B. A college visit (up to 3 days per school year, only for students in grades 11 and 12);

ATTENDANCE, ABSENCES AND EXCUSES (continued)

- C. “Take Our Children to Work Day” (pursuant to the [memo](#) issued by the Commissioner to all districts on April 25, 2017) or other rule issued by the Commissioner;
- D. Participation in observance of Veterans Day ([N.J.S.A. 18A:36-13.2](#)) or district board of election membership activities ([N.J.S.A. 18A: 36-33](#)); or
- E. The closure of a busing district that prevents a student from having transportation to the receiving school.

An excused absence for any reason other than those listed above shall not be counted as a day of attendance in the school register.

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

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

Excused and Unexcused Absence

- A. An absence shall be considered an “excused absence” for the purpose of determining promotion, retention, truancy, grades, course credit, eligibility to make up missed assignments and tests for full credit, and violations of the school code of conduct for attendance, for the following reasons (school district must select options):
 - 1. The student’s illness;
 - 2. Requirements of a student’s individual health care plan;
 - 3. A death or critical illness in the student’s immediate family, or of others with permission of principal;
 - 4. Quarantine;
 - 5. Observance of the student’s religion on a day approved for that purpose by the State Board of Education;
 - 6. The student’s suspension from school;
 - 7. Requirements of the student’s individualized education program (IEP);
 - 8. Alternate short or long term accommodations for students with disabilities;
 - 9. The student’s required attendance in court;
 - 10. Interviews with an admissions officer of an educational institution;
 - 11. Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day;
 - 12. Such good cause as may be acceptable to the principal.

ATTENDANCE, ABSENCES AND EXCUSES (continued)

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

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

1. Family travel;
2. Performance of household or babysitting duties;
3. Other daytime activities unrelated to the school program;
4. Leaving school without permission when school is still in session;
5. Leaving class because of illness and not reporting to the school nurse as directed; or
6. Being present in school but absent from class without approval. Such absence from class is a *class cut*.

Tardiness

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

Attendance and Instruction

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

"Chronic absenteeism" is defined in New Jersey's *ESSA* State Plan as the percentage of a school's students who are not present for 10 percent (18 days) or more of the days that they were in membership at a school.

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

ATTENDANCE, ABSENCES AND EXCUSES (continued)

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

A student must be in attendance for 171 of the 180-day school year (95%). In order to be considered to have successfully completed the instructional program requirements of the grade/course to which he/she is assigned, the student shall be allowed no more than a total of nine (9) absences.

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

In recommending the granting of a waiver of this attendance requirement, the review committee shall consider the nature and causes of all absences rather than only those in excess of the nine (9) days. Documentation of the nature and causes of these absences shall be the responsibility of the student and parent/guardian. The absence of documented parent/guardian notes, doctor's notes, and other records that verify that an absence was excused according to board policy, shall be considered unexcused. Unexcused absences shall count toward truancy and may be subject to loss of grade or course credit toward promotion or graduation and disciplinary actions according to the code of student conduct. Notes from parents/guardians shall be considered but the district may require additional documentation such as doctor's notes or other official records to verify the note.

Parents/guardians are responsible for notifying the school no later than 8:30 a.m. (7:30 a.m. for extended day programs) on the day when a child will be absent and for informing the school of the reason for the absence. A note from the parent(s)/guardian(s) of students under 18 years of age will be required on the day the student returns to school. Students 18 years old or older may write their own note explaining the reason for absence from school. The absence of a student without proper notification or written excuse shall be sufficient reason for a home inquiry by an attendance officer. The chief school administrator shall develop procedures for the attendance of students which:

- A. Ensure a school session which is in conformity with requirements of the rules of the State Board of Education;
- B. Identify potentially missing and/or abused students;
- C. Govern the keeping of attendance records in accordance with rules of the State Board of Education at N.J.A.C. 6A:32-8.1 et seq. including students serving in- or out-of-school suspensions, or excluded for health and cleanliness reasons (see: N.J.A.C. 6A:16-1.1 et seq.).

Procedures for Unexcused Absences

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

ATTENDANCE, ABSENCES AND EXCUSES (continued)

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

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

If at any time it is suspected that there is a potential of abuse, neglect, and/or a student is potentially missing the district shall implement all procedures required by law including reporting protocols, notification of parents/guardians and cooperation with law enforcement and other authorities and agencies, as appropriate.

Procedures for Persistent Absences

If a pattern of unexcused absences arises consisting of up to three absences in one semester the district shall schedule a meeting with the parents/guardians. The purpose of this meeting shall be to develop an action plan to assist the student to return to school and maintain regular attendance. The action plan shall be developed in coordination with the parent/guardian and may include the classroom teacher, school nurse, guidance counselor, principal, or other relevant staff.

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

- A. Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence prior to the start of the following school day;
- B. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents to address patterns of unexcused absences previously;
- C. Evaluate the appropriateness of action taken as identify in consultation with the student's parents;
- D. Develop an action plan to establish outcomes based upon the student's patterns of unexcused absences and to specify the interventions for supporting the student's return to school and regular attendance, which may include any or all of the following:

ATTENDANCE, ABSENCES AND EXCUSES (continued)

1. Refer or consult with the building's intervention and referral services team;
2. Conduct testing, assessments or evaluations of the student's academic, behavioral and health needs;
3. Consider an alternate educational placement;
4. Make a referral to or coordinate with a community-based social and health provider agency or other community resource;
5. Refer to the court or a court program as follows:
 - a. When the unexcused absences are determined to be violations of the compulsory education law and board policy;
 - b. When there is evidence of a juvenile-family crisis the student may be referred to Superior Court, Chancery Division, Family Part. "Juvenile-family crisis" pursuant to N.J.S.A. 2A:4A-22(g) means behavior, conduct or a condition of a juvenile, parent or guardian or other family member which presents or results in a threat to wellbeing and safety of the juvenile, serious conflict regarding the juvenile's conduct, unauthorized absence from home, pattern of unauthorized absence from school, or human trafficking;
6. The implementation of all required procedures for potential abuse, neglect or missing child including cooperation with law enforcement and other authorities and agencies, as appropriate;
7. Engage the student's family.

Discipline

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

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

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

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

ATTENDANCE, ABSENCES AND EXCUSES (continued)Truancy

For cumulative unexcused absences of ten (10) or more, the student between the ages of six (6) and sixteen (16) is truant, pursuant to law. The district shall:

- A. Make a determination regarding the need for a court referral for the truancy;
- B. Make a reasonable attempt to notify the student's parents of the referral;
- C. Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;
- D. Cooperate with law enforcement and other authorities and agencies, as appropriate;
- E. Follow all procedures required by N.J.S.A. 18A:38-28 through 31, Compelling Attendance at School and other applicable state and federal statutes as follows:
 1. An attendance officer who finds a truant child, shall take the child and deliver him/her to the parent/guardian or other person having charge and control of the child, or to the teacher of the school which such child is lawfully required to attend;
 2. The attendance officer shall examine into all violations and shall warn the child, the parent/guardian or other person having charge and control of the child of the consequences of the violation if persisted in;
 3. The attendance officer shall notify the parent/guardian or other person having charge and control of the child in writing, to cause the child to attend school within five days from the date on which notice is served, and regularly thereafter;
 4. The attendance officer shall have full police power to enforce the provisions of this article and may arrest without warrant any vagrant child or habitual truant or any child who is habitually incorrigible or who is vicious or immoral in conduct or illegally absent from school;
 5. The sheriff and his officers and all police officers and constables shall assist the attendance officer in the performance of their duties;
 6. A parent, guardian or other person having charge and control of a child between the ages of 6 and 16 years, who shall fail to comply with any of the provisions of this article relating to his duties, shall be deemed to be a disorderly person and shall be subject to a fine of not more than \$ 25.00 for a first offense and not more than \$ 100.00 for each subsequent offense, in the discretion of the court. In any such proceeding, the summons issuing therein, or in special circumstances a warrant, shall be directed to the alleged disorderly person and the child.

Unexcused Absences for Students in Special Education

For students with disabilities, the length of the school day and the academic year of programs must be at least as long as that established for nondisabled students (N.J.A.C. 6A:14-4.1(c)). The attendance guidelines, discipline and remedial measures set forth in this policy shall apply to classified students where appropriate and in accordance with the student's:

ATTENDANCE, ABSENCES AND EXCUSES (continued)

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

The IEP team may make a decision, based on the individual needs of the student, that the student is unable to attend school and should receive special education and related services in a different setting or manner, such as through home instruction, all or part of the time. The decision of the IEP team shall be included in the student's IEP. In such a case, the student should be marked as "present" in the Student Information System (SIS) when he or she is educated in the educational placement(s) set forth in his or her IEP.

District Sending and Receiving Relationships

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

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

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

Late Arrival and Early Dismissal

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

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

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

ATTENDANCE, ABSENCES AND EXCUSES (continued)

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

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

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

Legal Custody

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

Potentially Missing Children

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

Marking Missing Child's School Record

Whenever the chief school administrator receives notice from the Missing Persons Unit that a child has been reported missing, he/she shall mark the child's records in such a way that whenever a copy of or information regarding the record is requested, district personnel will be aware that the record is

ATTENDANCE, ABSENCES AND EXCUSES (continued)

that of a missing child. If a copy of a marked school record is requested, the chief school administrator shall supply the record to the requestor without alerting him/her to the fact that the record has been marked, according to provisions in code and statute on accessing student records (see policy 5125 Student Records). After the chief school administrator has complied with the request for copies of records or information, he/she shall immediately report the inquiry or any knowledge as to the whereabouts of the missing child to the Missing Persons Unit.

Regulations

The chief school administrator shall develop procedures for the attendance of students including:

- A. The expectations and consequences regarding students' timely arrival of students to school and classes;
- B. The expectations and consequences regarding attendance at school and classes;
- C. A definition of unexcused absence that counts toward truancy that is consistent with the definition of a school day;
- D. School staff responses for unexcused absences for:
 - 1. Cumulative absences up to four (4);
 - 2. Cumulative absences of between five (5) and nine (9);
 - 3. Cumulative unexcused absences of ten (10) or more; and
 - 4. Referral to court.

Dissemination and Implementation

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

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

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

Date:	November 13, 1986
Revised:	June 9, 1988
Revised:	August 8, 1991
Revised:	August 17, 2006
Revised:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
Revised:	June 24, 2010
First Reading:	June 10, 2010

ATTENDANCE, ABSENCES AND EXCUSES (continued)

Second Reading: June 24, 2010
 Revised: July 17, 2014
 First Reading: June 12, 2014
 Second Reading: July 17, 2014
 NJSBA Review/Update: December 2018
 Readopted: June 13, 2019
 Revised: **August 26, 2021**
 First Reading: July 15, 2021
 Second Reading: August 26, 2021

<u>Legal References:</u>	<p> <u>N.J.S.A.</u> 18A:11-1 General mandatory powers and duties <u>N.J.S.A.</u> 18A:35-4.9 Student promotion and remediation; policies and procedures <u>N.J.S.A.</u> 18A:36-13.2 Excused absence for certain pupils on Veterans Day <u>N.J.S.A.</u> 18A:36-14, -15, -16 Religious holidays; absence of students on; effect <u>N.J.S.A.</u> 18A:36-19a Newly enrolled students; records and identification <u>N.J.S.A.</u> 18A:36-24 through -26 Missing children; legislative findings and declarations <u>N.J.S.A.</u> 18A:36-33 Pupils serving as district board of election members, excused absence <u>N.J.S.A.</u> 18A:38-25 Attendance required of children between six and 16; exceptions <u>N.J.S.A.</u> 18A:38-26 Days when attendance required; exceptions <u>N.J.S.A.</u> 18A:38-27 Truancy and juvenile delinquency defined <u>N.J.S.A.</u> 18A:38-28 through -31 Compelling attendance at school <u>See particularly</u> <u>N.J.S.A.</u> 18A:38-31 Violations of article by parents or guardians; penalties <u>N.J.S.A.</u> 18A:38-32 District and county vocational school attendance officers <u>N.J.S.A.</u> 18A:40-7 Exclusion of students who are ill <u>N.J.S.A.</u> 18A:40-8 Exclusion of students whose presence is detrimental to health and cleanliness <u>N.J.S.A.</u> 18A:40-9 Failure of parent to remove cause for exclusion; penalty <u>N.J.S.A.</u> 18A:40-10 Exclusion of teachers and students exposed to disease <u>N.J.S.A.</u> 18A:40-11 Exclusion of students having communicable tuberculosis <u>N.J.S.A.</u> 18A:40-12 Closing schools during epidemic <u>N.J.S.A.</u> 18A:54-20 Powers of board (county vocational schools) <u>N.J.S.A.</u> 52:17B-9.8a through -9.8c Marking of missing child's school record <u>N.J.A.C.</u> 6A:8-5.1 Graduation requirements <u>N.J.A.C.</u> 6A:14-1 <u>et seq.</u> Special education <u>See particularly:</u> <u>N.J.A.C.</u> 6A:14-4.1(c) General requirements <u>N.J.A.C.</u> 6A:16-1 <u>et seq.</u> Programs to support student development <u>See particularly:</u> <u>N.J.A.C.</u> 6A:16-7.6 Attendance <u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u> Evaluation of the Performance of School Districts <u>N.J.A.C.</u> 6A:32-8.1 <u>et seq.</u> Student Attendance and Accounting </p>
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ATTENDANCE, ABSENCES AND EXCUSES (continued)N.J.A.C. 6A:32-8.3

Student attendance

N.J.A.C. 8:61-2.1

Attendance at school by students or adults with HIV infection

Wetherell v. Board of Education of Township of Burlington, 1978 S.L.D. 794 (Board may impose penalties for unjustifiable tardiness, improper absences from classes, truancy, and other unexcused absences)

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

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

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

www.nj.gov/education/students/safety/behavior/attendance/checklist.pdf

Commissioner memo on "Take Our Children to Work Day," April 25, 2017 at:

<https://www.nj.gov/education/broadcasts/2017/APR/25/16343/Instructions%20for%20Recording%20Attendance%20of%20Students%20Who%20Take%20Part%20in%20Take%20Our%20Children%20to%20Work%20Day.pdf>

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

PossibleCross References:

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

SUSPENSION AND EXPULSION

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

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

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

SUSPENSION AND EXPULSION (continued)

- O. Use of profanity or abusive language;
- P. Turning in a false alarm;
- Q. Tampering with or damaging property of other students or staff members;
- R. Selling or buying lottery tickets or any other gambling paraphernalia on school property;
- S. Harassment, intimidation and bullying.

Any student who commits an assault (as defined by N.J.S.A. 2C:12-1) with or without a weapon upon a board member, teacher, administrator or other employee of the board of education shall be suspended from school immediately according to procedural due process, and suspension or expulsion proceedings shall begin no later than 30 calendar days from the date of the student's suspension.

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

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

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

In-school Suspension

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

General

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

SUSPENSION AND EXPULSION (continued)

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

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

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

Making up Missed Work

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

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

Procedures

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

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

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

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

When the chief school administrator imposes a suspension, he/she must report it to the board. No suspension for reasons other than assault upon a teacher, administrator, board member or other board employee may continue beyond the second regular meeting of the board following the suspension without board action. No suspension for assault upon a teacher, administrator, board member or

SUSPENSION AND EXPULSION (continued)

other board employee may be continued beyond 30 days without board action. A suspended student may be reinstated by the chief school administrator before board action.

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

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

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

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

Expulsion

The board will consider expulsion only if:

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

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

The child shall remain out of school until either:

- A. An appeal made to the chief school administrator is decided in the child's favor; or

SUSPENSION AND EXPULSION (continued)

- B. The appeal (if made) has been denied and the board has met to hear the chief school administrator's recommendation.

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

The student must receive:

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

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

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

Implementation (see: board policy 5131 Conduct and Discipline)

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

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

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

Date:	November 13, 1986
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SUSPENSION AND EXPULSION (continued)

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 Revised: June 30, 2011
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 Second Reading: June 30, 2011
 Revised: September 22, 2016
 First Reading: July 21, 2016
 Second Reading: September 22, 2016
 NJSBA Review/Update: December 2018
 Readopted: June 13, 2019

Legal References: N.J.S.A. 2C:12-1 Definition of assault
N.J.A.C. 2C:39-1(f) Definition of firearm
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:37-1 et seq. Discipline of students
See particularly:
N.J.S.A. 18A:37-2.1
 through -2.5, 18A:37-7
 through -12
N.J.S.A. 18A:37-13 et seq. Harassment, intimidation and bullying
N.J.S.A. 18A:40A-1 et seq. Substance abuse
See particularly:
N.J.S.A. 18A:40A-9, -10,
 -11, -12
N.J.S.A. 18A:54-20 Zero Tolerance for Guns Act
N.J.A.C. 6A:14-2.8 Powers of board (county vocational schools)
N.J.A.C. 6A:16-1.1 et seq. Discipline/suspension/expulsions
See particularly: Programs to Support Student Development
N.J.A.C. 6A:16-1.3, -4.3,
 -5.1, -5.5, -5.6, -5.7, 7.1
N.J.A.C. 6A:16-7.2 Short-term suspension
N.J.A.C. 6A:16-7.3 Long-term suspension
N.J.A.C. 6A:16-7.4 Expulsion
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
 18 U.S.C.A. 921, Definition of firearm
 20 U.S.C.A. 1400 et seq. - Section 504 of the Rehabilitation Act of 1973
 P.L. 103-382, Improving America's Schools Act of 1994
Goss v. Lopez, 419 U.S. 565, 581 (1975)
Tibbs v. Franklin Township Board of Education, 114 N.J. Super. 287 (App. Div.) aff'd
 59 NJ 506 (1971)
R.R. v. Shore Reg. Board of Education, 109 N.J. Super. 337 (Ch. Div. 1970)

SUSPENSION AND EXPULSION (continued)

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

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

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

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

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

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

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

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

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

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

Possible

Cross References:

*5113	Absences and excuses
*5124	Reporting to parents/guardians
*5131	Conduct/discipline
*5131.1	Harassment, intimidation and bullying
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
*6154	Homework/makeup work
*6164.2	Guidance services
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs
*6173	Home instruction

NOTIFICATION LETTER – SHORT-TERM SUSPENSION

Date:

Dear Parent/Guardian/Adult Student,

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

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

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

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

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

If you have any questions please contact me.

Sincerely,

Principal, _____ School
Phone
Email

PARENT NOTIFICATION (exhibit continued)

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

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

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

DUE PROCESS NOTIFICATION LETTER – LONG-TERM SUSPENSION

Date:

Dear Parent/Guardian/Adult Student,

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

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

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

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

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

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

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

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

The following individuals shall be witnesses at the board hearing:

- 1. Name, title*

PARENT NOTIFICATION (exhibit continued)2. *Name, title*

Your child is entitled to the following:

1. *The right to impartial officials – no official hearing the case can be involved in the incident;*
2. *The right to a translator (if needed);*
3. *The right to comparable educational services no later than 5 days after the student has left the education program;*
4. *The right to be notified of the charges against him/her;*
5. *The list of witnesses and their statements 5 days prior to the formal hearing;*
6. *The right to have an attorney present and available legal resources in the community;*
7. *The right to the names of the witnesses;*
8. *The right to copies of the statements and affidavits of those witnesses;*
9. *The right to be heard in his/her own defense;*
10. *The right to present witnesses and evidence in his/her own defense;*
11. *The right to the opportunity to cross-examine witnesses; and*
12. *The right to appeal the board's decision in writing to the:*

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

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

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

 (Principal/Chief School Administrator Signature)

 (Date)

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

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

PARENT NOTIFICATION (exhibit continued)

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

(Parent/Guardian Signature)

(Date)

(Student Signature)

(Date)

SUSPENSION AND EXPULSION

GENERAL STATEMENT

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

STAFF RESPONSIBLE

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

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

SUSPENSION AND EXPULSION (regulation continued)**DEFINITIONS**

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

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

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

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

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

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

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

- A. Be conducted by the board or it may be delegated by the board to a board committee, a school administrator, or an impartial hearing officer for the purpose of determining facts or making recommendations. Before taking final action, the board as a whole shall receive and consider either a transcript or detailed report on the hearing;
- B. Include an opportunity for the student to confront and cross-examine witnesses if there is a question of fact and present his or her own defense, and produce oral testimony or written supporting affidavits;
- C. Take place no later than 30 calendar days following the day the student is suspended from the general education program; and

SUSPENSION AND EXPULSION (regulation continued)

- D. Result in the district board of education's decision that shall be based, at a minimum, on the preponderance of evidence, which means that the board shall determine which facts are more likely to have happened than not.

PROCEDURESProcedures for Suspension of Classified Students

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

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

1. The removal is for more than ten consecutive school days; or
2. Separate removals constitute a pattern of removal because they cumulatively amount to more than ten school days in a school year. In determining whether a pattern of removal exists, consideration should be given to similarities among the following factors:
 - a. The length of each removal;
 - b. The total amount of time the student has been removed;
 - c. The proximity of the removals to one another;
 - d. The similarity of conduct necessitating removal;
 - e. Factors precipitating the conduct;
 - f. The building principal/designee must consult with the case manager in determining whether a pattern of removals exists. If a pattern is found to exist, the removals constitute

SUSPENSION AND EXPULSION (regulation continued)

a change-in-placement. The director of special education services should also be consulted as to the determination.

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

4. Manifestation Determination

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

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

5. Manifestation Found

SUSPENSION AND EXPULSION (regulation continued)

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

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

6. Manifestation Not Found

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

Special Circumstances for Classified Students

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

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

SUSPENSION AND EXPULSION (regulation continued)

- F. Where the IEP believes that maintaining a student with a disability in his or her current educational placement is substantially likely to result in injury to the student, or to others, the district may request a hearing before the Commissioner to change the child's placement. In such cases, the director of special education shall consult with the building principal and superintendent in determining to seek a change in placement.

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

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

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

- A. Provide an informal hearing before the suspension, conducted by the building principal/designee. The informal hearing shall include the following:
1. A description of behaviors alleged to warrant suspension, including verbal or written notice of the alleged violations of school rules and if those allegations are denied, an explanation of the underlying evidence. Notice of the allegations may be prior to or concurrent with the informal hearing;
 2. A copy of the applicable provisions of the board approved code of student conduct. Those provisions must include, but are not limited to, the age-appropriate behavioral expectations, as well as disciplinary consequences that are graded according to the severity of the offense, developmental age of the student, and any prior disciplinary history.
 3. An opportunity to respond to the allegations, including statements in defense, explanation, or mitigation;
 4. During the informal hearing, the student is not entitled to representation through counsel, nor through a parent/guardian, nor is the student entitled to call or cross-examine witnesses. The administrator/designee conducting the informal hearing may exercise discretion with regard to speaking to witnesses and investigating the allegations. In all cases, any disciplinary recommendation must be based on objective factual determinations, even if those determinations are reasonably debatable, meaning that the administrator/designee's factual determinations shall not be deemed invalid just because reasonable minds disagree. No disciplinary recommendation may be based in discrimination prohibited by state or federal statute or regulation.
 5. Where a student's conduct poses a continuing danger to persons or property or the student's conduct presents an ongoing threat of disrupting the educational process, the building principal may remove the student immediately and convene the informal hearing as soon as practical thereafter.
- B. The building principal/designee shall ensure that the informal hearing is conducted by a school administrator who has been trained in the conduct of student disciplinary hearings.

SUSPENSION AND EXPULSION (regulation continued)

- C. The building principal shall immediately notify the chief school administrator, in writing, of any suspension along with the reasons for the suspension and the terms and conditions imposed upon the student. The chief school administrator shall ensure that the suspension is reported to the board of education at the next regular meeting following the suspension.
- D. The building principal/designee shall provide oral or written notification to the parents/guardians, of student's suspension (adequate supervision shall be provided while the student awaits the parent/guardian). Such notice shall be provided to the students upon discharge of the student to the parent/guardian and shall include:
 - 1. The specific charges;
 - 2. The facts on which the charges are based;
 - 3. The provision(s) of the code of student conduct the student is accused of violating;
 - 4. The student's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and this section; and
 - 5. The terms and conditions of the suspension.
- E. The building principal/designee shall notify the student's teacher(s) in writing of the period of suspension and shall ensure that academic instruction consistent with the student's current coursework is provided on or before the fifth day of suspension.
- F. At the completion of the suspension period, the student shall return to the program from which they were suspended. The student shall be responsible for turning in all assigned coursework upon his or her return.
- G. The building principal/designee shall have discretion to convene a re-entry meeting to ensure that the student is prepared to return to his or her educational program. Where the building principal/designee has reason to believe that the student is not ready to return to the educational program, such belief and the reasons therefore shall be documented in the student's disciplinary file and the building principal/designee shall consider intervention and referral services (I&RS team).
- H. The chief school administrator/designee shall document in writing the date of each of the above steps with a brief description recording the circumstances surrounding each step. Such documentation shall be maintained in the student's disciplinary file.
- I. The chief school administrator/designee shall provide notice of each short-term suspension and the student's return to the board of education at the next regular meeting. The building principal/designee shall have discretion to reinstate the student prior to the completion of the short-term suspension.
- J. Any student may appeal a short-term suspension from the general education program, based upon a removal for assault upon a teacher, administrator, board member, district employee, or another student, with a weapon, on school property, at a school function, or on a school bus, to the board of education. In all other cases involving removal from the general education program, an appeal may be filed before the Commissioner of Education pursuant to N.J.A.C. 6A:3-1.3 through 1.17. A student with a disability retains the due process protections contained in N.J.A.C. 6A:14.

SUSPENSION AND EXPULSION (regulation continued)

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

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

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

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

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

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

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

SUSPENSION AND EXPULSION (regulation continued)Procedures for Long-term Suspension – Board Responsibilities

- A. The board shall conduct a formal hearing on or before the second regular board meeting following the student's suspension. At this hearing, the board may reinstate the student, or affirm, continue, or modify the suspension.
- B. The board may refer the hearing to a board student disciplinary committee, a school administrator, or an impartial hearing officer for the purpose of determining facts or making recommendations. Before taking final action, the full board shall receive and consider either a transcript of the hearing or a detailed report on the hearing.
 - 1. Where the board determines to continue the suspension, such determination shall be based on the following criteria:
 - a. The nature and severity of the offense;
 - b. The board's removal decision or administrative recommendation as appropriate;
 - c. The results of relevant testing, assessments, or evaluations of the student; and
 - d. The recommendation of the chief school administrator, after considering input from the principal or director of the alternative education program or home or other in-school or out-of-school instruction program in which the student has been placed.
 - 2. In each instance where the board has determined to continue a suspension, at each subsequent meeting, the board shall consult with the chief school administrator to determine:
 - a. The status of the student's suspension;
 - b. The appropriateness of the suspended student's current educational program; and
 - c. Whether the suspended student's disciplinary placement should continue or whether the student should return to the general education program.
- C. Where the student has not been reinstated pursuant to administrative or board action, the board shall approve an appropriate educational program for the student based on the following:
 - 1. A behavioral evaluation, including referral to the child study team;
 - 2. Results of relevant testing and assessment;
 - 3. Academic, health and behavioral records;
 - 4. Chief school administrator and other relevant staff recommendations;
 - 5. Parental input;
 - 6. Consultation with intervention and referral services (I&RS) team.
- D. The formal hearing shall provide an opportunity for the student to:
 - 1. Present a defense/explain their side of the story;
 - 2. Present witnesses;
 - 3. Present signed statements by witnesses;
 - 4. Face and question school witnesses on questions of fact. The board has no authority to determine the constitutionality of any statute.

SUSPENSION AND EXPULSION (regulation continued)

- E. After the conclusion of the hearing the board shall notify the parent in writing of the decision within 5 days. The board's determination shall be based on a more likely than not standard, meaning that the board may find a fact to be true if its probability of occurrence is more likely than not. Notification shall include:
1. The charges considered;
 2. Summary of all the evidence;
 3. Factual findings for each charge;
 4. Identification of educational services to be provided;
 5. Terms and conditions of the long-term suspension;
 6. Notice of the right to appeal to the commissioner of education within 90 days.
- F. In establishing a long-term suspension the board shall consider:
1. Nature and severity of the offense;
 2. The removal decision;
 3. Test results;
 4. Recommendation of the chief school administrator and other relevant staff.
- G. The board shall have discretion to reinstate the student to his or her educational program prior to the expiration of the suspension period. If the board continues the suspension, it shall review the case at each board meeting following that determination. The review shall include:
1. The status of the suspension;
 2. The educational services provided;
 3. Whether services shall be continued, adjusted or the student returned to general education;
 4. If expulsion should be considered.
- H. When determining to continue a student's suspension, the board shall make a final determination on:
1. When the student is prepared to return to the general education program;
 2. Whether the student will remain in an alternative education program or receive home or other in- or out-of-school instruction, based on the board's approval of the student's educational program, the criteria set forth in (C)1 through 6 above; or
 3. Whether to initiate expulsion proceedings in accordance with board policy and this regulation and law (N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.4).
- I. Appropriate educational services shall be provided to suspended students until the student graduates from high school or reaches the age of 20, whichever comes first.

Procedures for Expulsion

- A. Expulsion may only be considered:
1. After a long-term suspension, including all due process rights;
 2. After the provision of appropriate educational services;

SUSPENSION AND EXPULSION (regulation continued)

- B. A formal hearing shall be provided by the board according to the procedures for notification and hearings detailed under long-term suspension.
- C. The student shall be entitled to comparable educational services through the conclusion of any appeal to the commissioner of education.

Mandatory Removal from School

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

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

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

REGULATION HISTORY

Date:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
Revised:	June 30, 2011
First Reading:	June 9, 2011
Second Reading:	June 30, 2011
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

CROSS REFERENCES

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

SUSPENSION AND EXPULSION (regulation continued)

- 5131.6 Substance Abuse, Regulation
- 5131.7 Weapons and Dangerous Instruments

EXHIBITS

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

PRIMARY RESOURCES

- 1 Administration and Board Action Chart

SCHOOL ATTENDANCE AREAS

The chief school administrator shall establish and the board approves the areas within the district in which students will attend a given school. Attendance lines shall take into consideration the number of pupils in an area in relation to the relative capacities of the schools, the equalization of enrollments in classrooms, transportation facilities and demographic factors.

Principals shall be responsible for enforcing attendance lines in accordance with the designated school boundaries. However, the chief school administrator is authorized to make exceptions for individuals when such exception is made in the best interests of the student and/or the school.

A parent/guardian of twins or higher order multiples enrolled in the same kindergarten through eighth (8th) grade level at the same school may request, in writing, the children be placed in the same classroom or in separate classrooms. The principal shall make the classroom placement requested (N.J.S.A. 18A:36-38.a1).

The written request must be submitted to the principal no later than fourteen (14) days after the first (1st) day of each school year. Parents of twins or higher order multiples enrolling after the school year commences shall request the classroom placement in writing no later than fourteen (14) days after the first (1st) day of attendance.

A principal may, after consultation with the students' parent and teachers at the end of the initial grading period, request the board make a different classroom placement determination for the twins or higher order multiples if the initial classroom placement is determined to be disruptive to any of the students in the class or classes, or if the principal concludes the initial placement does not sufficiently support the students' academic or social development. Upon receiving such request, the board shall make a final classroom placement determination (N.J.S.A. 18A:36-38.2b).

"Higher order multiples" means triplets, quadruplets, quintuplets, or larger group siblings born at one birth.

In the event one of the twins or higher order multiples receives special education services, the requested placement shall not be accommodated if the placement is inconsistent with a student's individualized education program.

Date:	November 13, 1986
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Second Reading:	June 25, 2009
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

Legal References: N.J.S.A. 18A:36-38 et seq. Classroom placement of twins and higher order multiples
N.J.A.C. 6A:7-1.7 Equity in school and classroom practices

SCHOOL ATTENDANCE AREAS (continued)N.J.A.C. 6A:32-10.5 Student assignment and credit**Possible****Cross References:** *5111 Admission
 *5118 Nonresidents
 *5119 Transfers
 *5120 Assessment of individual needs
 *6171.4 Special education
 *6178 Early childhood education/preschool

Policy

NONRESIDENTS

The Elizabeth Board of Education shall operate the schools of this district for the benefit of all children resident in the district and such others as may be admitted, pursuant to statute and policy of the board. The board reserves the right to verify the residency of any student and the validity of any affidavit of guardianship. Documentation required to prove eligibility to attend the schools of this district shall be in accord with policy 5111 Admission and the administrative code.

Future Residents

A child otherwise eligible for attendance whose parent/guardian has signed a contract to buy, build or rent a residence in this district shall be enrolled for a period not to exceed ten (10) days previous to the anticipated date of residency without tuition charges. If the child has not become a resident of the district by the end of the period of free attendance, tuition shall be required for the remainder of the time until residency is established.

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

Former Residents

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

Children of Nonresident Staff Members

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

Foreign Exchange Students

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

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

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

NONRESIDENTS (continued)

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

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

Victims of Domestic Violence

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

Homeless Students

The district will determine the educational placement of homeless students in each child's best interest and respond to appeals concerning them made by parents/guardians or other parties in accordance with New Jersey statutes and administrative code, as well as pertinent federal law. The district will designate a "homeless student liaison" to help the homeless student enroll in school, make sure that the homeless student is enrolled and attending school, and see that the district meets federal and state requirements for educating homeless students.

Other Nonresident Students

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

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

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

NONRESIDENTS (continued)

transporting the child.

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

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

The board shall annually determine tuition rates for nonresident students.

Date: November 13, 1986
 Revised: June 25, 2009
 First Reading: June 11, 2009
 Second Reading: June 25, 2009
 Second Revision: June 24, 2010
 First Reading: June 10, 2010
 Second Reading: June 24, 2010
 NJSBA Review/Update: December 2018
 Readopted: June 13, 2019

Legal References:

N.J.S.A. 18A:7F-45
N.J.S.A. 18A:11-1
N.J.S.A. 18A:36B-14 et seq.

N.J.S.A. 18A:38-1 et seq.
See particularly:
N.J.S.A. 18A:38-1.1, 38-2, 38-3, 38-8,
 38-9

N.J.S.A. 18A:46-20

N.J.S.A. 18A:54-20
N.J.A.C. 6A:12-1.3 et seq.
N.J.A.C. 6A:17-1.1 et seq.

N.J.A.C. 6A:22
See particularly:
N.J.A.C. 6A:22-3
N.J.A.C. 6A:22-3.1
N.J.A.C. 6A:23A-19.2

N.J.A.C. 6A:23A-19.3

Definitions

General mandatory powers and duties
Interdistrict Public School Choice Program
Act of 1999

Attendance at school free of charge

Receiving students from outside district;
 establishment of facilities
 Powers of board (county vocational schools)
 Interdistrict Public School Choice
 Education for homeless children and
 students in state facilities
 Student residency

Eligibility to attend school
 Students domiciled within the school district
 Method of determining the district of
 residence
 Address submission for determining the
 district of residence

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

Board of Education of the Borough of Englewood Cliffs v. Board of Education of the City of Englewood, 132 NJ 327; cert. denied, 510 U.S. 991 (1993); subsequent listing

NONRESIDENTS (continued)

333 N.J. Super. (App. Div. 2000)

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

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

Possible

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

FOSTER CARE AND EDUCATIONAL STABILITY

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

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

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

Roles and Responsibilities

- A. The chief school administrator shall ensure that ongoing communication and collaboration with the Department of Children and Families (DCF) is maintained to support the following goals:
 - 1. Children remain in their current school when it is determined that it is in their best interest, and to the extent feasible and appropriate, the children remain in their current school while this determination is being made by DCF;
 - 2. Children enter school ready to learn;

FOSTER CARE AND EDUCATIONAL STABILITY (continued)

3. Children receive supports and services to participate in all aspects of school and to prevent school dropout, truancy, and disciplinary actions;
 4. Children are engaged in their education, are empowered to advocate for their educational needs and pursuits, and receive supports and services to ensure a successful transition into adulthood;
 5. Children with disabilities are located, identified and evaluated for eligibility for special education and section 504 services and, if eligible, shall receive services in accordance with their IEP or section 504 plan;
 6. DCF and the district collaborate to support and improve the well-being of children.
- B. DCP&P employees shall have access to student records, including those that are relevant to current and ongoing child welfare investigations. It is not required to have the written consent of the parent or adult student, or a court order, to release student records to DCP&P or other representatives of a State or local child welfare agency pursuant to P.L. 112-278, S.2, the Uninterrupted Scholars Act;
- C. The chief school administrator shall designate at least one school district liaison to act as the primary contact person between the schools in the district and child welfare authorities with regard to general information sharing, the development of mutual training and other cooperative efforts (N.J.A.C. 6A:16-11.1(a)6). The responsibilities of the district liaison may include:
1. Facilitating school registration, placement, educational planning, support services, collaboration and problem resolution that may include but are not limited to:
 - a. Healthcare planning (see policies 5141 Student Health and 5141.21 Administration of Medication);
 - b. Child study team referral and assessment;
 - c. Intervention and referral services as necessary and appropriate;
 - d. Ensuring continuity of individualized education program (IEP) as appropriate;
 2. Serving as the point person for communication, collaboration, information sharing and resource identification;
 3. Acquiring knowledge about outside systems and resources, which may require attendance at cross-trainings offered at state and local levels;
 4. Overseeing district staff's implementation of the Interagency Guidance Manual with DCF staff and the local memorandum of agreement (MOA) if developed;
 5. Participating in turnkey county-offered trainings and activities that foster collaboration, communication and problem resolution between the education and child welfare communities; and
 6. Coordinating with DCP&P to provide the required training of school district employees, volunteers and interns (N.J.A.C. 6A:16-11.1(a)8).

District of Residence and Tuition

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

FOSTER CARE AND EDUCATIONAL STABILITY (continued)

residence must make transportation arrangements for the child. The district of residence shall bear the cost of providing the transportation.

A. Placement in a resource family home:

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

B. Placement in residential State facilities

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

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

Transportation

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

FOSTER CARE AND EDUCATIONAL STABILITY (continued)

shall arrange for transportation services in consultation with the school district of residence.
The school district of residence shall be responsible for the cost of transportation.

Transferring Student Records

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

Implementation

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

NJSBA Review/Update: December 2018
Adopted June 13, 2019

<u>Legal References:</u>	<u>N.J.S.A. 18A:7B-12</u>	Determination of district of residence
	<u>N.J.S.A. 18A:7F-24</u>	Submission of budget for educational programs in State facilities
	<u>N.J.S.A. 18A:7F-43 et seq.</u>	School Funding Reform Act of 2008
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:7F-49</u>	Determination of base per student amount; grade level weights
	<u>N.J.S.A. 18A:36-19a.</u>	Student records
	<u>N.J.S.A. 18A:36-25.1</u>	Certified copy of birth certificate required for enrollment in school, records
	<u>N.J.S.A. 18A:39-1 et seq.</u>	Transportation to and from schools
	<u>N.J.S.A. 30:4C-26</u>	Placing child in resource family home or institution
	<u>N.J.S.A. 30:4C-26b</u>	Child in resource family home, determination of school placement
	<u>N.J.A.C. 6A:8-4.3</u>	Accountability
	<u>N.J.A.C. 6A:14-1 et seq.</u>	Special education
	<u>See particularly:</u>	
	<u>N.J.A.C. 6A:14-2.2</u>	Surrogate parents, wards of the State and foster parents
	<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to Support Student Development
	<u>See particularly:</u>	
	<u>N.J.A.C. 6A:16-8.1</u>	Establishment of intervention and referral services
	<u>N.J.A.C. 6A:16-11.1</u>	Reporting potentially missing , abused or neglected children and attempted or completed suicide
	<u>N.J.A.C. 6A:22-3.4</u>	Proof of eligibility
	<u>N.J.A.C. 6A:22-4.1</u>	Registration forms and procedures for initial assessment and enrollment
	<u>N.J.A.C. 6A:23A-17.1</u>	Method of determining tuition rates for regular public schools

FOSTER CARE AND EDUCATIONAL STABILITY (continued)

N.J.A.C. 6A:32-7.1 et seq. Student records

See particularly:

N.J.A.C. 6A:32-7.5 Access to student records

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

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

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

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

Improving the Educational Outcomes of Children in Out-of-Home Placements: An Interagency Guidance Manual; The New Jersey Department of Children and Families, 2013.

Located at:

<http://www.nj.gov/education/students/safety/edservices/stability/outcomes.pdf>

Possible

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

FOSTER CARE AND EDUCATIONAL STABILITY

GENERAL STATEMENT

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

STAFF RESPONSIBLE

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

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

DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PROCEDURES

Collaboration and Communication

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

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

Best Interest Determination

- A. When a child is placed in foster care including a resource family home or other out-of-home placement, DCP&P has five business days to make an assessment to determine if remaining in the district is in the child’s best interest, and during this assessment the child shall remain in the school that he/she is currently attending;
- B. The liaison shall remain in contact with DCP&P to an extent that is practical and follow-up with DCP&P no later than the five business day time period to ascertain the determination;

- C. The liaison shall notify the counseling staff, who may arrange supportive services such as counseling, resource information and other assistance the student may need;
- D. If DCP&P indicates that the student may be transferred to another district, the liaison shall begin overseeing the preparations for the transfer of the student's records. No records shall however, be transferred until DCP&P gives the district the official determination.

Remaining in the District

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

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

Transferring into the District

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

- A. The liaison, in collaboration with the DCP&P case worker, shall facilitate the child's registration into the school district. Required documents for registration are limited to:
 - 1. Foster/Resource Family Parent Identification letter or other agency letter pursuant to N.J.A.C. 6A:22-4.1;
 - 2. Caregiver proof of residency. The district must accept, as proof of a child's address, any combination of documents that establish residency, including deeds, leases, mortgages, utility bills or other documents (N.J.A.C. 6A:22-3.4).
- B. A child has the right to attend school. The district shall not delay or deny attendance based on its non-receipt of:
 - 1. A certified copy of the child's birth certificate or other proof of identity. This is required within 30 days of initial enrollment (N.J.A.C. 6A:22-4.1(g); N.J.S.A. 18A:36-25.1);
 - 2. Medical information, although attendance at school may be deferred while awaiting immunization records (N.J.A.C. 6A:22-4.1(h); N.J.A.C. 8:57-4);
 - 3. The child's prior educational record pursuant to N.J.A.C. 6A:22-4.1(i).

- C. The liaison, in collaboration with the DCP&P case worker, shall follow-up by contacting the district of previous attendance to ensure that the transfer of records from the school of previous attendance is being processed and to verify when the records will be sent;
- D. The liaison, in conjunction with the DCP&P case manager, shall collect the necessary signed consent to release documentation so that staff members from the school of previous attendance and other relevant service providers may be consulted regarding continuity of the student's educational program. This may include the student's health, special education, social and emotional needs and other information necessary to assist with a smooth transition to the district;
- E. The liaison, in collaboration with the DCP&P case worker, shall ensure that the child is referred for intervention and referral services (I&RS) to assist when the child is experiencing learning, behavior or health difficulties (see board policy 6164.1 Intervention and Referral Services). The I&RS team shall collaborate with district liaison and the DCP&P case worker to identify out-of-school interventions when appropriate;
- F. The liaison, in collaboration with the DCP&P case worker, and the school nurse shall make provisions for the health care needs of the student including, but not limited to, disseminating the appropriate notices and information to pertinent staff members regarding allergies, provisions of the individualized health care plan and the administration of medication and emergency medication as appropriate;
- G. If I&RS is provided for children receiving special education, the services shall be coordinated with the child's IEP team, as appropriate (N.J.A.C. 6A:16-8.1) and according to board policy 6171.4 Special Education;
- H. Appropriate instruction shall be provided to children performing below established standards of proficiency to improve their performance (N.J.A.C. 6A:8-4.3(c) and board policy 6171.1 Remedial Instruction);
- I. The liaison shall work with the DCP&P case worker and the appropriate district staff to locate and identify children with disabilities to ensure that children with suspected educational disabilities are evaluated, and to ensure that there are no interruptions in special education and related services. Within 30 days, the district shall either adopt the current IEP or conduct all necessary assessments and develop and implement a new IEP for the student (board policy 6171.4 Special Education and N.J.A.C. 6A:14-4.1(g));
- J. Schools identified as priority and focus schools will work with the Regional Achievement Centers to determine which interventions will be used pursuant to the approved Elementary and Secondary Education Act (ESEA) flexibility waiver;
- K. The liaison, or his or her designee, shall contact the caregiver with district website information and written materials clearly identifying any and all available student support services such as tutoring, summer school, homework help and after school programs;
- L. The liaison, or his or her designee, may offer training to parents and caregivers/caregiver agencies on how to participate in and support the education of children in their care.

- M. Upon enrollment, the liaison or his or her designee shall make a reasonable effort to ascertain the child's past involvement in extracurricular activities and current interests to match the child with available programs, activities, etc.;
- N. Within the first two weeks of enrollment, a list of programs, services, planned events, and extracurricular activities shall be distributed to the child and their parents/caregivers.

Transfer of Records

Records shall be transferred according to the following guidelines:

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

District of Residence

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

- A. Placement in a resource family home:
 - 1. When a child was placed in a resource family home prior to September 9, 2010, the district of residence shall be the district in which the resource family parents reside. If such a child in a resource family home is subsequently placed in a State facility or by a State agency, the district of residence of the child shall then be determined as if no such resource family placement had occurred;

2. When a child was or is placed in a resource family home on or after September 9, 2010, the district of residence shall be the present district of residence of the parent or guardian with whom the child lived prior to the most recent placement in a resource family home.

B. Placement in residential State facilities

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

Tuition

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

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

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

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

Transportation

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

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

REGULATION HISTORY

NJSBA Review/Update: December 2018
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CROSS REFERENCES

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

TRANSFERS

General

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

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

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

Intradistrict Transfers

When a school in the district is identified for comprehensive support and improvement as defined by the New Jersey Department of Education, parents/guardians shall be informed of options for students in that school. This may include the option of transferring to another school in the district. Notices to parents/guardians shall list the possible accepting schools and describe information on their performance. Only schools that have achieved adequate yearly progress shall be included on the list.

The lowest-achieving students from the lowest-income families, as identified through federal free or reduced-price lunch statistics, shall be given priority in transferring.

Funding of transportation shall not exceed the limits described in Every Student Succeeds Act of 2015. Students may remain in the school into which they have transferred until they have completed the highest grade in that school.

Unsafe School Choice Option

If a school in the district is identified as “persistently dangerous” by the State Department of Education, all students in that school shall be offered on a space available basis the option of transferring into another school in the district that has not been so designated. Parents/guardians shall be notified within 15 calendar days after the district is notified of the school’s status, and all transfers shall be completed by the beginning of the school year following. To the extent possible, transfers shall be into schools in the district that are making adequate yearly progress. Students may remain in the school into which they have transferred until the school of origin is no longer identified as “persistently dangerous.”

In addition, any student who becomes a victim of a violent criminal offense while in school or on school grounds shall be offered the option of transferring into a safe school within the district. The

TRANSFERS (continued)

student shall be given the option within 10 days of the incident, and the transfer shall occur within 30 days of determination that the student was a victim. Applicable definitions and criminal offenses shall be as listed in the statewide policy.

Transportation shall not be provided to students transferring out of “persistently dangerous” schools and student victims of violent criminal offenses.

If the board cannot offer a safe school alternative within the district to students choosing to transfer out of a “persistently dangerous” school or to a student who has been a victim of a violent criminal offense, the chief school administrator shall attempt to establish an agreement with a neighboring district. The board shall review and approve any agreement prior to its application.

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

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<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:7B-12	District of residence; determination
	<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and identification
	<u>N.J.S.A.</u> 18A:36-25.1	Proof of child’s identity required for enrollment; transfer of record between districts
	<u>N.J.S.A.</u> 18A:36B-1 <u>et seq.</u>	<u>Interdistrict Public School Choice Program Act of 1999</u>
	<u>N.J.S.A.</u> 18A:38-8	Duty to receive students from other districts
	<u>N.J.A.C.</u> 6A:12-3.2	Criteria to guide the Commissioner’s approval of choice program applications
	<u>N.J.A.C.</u> 6A:23A-19.2	Method of determining the district of residence
	<u>N.J.A.C.</u> 6A:32-8.2	School enrollment

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

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

Possible**Cross References:**

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

ASSESSMENT OF INDIVIDUAL NEEDS

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

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

- A. Identifying district needs as the basis for development of mandated goals, development of staff inservice programs, selecting and approving instructional materials, staffing;
- B. Identifying and determining the needs of:
 - 1. Gifted and talented students;
 - 2. Students at risk for school failure;
 - 3. Potential dropouts;
 - 4. Students who exhibit one or more potential indicators of dyslexia or other reading disability;
 - 5. Students who require basic skills improvement programs;
 - 6. Students who are English language learners (ELLs);
 - 7. Students who may require formal referral to the child study team for classification.

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

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

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

Dyslexia Assessment

“Dyslexia” means a specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

The board shall select and implement age-appropriate screening instruments for the early diagnosis of dyslexia and other reading disabilities.

ASSESSMENT OF INDIVIDUAL NEEDS (continued)

The board shall ensure that each student enrolled in the school district who has exhibited one or more potential indicators of dyslexia or other reading disabilities is screened for dyslexia and other reading disabilities using a screening instrument selected by the board. The screening shall be conducted no later than the student's completion of the first semester of the second grade.

Students newly enrolling in the district or transferring into the district in kindergarten or grades one through six who exhibit potential indicators of dyslexia or other reading disabilities and who have not been previously assessed, shall be assessed using the board selected age-appropriate screening instruments. Students shall be assessed at the same time as other students enrolled in the student's grade if feasible. If other students enrolled in the student's grade have previously been screened, the assessment shall be conducted within 90 calendar days of the date the student is enrolled in the district.

Potential indicators of dyslexia or other reading disabilities include, but are not be limited to:

- A. Difficulty in acquiring language skills;
- B. Inability to comprehend oral or written language;
- C. Difficulty in rhyming words;
- D. Difficulty in naming letters, recognizing letters, matching letters to sounds, and blending sounds when speaking and reading words;
- E. Difficulty recognizing and remembering sight words; consistent transposition of number sequences, letter reversals, inversions, and substitutions; and
- F. Trouble in replication of content.

The screening shall be administered by a teacher or other teaching staff member properly trained in the screening process for dyslexia and other reading disabilities. If the results of the assessment substantiate that the student possesses one or more potential indicators of dyslexia or other reading disabilities, the student shall receive a comprehensive assessment for the learning disorder. If the diagnosis of dyslexia or other reading disability is confirmed by the comprehensive assessment, appropriate evidence-based intervention strategies shall be provided to the student, including intense instruction on phonemic awareness, phonics and fluency, vocabulary, and reading comprehension.

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ASSESSMENT OF INDIVIDUAL NEEDS (continued)

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 Revised: July 21, 2016
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Legal References: N.J.S.A. 18A:7A-10 Quality Single Accountability Continuum for evaluating school performance
N.J.S.A. 18A:40-5.1 Definitions relative to reading disabilities
N.J.S.A. 18A:40-5.2 Distribution of information on screening instruments
N.J.S.A. 18A:40-5.3 Screening for dyslexia, other reading disabilities
N.J.S.A. 18A:40-5.4 Comprehensive assessment for learning disorder
N.J.A.C. 6A:8-3.1 et seq. Implementation of the New Jersey Student Learning Standard
N.J.A.C. 6A:8-4.1 et seq. Implementation of the Statewide Assessment System
 See particularly:
N.J.A.C. 6A:8-4.1(d),
 -4.3(c)(d), -4.4
N.J.A.C. 6A:8-5.1 Graduation requirements
N.J.A.C. 6A:10-1.1 et seq. Educator effectiveness
 See particularly:
N.J.A.C. 6A:10-2.4 Evaluation procedures for all teaching staff members
N.J.A.C. 6A:10-5.1 et seq. Components of principal evaluation
N.J.A.C. 6A:10-8.1 Evaluation of the chief school administrator
N.J.A.C. 6A:14-1.1 et seq. Special Education
 See particularly:
N.J.A.C. 6A:14-1.3, 3.3, 3.4, 3.8, 4.10, 4.11,
N.J.A.C. 6A:15-1.1 et seq. Bilingual Education
 See particularly:
N.J.A.C. 6A:15-1.3, -1.10, -1.11
N.J.A.C. 6A:16-8.1 Establishment of intervention and referral services
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-2.1 Definitions

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

Possible

Cross References: *1100 Communicating with the public
 *1120 Board of education meetings
 *2240 Research, evaluation and planning
 *4131/4131.1 Staff development; inservice education/visitations/conferences
 *5111 Admission
 5119 Transfers

ASSESSMENT OF INDIVIDUAL NEEDS (continued)

*5124	Reporting to parents/guardians
*5125	Student records
*6010	Goals and objectives
*6141	Curriculum design/development
*6142.2	English as a second language; bilingual/bicultural
*6146	Graduation requirements
*6146.2	Promotion/retention
*6147	Standards of proficiency
*6147.1	Evaluation of individual student performance
*6160	Instructional services and resources
6161	Equipment, books and materials
*6161.1	Guidelines for evaluation and selection of instructional materials
*6164.2	Guidance services
*6164.4	Child study team
*6171.1	Remedial instruction
*6171.2	Gifted and talented
*6171.3	At-risk and Title 1
*6171.4	Special education
*6172	Alternative educational programs

REPORTING TO PARENTS/GUARDIANS

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

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

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

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

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

Parental Notification

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

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REPORTING TO PARENTS/GUARDIANS (continued)

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:7E-2	
	through -5	School report card program
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:35-4.9	Student promotion and remediation; policies and procedures
	<u>N.J.S.A.</u> 18A:40A-12	Reporting of students under influence or believed to be using anabolic steroids; examination report, return home; treatment; evaluation of possible need and referral
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:8-4.3	Accountability
	<u>N.J.A.C.</u> 6A:8-4.5	Public reporting
	<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
	<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:14-1.1, -2.3, -2.4, -2.5, -2.6, -2.7, -2.8 -3.5, -3.6, -7.9	
	<u>N.J.A.C.</u> 6A:15-1.1 <u>et seq.</u>	Bilingual Education
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:15-1.13, -1.15	
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C.</u> 6A:32-7.1(d, k)	General considerations

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

Possible

<u>Cross References:</u>	*1000/1010	Concepts and roles in community relations; goals and objectives
	*1120	Board of education meetings
	*1250	Visitors
	*2224	Nondiscrimination/affirmative action
	*3542.31	Free or reduced-price lunches/milk
	*5020	Role of parents/guardians
	*5113	Absences and excuses
	*5114	Suspension and expulsion
	*5120	Assessment of individual needs
	*5125	Student records
	*5126	Awards for achievement
	*5131	Conduct/discipline
	*5131.1	Harassment, intimidation and bullying
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5141	Health
	*5141.3	Health examinations and immunizations
	*5142	Student safety
	*5145.12	Search and seizure
	*5200	Nonpublic school students
	*6010	Goals and objectives

REPORTING TO PARENTS/GUARDIANS (continued)

*6142.1	Family life education
*6142.2	English as a second language; bilingual/bicultural
*6145	Extracurricular activities
*6145.1/6145.2	Intramural competition; interscholastic competition
*6146	Graduation requirements
*6164.2	Guidance services
*6164.4	Child study team
*6171.1	Remedial instruction
*6171.3	At-risk and Title 1
*6171.4	Special education
*6173	Home instruction
6174	Summer school
6178	Early childhood education/preschool

Regulation

REPORTING TO PARENTS/GUARDIANS

Within the framework of administrative regulations the issuance of grades to students in this school district serves to promote a process of continuous evaluation of student performance to inform the student, the parents/guardians and the teachers of the student's progress and to provide a basis for bringing about change in student performance if such change seems necessary.

Recognizing that students will respond more positively to the opportunity for success than to the threat of failure, it shall be the philosophy of this grading system to make achievement both recognizable and possible for all students in accordance with the goals and objectives of the school district.

Frequency of Reporting

It shall be the practice in this school district to provide written reporting grades four times during the course of the school year for grades K-12; and a minimum of three times during the course of the school year for prekindergarten ages 3 and 4. The dates for distribution shall be established annually by the chief school administrator.

Interim Progress Report

It shall be the responsibility of each principal to develop an interim progress report for use by the professional teaching staff in communicating student progress to parents/guardians. These interim reports are to be sent to parents/guardians at any time during the course of the marking period. These may be utilized both to compliment a student's progress as well as notifying a parent/guardian when work is unsatisfactory or below that expected of the pupil. No teacher may issue a failing or unsatisfactory grade to a student on the report card at the end of a marking period without having sent an interim progress notice home during the course of that marking period.

Additional Reporting Items

All report cards in this school district shall include the following:

- A. Space for written comment by the teacher;
- B. Space for written comment or reaction by the parent/guardian;
- C. A space for an acknowledgement of receipt by the parent/guardian;
- D. A summary of the student's absence and tardiness during the course of the marking period.

REPORTING TO PARENTS/GUARDIANS (regulation continued)Parent/Guardian/Teacher Conferences

The five basic purposes of the conferences shall be:

- A. Teacher assessment of student's ability;
- B. Teacher report of student's progress;
- C. Interpretation of the relationship of achievement and ability as well as any available test data;
- D. Teacher suggestions concerning parent/guardian contributions for improvement of the student's progress;
- E. Teacher/parent/guardian discussion of specific problems of the child for mutual understanding.

Grade Adjustment

Because of the importance of maintaining the integrity of grade recordkeeping, once a grade is given by a teacher on a report card it shall not be changed except by the teacher with the approval of the principal. The principal shall make the change and initial such change. Grade changes should occur only under extreme situations such as an incorrect summary of the grade or incorrect copying. The grade on the report card shall represent what the student has earned and not what the teacher has given.

Make-up Privileges

In situations where illness or other extenuating circumstances caused by absence from school may cause a teacher to give an "incomplete" grade, the student shall have a grace period of one marking period to make up his/her work unless the extenuating circumstances continues. Failure to make up the work within one marking period after the end of the extenuating circumstance shall cause a failing grade to be placed on the report card.

Student Altering of Report Grades

Any student who alters his/her report card grades from that given by the teacher shall be subject to disciplinary action as determined appropriate by the principal.

Lost or Duplicated Report Cards

Lost or duplicated report cards shall be replaced by the principal and marked "duplicate" in bold letters on the report card. If the loss of a report card is due to negligence on the part of a student or parent/guardian, a minimum charge for replacement may be assessed by the principal.

REPORTING TO PARENTS/GUARDIANS (regulation continued)Principal Review of Report Cards

It shall be the responsibility of the principal to review all report cards each marking period prior to issue. The purpose of this review is to assure a continuity of the district's reporting system and that a clear and legible report card is issued to the home. This review will also provide the principal with information regarding the progress of students in his/her building.

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STUDENT RECORDS

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

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

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

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

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

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

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

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

STUDENT RECORDS (continued)

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

Student Information Directories

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

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

Such rights include:

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

District Review of Student Records

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

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

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

Records of Classified Students

All records of disabled students shall be maintained in accordance with administrative code and

STUDENT RECORDS (continued)

established procedures that will ensure proper accessibility and confidentiality.

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

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

Transfer of Student Records

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

Permitted Access to Student Records

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

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

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

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

Particular attention shall be paid to the development of procedures whereby student records are made accessible to assigned secretarial and clerical staff in the performance of their duties, and to compliance with requirements for the security of computerized student records that will limit access

STUDENT RECORDS (continued)

to authorized persons. Limited access shall be granted to secretarial and clerical personnel under the direct supervision of certified school personnel to those portions of the record and to the extent necessary to record data and conduct routine clerical tasks.

The district will make a charge for copies. The charge may not prevent parents from exercising their rights.

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

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

Conditions of Access

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

Retention and Destruction of Records

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

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

Liability

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

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STUDENT RECORDS (continued)

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Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 18A:36-19 Student records; creation, maintenance and retention, security and access; regulations; nonliability
N.J.S.A. 18A:36-19a Newly enrolled students; records and identification
N.J.S.A. 18A:36-19.1 Military recruiters; access to schools and student information directories
N.J.S.A. 18A:36-35 Disclosure of certain student information on Internet prohibited without parental consent
N.J.S.A. 18A:40-4 Examination for physical defects and screening of hearing of students; health records
N.J.S.A. 18A:40-19 Records and reports of tuberculosis testing; disposition; inspection
N.J.S.A. 26:5C-7
 through -14
N.J.S.A. 47:1A-1 et seq. Acquired Immune Deficiency Syndrome
 Examination and copies of public records (Open Public Records Act)
N.J.S.A. 47:3-15 et seq. Destruction of Public Records Law
N.J.S.A. 52:17B-9.8a
 through -9.8c
N.J.A.C. 6A:8-4.2 Marking of missing child's school record
N.J.A.C. 6A:14-1.1 et seq. Documentation of student achievement
See particularly: Special Education
N.J.A.C. 6A:14-1.3, -2.3, -2.9, -7.9
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
See particularly:
N.J.A.C. 6A:16--2.2, -2.4, -3.2, -5.4, -6.5, -7.10, -11.1
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-2.1 Definitions
N.J.A.C. 6A:32-7.1 et seq. Student records
N.J.A.C. 6A:32-8.1 School register
N.J.A.C. 8:61-2.1 Attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV)
N.J.A.C. 15:3-2 State records manual
 20 U.S.C.A. 1232g - Family Educational and Privacy Rights Act
 42 U.S.C.A. 4541 et seq. - Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act of 1980
 42 CFR Part II

STUDENT RECORDS (continued)

Owasso Independent School District No. □-001 v. Falvo, 534 U.S. (2002)

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

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

Possible**Cross References:**

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

Regulation

STUDENT RECORDS

In accordance with the policy of the Elizabeth Board of Education and in conformance with the requirements of state and federal legislation, the following district rules are promulgated for the handling of individual student records:

Definitions

For purposes of this regulation:

- A. "Student records" shall be defined as any information concerning an individual student gathered from within or without this school system and maintained within the school system regardless of the form or place so employed, i.e.: in handwriting, printing on film, on tape, etc. Student records shall not include:
1. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof, and are not accessible or revealed to any other individual except a substitute. (For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the records and does not refer to an individual who permanently succeeds the maker of the record in his or her position);
 2. Records of a law enforcement unit of the school district which are maintained apart from the records described above, maintained solely for law enforcement purposes, and are not disclosed to individuals other than law enforcement purposes, and are not disclosed to individuals other than law enforcement officials of the same jurisdiction. Provided that education records maintained by the district are not disclosed to the personnel of the law enforcement unit;
 3. Records which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his/her professional or paraprofessional capacity, or assisting in that capacity; created, maintained, or used only in connection with the provision of treatment to the student; and not disclosed to anyone other than individuals providing the treatment. Provided, that the records can be personally reviewed by a physician or other appropriate professional of the student's choice. (For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction.)
- B. "Parent" includes natural parent(s), legal guardian(s) or an individual acting as a parent of a student in the absence of a parent or guardian. It may be presumed the parent has the authority to exercise the rights of the student unless the district has been provided with evidence that there is a state law or court order governing such matters as divorce, separation or custody, or a legally binding instrument which provides to the contrary;
- C. "Personally identifiable" means that the data or information includes:

STUDENT RECORDS (regulation continued)

1. The name of a student, the student's parent, or other family member;
 2. The address of the student;
 3. A personal identifier such as the student's social security number or student number;
 4. A list of personal characteristics which would make the student's identity easily traceable;
or
 5. Other information which would make the student's identity easily traceable.
- D. "Adult student" means a person who is at least eighteen years of age, or is attending an institution of postsecondary education, or is an emancipated minor. The Chief School Administrator may determine that a minor student is emancipated on the student's presentation of evidence indicating that he or she is financially independent;
- E. "Disclosure" means permitting access or the release, transfer, or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means or by any other means to any party;
- F. "Eligible student" means a student who has attained eighteen years of age or is attending an institution of postsecondary education;
- G. "Directory information" includes the following information relating to a student: the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, awards received, the most recent previous educational institution attended by the student and other similar information.

Mandated Records

In accordance with state mandate, the following records must be maintained:

- A. Personal data which identifies each student enrolled in the district, including name, address, date of birth, name of parents/guardians, citizenship, and sex; but may not include data which indicates religious or political affiliation of the student or parents (unless requested by the parent or adult student) or the labeling of the student as illegitimate;
- B. Record of daily attendance;
- C. Descriptions of student progress including courses taken and evaluations made. Grade level (or other program) assignment must also be recorded;
- D. Grade level and program assignments;
- E. Health history and status records compiled in accordance with state regulations including results of any physical examinations given by qualified district employees;
- F. Records required and created in the identification, referral, evaluation, and classification of educationally disabled students and the provision of special education and/or related activities;
- G. All other records required the State Board of Education.

STUDENT RECORDS (regulation continued)Permitted Records

In accordance with a policy of the board of Education permission has also been granted to the administration to compile the following data regarding individual students:

- A. Personally authenticated observations, assessments, ratings, and anecdotal reports recorded by certificated school personnel in the performance of their professional responsibilities and intended for review by a second party, provided the record is dated and signed by the originator; information recorded solely as a memory aid for the originator becomes a student record when it is reviewed by any second party, including a substitute;
- B. Information, scores, and results obtained from standardized tests or by approved tests conducted by professional personnel;
- C. Educationally relevant information provided by the parent or adult student regarding the student's achievements or school activities;
- D. Any correspondence with the student and/or the student's parent;
- E. Emergency notification form;
- F. New student registration form;
- G. Withdrawal or transfer form;
- H. Records of disciplinary infractions, penalties, and disciplinary hearings;
- I. Records of the student's co-curricular and athletic activities and achievements;
- J. Awards and honors;
- K. Notations of additional records maintained in a separate file;
- L. The statement of a parent or adult student regarding a contested portion of the record; and
- M. Entries indicating review of the file by an authorized person.

No other record may be accumulated unless the collection of such facts has been authorized by the board.

Collection and Maintenance of records

- A. A student's records will be maintained in a single central file in the office of the school to which the student is assigned. The file of a student assigned to a program outside this district will be maintained in the office of the child study team;

STUDENT RECORDS (regulation continued)

- B. In the event any record is kept in a place other than the student's central file, the central file will include a notation of the existence and location of the additional record;
- C. The principal is the custodian responsible for the collection and security of student records in his or her school. The director of elementary and secondary education is the custodian responsible for the collection and security of student records maintained by the child study team. The school nurse is the custodian responsible for any physical health records and emergency notification forms maintained in the school nurse's office;
- D. All student records will be securely maintained under lock and key to protect the integrity of the record and to prevent access by unauthorized persons. Secretarial and clerical personnel, including properly assigned aides, may handle and view student records only to the limited extent necessary to enter data, amend records, file materials, copy pages, and conduct routine clerical tasks, as specifically directed and supervised by professional personnel;
- E. Any computer program utilized for the electronic storage and retrieval of student information must provide adequate security blocks to protect the records against improper access and alteration. An updated printout must be made of all computerized student records and will be maintained in strict accordance with these regulations;
- F. The registration of a student transferring to this district must be reported to the principal in order that prompt request for the student's records may be made.

Access to Records

Only authorized individuals, organizations or agencies shall be granted access to individual student records, except directory information, under any conditions. It may be presumed that the parent or eligible student has the authority to give consent unless the district has been provided with evidence that there is a legally binding instrument or court order governing such matters as divorce, separation or custody which provides to the contrary. Where authorized individuals are other than the student, his/her parent, the adult student or professional staff member of the district, or are organizations or agencies, access shall be limited to those records requisite to the specific purpose to be served by such access. Those so authorized and the limiting conditions are:

- A. The parent of a student and the student who has written permission of such parent or the student granted access to his/her own records at the discretion of school authorities or the student who has reached the age of 16 and will terminate his/her education by discontinuance or by secondary school graduation;
- B. The adult student and the parent of such student who has his/her written permission, except that the parent shall have access without the consent of the adult student if the student is financially dependent on the parent and enrolled in the public school;
- C. Professional staff members who have assigned responsibility for the educational program of the student;

STUDENT RECORDS (regulation continued)

- D. Appropriate persons in case of emergency may be provided personally identifiable information from a student's records if such knowledge is necessary to protect the health or safety of the student or other person, but in consideration of the following conditions:
 - 1. The seriousness of the threat to the health or safety of the student or other individuals;
 - 2. The need for the information to meet the emergency;
 - 3. Whether the parties to whom the information is disclosed are in a position to deal with the emergency;
 - 4. The extent to which time is of essence in dealing with the emergency;
- E. Accrediting organizations in order to carry out their accrediting functions;
- F. The parent of a student about whom information is contained on another student's record shall have access only to the specific information on the requested student;
- G. Officials of other public school districts in which the student intends to enroll, except that a reasonable effort shall be made to inform the parent or the adult student of the release of mandated records, except where a formal sending receiving relationship exists. Copies of records shall be forwarded to the administrative officials of the school to which the student has been transferred within 30 days after the transfer has been verified by the present school district;
- H. Organizations, agencies or persons outside the school provided they have the written consent of the parent or the adult student, except that these organizations shall not transfer student information to a third party without consent of the parent or adult student;
- I. Organizations, agencies or persons outside the school upon the presentation of a court order provided that the parent or the adult student has been given at least three day notice (In writing, if practicable) of such order enumerating the requesting agency and the specific records requested. Only those records related to the specific purpose of the court order shall be disclosed;
- J. Officers and employees of a state agency responsible for protective services to children engaged in investigations pursuant to law as to a student referred to that agency as a minor requiring investigation or supervision by that agency;
- K. The commissioner of education and members of the New Jersey Department of Education staff who have assigned responsibility necessitating the review of such records;
- L. Researchers from state or federal government agencies, educational institutions, and the like who will be using records under strict conditions of anonymity and confidentiality.

Release of information

Information in a student record, other than directory information, may be released only to the following persons and under the following conditions:

- A. In order to fulfill its legal responsibilities, the Board of Education may receive information contained in a student's record. Any request for such information must be made to the Chief School Administrator by the board duly convened. The information will be presented by the

STUDENT RECORDS (regulation continued)

Chief School Administrator to the board in private session, except that the parent or adult student will be notified of the planned private discussion and, on the written request of the parent or adult student, the information will be discussed in a public meeting;

- B. Certificated school personnel may, in their discretion, disclose information in a student record to the minor student who is the subject of the record or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health and safety of the student or other persons;
- C. A parent or adult student may be given information from that portion of another student's record that contains information about the parent's child or about the adult student.

Transfer of records

- A. When a student transfers to another school district in New Jersey, the custodian of the student's records shall, within ten days of the receiving district's verification of the transfer:
 - 1. Forward the student's mandated records to the receiving district with written notice of the transfer to the parent or adult student; and
 - 2. Forward the student's permitted records to the chief school administrator of the receiving district on the written consent of the parent or adult student, except that permitted records may be forwarded to the high school without written consent;
- B. When a student departs permanently from this school district by transfer to a private school or a school district outside New Jersey, the parent or adult student will be notified in writing that a copy of the entire student record will be provided on request. The record will be forwarded to the receiving school or district on the written request of the parent or adult student;
- C. The parent or adult student shall, on request, be provided with a copy of the records forwarded to another school district or educational institution.

Challenge to Records

- A. Student records are subject to challenge by parents and adult students on grounds of inaccuracy, irrelevancy, disclosure or denial of access to individuals, organizations or agencies; or violates law or policy, or the privacy or other rights of the student. The parent or adult student has the following rights:
 - 1. To seek expungement or correction of inaccurate, misleading, irrelevant, violates law or policy, invalid or otherwise improper information contained in the student record;
 - 2. To insert additional data as well as reasonable comments as to the accuracy of the records;
 - 3. To request an immediate stay of disclosure pending final determination of the challenge procedure;
- B. To appeal, a parent or adult student must notify the chief school administrator, in writing, of the specific issues relating to the student record:

STUDENT RECORDS (regulation continued)

1. Within ten days of notification, the chief school administrator or designee shall meet with the parent or adult student to review the issues set forth in the appeal;
 2. The chief school administrator shall decide whether to amend the educational records of the student in accordance with the request within a reasonable period of time following the meeting;
 3. If the chief school administrator decides to refuse to amend the education records of the student in accordance with the request, he/she shall so inform the parent of the student or the eligible student of the refusal, and advise the parent or the eligible student of the right to a hearing;
- C. If the matter is not satisfactorily resolved, the parent or adult student may appeal this decision to the board of Education or the commissioner of education within ten days. If the appeal is made to the board, the hearing shall be conducted as follows:
1. The hearing shall be held within a reasonable period of time after the board has received the request, and the parent of the student or the eligible student shall be given notice of the date, place and time reasonable in advance of the hearing;
 2. The hearing shall be conducted by any party, including an official of the board who does not have a direct interest in the outcome of the hearing;
 3. The parent of the student or the eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or represented by individuals of his/her choice at his/her own expenses, including an attorney;
 4. The board shall make its decision in writing within a reasonable period of time after the conclusion of the hearing;
 5. The decision of the board shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.
- D. If, as a result of the hearing, the board decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of students, it shall amend the education records of the student accordingly and so inform the parent of the student or the eligible student in writing;
- E. If, as a result of the hearing, the board decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the parent or eligible student of the right to place in the education records of the student a statement commenting upon the information in the education records and/or setting forth any reasons for disagreeing with the decision of the board. Any explanation placed in the education records of the student under this section shall:
1. Be maintained by the board as part of the education records of the student as long as the record or contested portion thereof is maintained by the board;
 2. If the education records of the student or the contested portion thereof is disclosed by the district to any party, the explanation shall also be disclosed to that party;
 3. The decision of the local board may be appealed to the commissioner pursuant to state law and code.

Directory Information

STUDENT RECORDS (regulation continued)

- A. Directory information includes a student's name, address, telephone number, grade level, student ID#, date and place of birth, dates of attendance, major field of study, participation in district activities recognized by the board of education, weight and height relating to athletic team membership, degrees, awards, the educational agency most recently attended by the student, and other, similarly non-intrusive information;
- B. Parents and adult students will be informed annually at the beginning of the school year of their right to prohibit the release of any or all types of directory information about the student and will be provided a period of ten days to submit to the chief school administrator a written statement prohibiting the release of such information;
- C. Except where a parent or adult student has requested that directory information about the student not be released, directory information may, without the consent of the parent or adult student, be:
 - 1. Released to recognized representatives of the press for use in published reports on district activities; and
 - 2. Used in district publications and records such as the newsletter, handbook, school newspaper, yearbook, graduation program, board minutes, and administrative reports to the board.

Written Consent

The written consent required by the "Access to Records" paragraph of this regulation must be signed and dated by the parent or the eligible student giving the consent and shall include:

- A. A specification of the records to be disclosed;
- B. The purpose or purposes of the disclosure; and
- C. The party or class or parties to whom the disclosure may be made.

When a disclosure is made pursuant to the "Access to Records" paragraph the district shall, upon request, provide a copy of the record which is disclosed to the parent or the eligible student, and to the student who is not an eligible student if so requested by the student's parents.

Review of records

- A. The records of all currently enrolled students will be reviewed annually by teaching staff members appointed by the custodian. Information no longer descriptive of the student or the student's educational situation or necessary to provide educational services to the student will be removed and destroyed. No record will be made of the removed information or of its removal;
- B. A record that is mandated may be destroyed only after:
 - 1. The parent or adult student has been notified of the pending destruction and has consented in writing to the destruction; or
 - 2. Reasonable attempts to notify and secure the consent of the parent or adult student have been unsuccessful. Attempts will be deemed unsuccessful after registered mail to the parent or adult student to the last known address is returned or after, notification having been received,

STUDENT RECORDS (regulation continued)

the parent or adult student fails to submit written consent within thirty days of receipt of notification.

C. All other records will be destroyed after:

1. The parent or adult student has been notified of the pending destruction, and has consented in writing to the destructing; or
2. Reasonable attempts to notify and secure the consent of the parent or adult student have been unsuccessful. Attempts will be deemed unsuccessful after registered mail to the last known address of the parent or adult student is returned as undeliverable or after, notification having been received the parent or adult student fails to submit written consent within thirty days of receipt of notification.

D. No additional information will be placed in the student's file without the prior written consent of the parent or adult student.

Reproduction of Records

Upon request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer charged the following fees based upon total number of pages or parts thereof to be purchased without regard to the number of records being copied:

A. Copies of records will be made available upon the payment of such price as established below:

1. \$0.05 per page for letter sized pages and smaller;
2. \$0.07 per page for legal sized pages and larger;
3. When the actual cost to produce paper copies exceed the \$0.05 and \$0.07 rates the district may charge the actual cost of duplication;
4. Electronic records (via e-mail and fax), must be provided free of charge;
5. Actual cost must be charged when providing records in another medium (computer disk, CD-ROM, DVD);

B. Copies may be requested and delivered by mail, provided the requester identifies the record accurately and submits payment in advance. Payment must include actual cost of postage;

C. Copies of public records are not returnable.

Right to Know

- A. Parents shall be notified annually in their dominant language at the start of the school year by individual notice of their rights under these regulations. Such notice may be made by individual means or in a student handbook, catalog or newspaper, or by bulletin board;
- B. Copies of this policy and regulations along with applicable state and federal regulations regarding student records shall be made available to parents on request;

STUDENT RECORDS (regulation continued)

- C. Upon the graduation or permanent departure of a student from the school system, the parent or adult student shall be notified that a copy of the entire student record will be provided to them upon request;
- D. Parents and eligible students shall be notified of the material designated as “directory information” and given the right to refuse to permit the release of any of all such designated material with respect to that student within ten school days of such notification;
- E. Parents and eligible students shall be informed that the district forwards education records on request to a school in which the student seek or intends to enroll.

Annual Authorization

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

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NJSBA Review/Update:	December 2018
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Policy

AWARDS FOR ACHIEVEMENT

General

The Elizabeth Board of Education believes that student achievement should be recognized at all levels in a manner appropriate to the student's accomplishment.

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

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

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

Academic Recognition

The board directs the chief school administrator/designee to establish criteria and procedures for placing students in grades six (6) through twelve (12) on academic honor rolls.

Athletic Participation

The board wishes to recognize the achievements of students who give many hours of their time to represent the school in interscholastic athletics. Requirements for awards in each sport shall be decided by a committee composed of coaches, athletic director and principal.

Service Participation

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

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AWARDS FOR ACHIEVEMENT (continued)

Legal References: N.J.S.A. 18A:36-20 Discrimination; prohibition
N.J.S.A. 18A:71A-9 Higher education; student assistance authority

Possible

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

COMMENCEMENT ACTIVITIES

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

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

Guidelines for Graduation Year Activities

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

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

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

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

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

Voting Information and Registration

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

Graduation Procedures and Ceremonies

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

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

- A. Rental or purchase of cap and gown;
- B. One year book;

COMMENCEMENT ACTIVITIES (continued)

C. Other, as may be determined by the board.

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

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

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

Awarding of Diplomas

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

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

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

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Legal References: N.J.S.A. 18A:7C-5.1

N.J.S.A. 18A:11-1
N.J.S.A. 18A:36-18
N.J.S.A. 18A:36-27
N.J.S.A. 18A:37-2
N.J.S.A. 18A:54-20

Boards of education prohibited from excluding students from graduation ceremony or from obtaining yearbook for inability to pay fees
 General mandatory powers and duties
 Books containing organic laws at graduation
 Voting information
 Causes for suspension or expulsion of students
 Powers of board (county vocational schools)

COMMENCEMENT ACTIVITIES (continued)

N.J.A.C. 6A:8-5.1 et seq. Implementation of Graduation Requirements
N.J.A.C. 6A:16-7.1 et seq. Student conduct

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

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

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

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

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

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

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

Possible

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

CONDUCT/DISCIPLINE

The Elizabeth Board of Education believes that an effective instructional program requires an orderly school environment and that the effectiveness of the educational program is, in part, reflected in the behavior of students. The board approved code of student conduct is established to achieve the following purposes:

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

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

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

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

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

CONDUCT/DISCIPLINE (continued)Code of Conduct

The chief school administrator shall oversee the development of and the board shall approve a code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions. The code of conduct may be based on parent/guardian and student. The chief school administrator has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.5.

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

The district code of conduct shall contain:

- A. A description of student responsibilities that includes expectations for academic achievement, behavior and attendance;
- B. A description of behaviors that will result in suspension or expulsion;
- C. A description of the students' rights to:
 - 1. Advance notice of behaviors that will result in suspensions or expulsions;
 - 2. Education that supports student development into productive citizens;
 - 3. Attendance in safe and secure school environment;
 - 4. Attendance in school irrespective of marriage, pregnancy, or parenthood;
 - 5. Due process and appeal procedures in accordance with law and board policy;
 - 6. Parent notifications consistent with board policy and law for law enforcement interviews (5145.11 Questioning and Apprehension), short-term and long-term suspension (5114 Suspension and Expulsion), due process and appeal procedures, and attendance (5113 Attendance, Absences and Excuses);
 - 7. Records and privacy protections (5125 Student Records).
- D. A description of comprehensive behavioral supports that promote positive student development and assist each student in fulfilling the district behavioral expectations established including:
 - 1. Positive reinforcement for good conduct and academic success;
 - 2. Supportive interventions and referral services;
 - 3. Remediation of problem behavior that takes into account the behavior's nature, the students' developmental ages and the students' histories of problem behaviors and performance; and
 - 4. Behavioral interventions and supports for students with an IEP or accommodation plans.

CONDUCT/DISCIPLINE (continued)

- E. A description of responses to violations of behavioral expectations that, at a minimum, are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their histories of inappropriate behaviors that shall:
 - 1. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;
 - 2. Be consistent with other responses as required by law for serious offenses including firearms, weapons and assault offenses;
 - 3. Ensure that the code of student conduct is applied equitably without regard to race, color, religion, ancestry, national origin, nationality, sex, gender, sexual orientation, gender identity or expression, marital, domestic-partnership, or civil-union, mental, physical, or sensory disability, or any other distinguishing characteristic;
 - 4. Be consistent with the provisions of N.J.S.A. 18A:6-1 regarding the corporal punishment of students.
- F. Expectations and consequences consistent board policies and procedures 5113 Attendance, Absences and excuses and 5131.1 Harassment, Intimidation and Bullying;
- G. A current list of community-based health and social service provider agencies available to support a student and the student's family, as appropriate, and a list of legal resources available to serve the community.

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

Student Behavioral Infractions

The chief school administrator has the right and authority to impose a consequence on a student for conduct away from school grounds pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.6. This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security and wellbeing of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and N.J.S.A. 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. The Board shall direct development of detailed regulations suited to the age level of the students and the physical facilities of the individual schools.

Board policy requires each student of this district to adhere to the rules and regulations established by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules.

The chief school administrator shall provide to students and their parents/guardians the rules of this district regarding student conduct and the sanctions that may be imposed for breach of those rules. Provisions shall be made for informing parents/guardians whose primary language is other than English.

The regulations shall:

- A. Require students to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority and respond to those who hold that authority;

CONDUCT/DISCIPLINE (continued)

- B. Establish the degree of order necessary to the educational program in which students are engaged.

This policy shall be reviewed annually and updated. This process shall include:

A. Parent, student and community involvement which represents, where possible, the composition of the schools and community, in accordance with N.J.A.C. 6A:16-7.1; B. Consideration of the findings of the annual reports of student conduct, suspensions and expulsions; and incidences reported under the Student Safety Data System (SSDS).

The chief school administrator shall annually:

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

Student Behavioral Infractions

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

A student whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be suspended in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.2, N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.4, following due process. However, one incident alone is not sufficient cause for an expulsion.

Any student who commits an assault (as defined by N.J.S.A. 2C:12-1) upon a board member, teacher, administrator or other employee of the board of education shall be suspended from school immediately according to procedural due process, and suspension in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.2, N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.4. However, one incident alone is not sufficient cause for an expulsion. Proceedings shall begin no later than 30 calendar days from the date of the student's suspension.

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

Substance Abuse

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

CONDUCT/DISCIPLINE (continued)Weapons Offenses

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

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

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

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

Harassment, Intimidation or Bullying

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

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

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

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

CONDUCT/DISCIPLINE (continued)

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

Students with Disabilities

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

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

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

Implementation

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

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

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

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CONDUCT/DISCIPLINE (continued)

<u>Legal References:</u>	<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A. 2C:12-1</u>	Definition of assault
	<u>N.J.S.A. 2C:33-19</u>	Paging devices, possession by students
	<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
	<u>N.J.S.A. 18A:6-1</u>	Corporal punishment of students
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:25-2</u>	Authority over students
	<u>N.J.S.A. 18A:36-19a</u>	Newly enrolled students; records and identification
	<u>N.J.S.A. 18A:37-1 et seq.</u>	Discipline of Students
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:37-13.2, -14</u>	
	<u>N.J.S.A. 18A:37-15 et seq.</u>	
	<u>N.J.S.A. 18A:40A-1 et seq.</u>	Substance Abuse
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsions
	<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to Support Student Development
	<u>See particularly:</u>	
	<u>N.J.A.C. 6A:16-2.4</u>	
	-4.1, -5.1, -5.4, -5.6, -5.7 -6.1, -6.2,	
	-7.1 through -7.5	
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts

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

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

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

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

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

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

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

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

Possible

CONDUCT/DISCIPLINE (continued)

<u>Cross References:</u>	*1220	<u>Ad hoc</u> advisory committees
	*1410	Local units
	3517	Security
	*3541.33	Transportation safety
	*4131/4131.1	Staff development; inservice education/visitation conferences
	4138/4238	Employee protection
	*4231/4231.1	Staff development; inservice education/visitation conferences
	5000	Concepts and roles in student personnel
	5010	Personal goals and objectives for students
	*5020	Role of parents/guardians
	*5113	Absences and excuses
	*5114	Suspension and expulsion
	*5124	Reporting to parents/guardians
	*5127	Commencement activities
	*5131.1	Harassment, intimidation and bullying
	*5131.5	Vandalism/violence
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	5132	Dress and grooming
	5145	Rights
	5145.2	Freedom of speech/expression
	*5145.4	Equal educational opportunity
	*5145.6	Student grievance procedure
	*5145.11	Questioning and apprehension
	*5145.12	Search and seizure
	*6145	Extracurricular activities
	*6164.4	Child study team
	*6171.4	Special education
	*6172	Alternative educational programs

HARASSMENT, INTIMIDATION AND BULLYING

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

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

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

The board prohibits acts of harassment, intimidation or bullying against any student. School responses to harassment, intimidation and bullying shall be aligned with the board approved code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions. The chief school administrator shall be responsible for ensuring the prompt investigation and response to all reports of harassment, intimidation and bullying committed on school grounds, at school activities and on school buses. In addition, the chief school administrator shall ensure that this policy is applied to incidents of harassment, intimidation and bullying that are committed off school grounds in cases where a school employee is made aware of such actions. The chief school administrator has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.5.

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

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

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

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

The consequences for a student who commits an act of harassment, intimidation, or bullying may include:

- A. For the first act of harassment, intimidation, or bullying committed by a student, a copy of the results of the investigation shall be placed in the student’s record and the student may be subject to remedial actions, including the provision of counseling or behavioral intervention services, or discipline, or both, as determined by the principal in consultation with appropriate school staff;
- B. For the second act, a copy of the results of the investigation shall be placed in the student’s record and the student may be subject to remedial actions, including the provision of counseling or behavioral intervention services, or discipline, or both, as determined by the principal, in consultation with appropriate school staff; and
- C. For the third and each subsequent act, a copy of the results of the investigation shall be placed in the student’s record, and the principal, in consultation with appropriate school staff, shall develop an individual student intervention plan which shall be approved by the chief school administrator or the chief school administrator’s designee, and may include remedial actions including counseling or behavioral intervention services, or progressive discipline, or both, and may require the student, accompanied by a parent or guardian, to complete in a satisfactory manner a class or training program to reduce harassment, intimidation or bullying behavior.

The chief school administrator or the chief school administrator’s designee and the principal shall consult law enforcement, as appropriate, pursuant to the provisions of the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials, if the student’s behavior may constitute a possible violation of the New Jersey Code of Criminal Justice.

HARASSMENT, INTIMIDATION AND BULLYING (continued)Students

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

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

Students' acts of cyber-harassment shall be subject to the code of student conduct for harassment, intimidation and bullying and penalties provided in N.J.S.A. 2C:33-4.1 Crime of Cyber-harassment. Cyber-harassment is a crime of the fourth degree and may be reported to the local law enforcement agency. A parent or guardian having legal custody of a minor who demonstrates willful or wanton disregard in the exercise of the supervision and control of the conduct of a minor adjudicated delinquent of cyber-harassment may be liable in a civil action.

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

A. Consequences

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

B. Remedial Measures

1. Personal

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

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

- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- b. School culture change;
- c. School climate improvement;
- d. Adoption of research-based, systemic bullying prevention programs;
- e. School policy and procedures revisions;
- f. Modifications of schedules;
- g. Adjustments in hallway traffic;
- h. Modifications in student routes or patterns traveling to and from school;
- i. Supervision of students before and after school, including school transportation;
- j. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
- k. Teacher aides;
- l. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- m. General professional development programs for certificated and non-certificated staff;
- n. Professional development plans for involved staff;
- o. Disciplinary action for school staff who contributed to the problem;
- p. Supportive institutional interventions, including participation of the intervention and referral services team;
- q. Parent conferences;
- r. Family counseling;
- s. Involvement of parent-teacher organizations;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

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

Staff

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

A. Consequences

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

B. Remedial Measures

1. Personal

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

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

- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- b. School culture change;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

Reporting Harassment, Intimidation and Bullying Behavior

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

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

The following procedures shall apply to the reporting of incidents of harassment, intimidation and bullying committed by an adult or youth against a student:

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

The written report shall be on a numbered form developed by the Department of Education. A copy of the form shall be submitted promptly by the principal to the chief school administrator. The form shall be completed even if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment,

HARASSMENT, INTIMIDATION AND BULLYING (continued)

intimidation, or bullying pursuant to section 2 of P.L.2002, c.83 (C.18A:37-14). The report shall be kept on file at the school but shall not be included in any student record, unless the incident results in disciplinary action or is otherwise required to be contained in a student's record under State or federal law. A redacted copy of the form that removes all student identification information shall be confidentially shared with the board of education after the conclusion of the investigation, if a hearing is requested by a parent or guardian.

The school district shall provide a means for a parent or guardian to complete an online numbered form developed by the Department of Education to confidentially report an incident of harassment, intimidation, or bullying.

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

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

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

The school administrator shall take into account the circumstances of the incident when providing notification to parents and guardians of all students involved in the reported harassment, intimidation, or bullying incident. The circumstances of the incident shall be considered conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense.

District Anti-Bullying Coordinator

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

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- C. Provide data, in collaboration with the chief school administrator, to the Department of Education regarding harassment, intimidation, and bullying of students; and
- D. Execute such other duties related to school harassment, intimidation, and bullying as requested by the chief school administrator.

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

School Anti-Bullying Specialist

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

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

School Safety/School Climate Team

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

The school safety/school climate team shall consist of the principal or his or her designee; a teacher in the school; the school anti-bullying specialist; a parent of a student in the school; and other members determined by the principal. The school anti-bullying specialist shall serve as the chair of the school safety team.

The school safety/school climate team shall:

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- C. Identify and address patterns of harassment, intimidation, or bullying of students in the school;
- D. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
- E. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
- F. Participate in the training required pursuant to the provisions of (N.J.S.A.18A:37-13 et seq.) and other training which the principal or the district anti-bullying coordinator may request;
- G. Collaborate with the district anti-bullying coordinator in the collection of district-wide data and in the development of district policies to prevent and address harassment, intimidation, or bullying of students; and
- H. Execute such other duties related to harassment, intimidation, and bullying as requested by the principal or district anti-bullying coordinator.

A parent shall be on the school safety/school climate team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality. Other members of the school safety/school climate team who are not authorized to access student records (see board policy 5125 Student Records) shall be on the team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.

Investigating Reported Harassment, Intimidation and Bullying

To protect the victim, the chief school administrator shall take into account the circumstances of the incident when communicating with parents/guardians and when following the investigation procedures.

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

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- C. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying or from the date of the written notification from the chief school administrator to the principal to initiate an investigation. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.
- D. The results of the investigation shall be reported to the chief school administrator within two school days of the completion of the investigation, and in accordance with law and board policy. The chief school administrator may initiate intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action including seeking further information.
- E. The results of each investigation shall be reported to the board of education no later than the date of the next board meeting following the completion of the investigation, and include:
 - 1. Any services provided;
 - 2. Training established;
 - 3. Discipline imposed; or
 - 4. Other action taken or recommended by the chief school administrator.
- F. The chief school administrator or his or her designee shall ensure that parents or guardians of the students who are parties to the investigation in accordance with federal and State law and regulation shall receive information about the investigation. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board and include:
 - 1. The nature of the investigation;
 - 2. Whether the district found evidence of harassment, intimidation, or bullying; or
 - 3. Whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying.
- G. Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation.

Range of Ways to Respond to Harassment, Intimidation or Bullying

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

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

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

- A. Individual responses can include positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) and punitive actions (e.g., detention, in-school or out-of-school suspension, expulsion);
- B. Classroom responses can include class discussions about an incident of harassment, intimidation or bullying, role plays, research projects, observing and discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance, assertiveness and conflict management;
- C. School responses can include theme days, learning station programs, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices;
- D. District-wide responses can include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs and coordination with community-based organizations (e.g., mental health; health services; health facilities; law enforcement; faith-based).

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)Retaliation and Reprisal Prohibited

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

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

A. Students

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

B. School Employees

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

C. Board Members

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

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

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

A. Consequences

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

B. Remedial Measures

1. Personal
 - a. Restitution and restoration;
 - b. Mediation;
 - c. Peer support group;
 - d. Recommendations of a student behavior or ethics council;
 - e. Corrective instruction or other relevant learning or service experience;
 - f. Supportive student interventions, including participation of the intervention and referral services team;
 - g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

Appeal Process

The parent or guardian may request a hearing before the board concerning the written information about a harassment, intimidation, or bullying investigation. The request for a board hearing shall be filed with the board secretary no later than 60 calendar days after the written information is received by the parents or guardians. The hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents.

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

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)Approved Private Schools For Students With Disabilities (PSSDs)

The board is committed to ensuring that all district students that require placement in approved private schools for students with disabilities (PSSD) have the safe and civil environment in their school placement necessary for students to learn and achieve high academic standards. All approved PSSDs receiving students with disabilities from this district shall be committed to treating their students with civility and respect, and shall refuse to tolerate harassment, intimidation or bullying.

When an approved PSSD receives a complaint or report of an act of harassment, intimidation, or bullying involving a district student placed in the approved PSSD that occurred on a district school bus, at a district school-sponsored function and off school grounds, the approved PSSD shall notify the anti-bullying coordinator of the report or complaint.

The chief school administrator shall assign a school anti-bullying specialist to investigate a complaint or report of harassment, intimidation, or bullying, occurring on district school buses, at district school-sponsored functions, and off school grounds involving a student who attends an approved PSSD. The investigation conducted by the district anti-bullying specialist shall be in consultation with the approved PSSD.

The full-time non-teaching principal of the approved PSSD shall report to the anti-bullying coordinator and the child study team director, any complaint or report of an act of harassment, intimidation, or bullying involving a district student placed in the approved PSSD that occurred at the PSSD or an activity sponsored by the PSSD. The report shall include the names of the district students who are parties to the harassment, intimidation, or bullying investigation and the results of each investigation. The principal of the approved PSSD shall make this report to the district anti-bullying coordinator and to the student's parents/guardians no later than five school days following the investigation's completion. The report to the district shall include information on any service(s) provided; training established; and, discipline imposed or other action taken or recommended by the full-time non-teaching principal of the PSSD.

Once an incident of harassment, intimidation, or bullying is identified, the full-time non-teaching principal of the approved PSSD shall determine the appropriate response to address the individual circumstances in consultation and conjunction with appropriate district staff, as necessary. The approved PSSD shall not, pursuant to N.J.A.C. 6A:14-7.6(f), unilaterally implement disciplinary action involving removal to an interim alternative educational setting, suspension of more than 10 consecutive or cumulative school days in a school year or termination of placement. Disciplinary action involving suspension and expulsion from the approved PSSD shall be implemented in conjunction with the district and according to law (N.J.A.C. 6A:14-2.8) and board policies 5114 Suspension and Expulsion and 6171.4 Special Education.

Parents or guardians of students who are parties to a harassment, intimidation, or bullying investigation conducted by this district or an approved PSSD in which their child is placed may request a hearing before the board of education concerning the information received about an investigation. Any request for a hearing before the board of education shall be filed within 60 calendar days after the written information about the harassment, intimidation, or bullying investigation is received by the district and the parents or guardians. The hearing before the board shall be scheduled in collaboration with the approved PSSD and held by the board within 10

HARASSMENT, INTIMIDATION AND BULLYING (continued)

business days of the request. The approved PSSD and the board shall coordinate the policies and procedures for conducting such hearings.

Week of Respect

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

Training

A. School Leaders

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

B. Teaching Staff Development

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

C. Board Members

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

D. Staff, Student and Volunteer Training

The school district shall:

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

The board shall annually examine the training needs of school employees and volunteers who have significant contact with students for the effective implementation of the harassment, intimidation, or bullying policies, procedures, programs, and initiatives of the district board of education and implement training programs for school employees and volunteers who have significant contact with students. The annual examination of training needs shall take into consideration the findings of the annual review and update of the code of student conduct.

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

Throughout the school year, the district shall provide ongoing age-appropriate instruction on preventing harassment, intimidation and bullying, consistent with the New Jersey Student Learning Standards.

Reporting to the Board

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

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- E. The type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying; and
- F. Any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying.

Reporting to the Department of Education

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

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

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

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

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

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

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)Program Assessment and Review

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

Policy Development and Review

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

The district shall annually conduct a re-evaluation, reassessment, and review of this policy, any report(s) and/or finding(s) of the school safety/school climate team(s). The board shall also make any necessary revisions and additions to this policy as required by law. The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review. The district shall transmit a copy of the revised policy to the appropriate executive county superintendent within 30 school days of the revision.

Publication, Dissemination and Implementation

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

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

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

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

The school district and each school in the district with a website shall post on its homepage the current version of the document, Guidance for Parents on the Anti-Bullying Bill of Rights Act, developed by the Department of Education. The school climate state coordinator shall ensure that this document is updated as needed and then promptly disseminated to all school districts.

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

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

Date:	June 30, 2011
First Reading:	June 9, 2011
Second Reading:	June 30, 2011
Revised:	May 10, 2018
First Reading:	April 19, 2018
Second Reading:	May 10, 2018
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019
Revised:	November 22, 2022
First Reading:	October 20, 2022
Second Reading:	November 22, 2022

<u>Legal References:</u>	<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A. 2C:33-4.1</u>	Crime of cyber-harassment
	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	<u>N.J.S.A. 18A:6-112</u>	Instruction on suicide prevention for public school teaching staff
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:12-33</u>	Training program; requirements
	<u>N.J.S.A. 18A:17-46</u>	Reporting of certain acts by school employee; annual report; public hearing (acts of violence)
	<u>N.J.S.A. 18A:25-2</u>	Authority over students
	<u>N.J.S.A. 18A:26-8.2</u>	School leader defined; training as part of professional development
	<u>N.J.S.A. 18A:36-19</u>	Student records; creation, maintenance and retention, security and access; regulations; nonliability
	<u>N.J.S.A. 18A:36-19a</u>	Student records (Newly enrolled students; transfers of records, identification)
	<u>N.J.S.A. 18A:37-1 et seq.</u>	Submission of Students to Authority (Discipline)
	<u>N.J.S.A. 18A:37-13 et seq.</u>	<u>Anti-Bullying Bill of Rights Act</u>
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:37-14, -15, -17</u>	Harassment, intimidation, and bullying
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsions (students with disabilities)
	<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to support student development (includes student conduct code)
	<u>See particularly:</u>	

HARASSMENT, INTIMIDATION AND BULLYING (continued)

N.J.A.C. 6A:16-7.1,
-7.5, -7.6, -7.7

N.J.A.C. 6A:30-1.4 et seq. Evaluation process for the annual review

P.L. 2021, Chapter 338, approved January 10, 2022. Senate, No. 1790 amended N.J.S.A. 2C:33-4.1 making cyber-harassment a crime of the fourth degree, unless the person is 21 years of age or older at the time of the offense and impersonates a minor for the purpose of cyber-harassing a minor, in which case it is a crime of the third degree. In addition, P.L. 2021, c. 338 amends harassment, intimidation and bullying statutes (N.J.S.A. 18A:37-13 et seq.) to include requirements for recording incidents, notification to parents/guardians, reporting to the board and the Department of Education.

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

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

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

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

Possible**Cross References:**

*1220	<u>Ad hoc</u> advisory committees
*1410	Local units
3517	Security
*3541.33	Transportation safety
*4131/4131.1	Staff development; inservice education/visitation conferences
4148/4248	Employee protection
*4231/4231.1	Staff development; inservice education/visitation conferences
5000	Concepts and roles for students
5010	Goals and objectives for students

HARASSMENT, INTIMIDATION AND BULLYING (continued)

*5020	Role of parents/guardians
*5113	Attendance, absences and excuses
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5131	Conduct and discipline
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
5132	Dress and grooming
*5142	Student safety
5145	Rights
5145.2	Freedom of speech/expression
*5145.4	Equal educational opportunity
*5145.6	Student grievance procedure
*5145.1	Questioning and apprehension
*5145.1	Search and seizure
*6145	Extracurricular activities
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs

Policy

GANGS AND GANG-RELATED ACTIVITY

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

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

- A. The board of education prohibits the following on school property or at school related functions, and off school property if it involves intimidation or an attack on another student in the District:
1. Initiating, advocating, or promoting a gang or any gang-related activities;
 2. Tagging or defacing school property with gang names, slogans and/or insignias;
 3. Conducting gang initiations;
 4. Threatening another with bodily injury and/or inflicting bodily injury on another in connection with a gang or gang-related activity;
 5. Inciting, soliciting, or recruiting others for gang membership or gang-related activities;
 6. Aiding or abetting any of the above activities by one’s presence or support.

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

- B. The Board further prohibits the following in school and at school-related events:
1. Wearing of gang apparel, accessories, signs, insignias, or symbols on one’s clothing or person;
 2. Display of gang apparel, accessories, signs, insignias, or symbols on personal property;
 3. Communication in any method (verbally or non-verbally) designed to convey gang membership or affiliation.

The chief school administrator or his/her designee shall determine, in consultation with law enforcement officials, what types of specific apparel, accessories, signs, insignias, and symbols are to be prohibited at each school under this policy, and shall promulgate and publicize such list to all students and parents. The list may be updated or modified at any time by the chief school

Page 2 of 3

GANGS AND GANG RELATED ACTIVITIES (continued)

3517	Security
*3541.33	Transportation safety
*4131/4131.1	Staff development; inservice education/visitation conferences
*4231/ 4231.1	Staff development; inservice education/visitation conferences
*5020	Role of parents/guardians
*5113	Absences and excuses
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5127	Commencement activities
*5131	Conduct and discipline
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
5132	Dress and grooming
5145	Rights
5145.2	Freedom of speech/expression
*5145.4	Equal educational opportunity
*5145.6	Pupil grievance procedure
*5145.11	Questioning and apprehension
*5145.12	Search and seizure
*6145	Extracurricular activities
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs

Policy

TRAVELLING TO SCHOOL (BICYCLING/WALKING)

Bicycling

The Elizabeth Board of Education believes that bicycling is among the best ways to promote student well-being. The district supports bicycling as transportation as long as students live within bicycling distance and there are adequate facilities. Bicycling provides physical activity, decreases congestion and resulting pollution and provides skills and healthy habits that will last a life-time. Parents are discouraged from driving children to and from school, particularly since motor vehicle crashes are the leading cause of death among school-age children. The district supports students' participation in Safe Routes to School programs.

The district regards the riding of bicycles to school by students as an assumption of responsibility by students and their parents – a responsibility in the care of property, in the observation of safety rules, and in the display of courtesy and consideration towards others. The district assumes no liability for injuries occurring outside school property.

The district strongly recommends that students and their parents follow recommended bicycling safety guidelines and always use their common sense and good judgment. School employees and parents/caregivers are role models for all children, and older children should be models for younger children. Role models have a responsibility to follow the laws and rules for safe walking, bicycling and driving to ensure the safety of all road users (pedestrians, bicyclists, and motorists). All students under 17 must wear a helmet when riding a bicycle. All bicyclists, including employees and parents/caregivers should wear a properly fitted helmet when riding.

A. 3rd grade and below:

Children in 3rd grade and below should be accompanied by an adult when bicycling to or from school, as well as complying with the other conditions below. Parents are strongly cautioned to exercise great care and supervise carefully if children of this age wish to bicycle to school. Children in 3rd grade and below are unlikely to have the developmental and judgment skills for unsupervised bicycling.

B. 4th grade and above:

The district shall provide information and/or education on bicycling safety in the 3rd and 4th grades to teach traffic skills and rules as well as improved judgment in individual and group bicycling. The district recommends that every child take this training or a similar bicycle safety course before riding in traffic.

Students who ride bicycles to and from school must have written consent from a parent or legal guardian and agree to the conditions listed below. The district expects parents and guardians to

TRAVELLING TO SCHOOL (BICYCLING/WALKING) (continued)

make students aware of these rules and conditions and the safety reasons supporting them.

C. Students should follow state law and safety guidelines for bicyclists:

1. According to N.J. state law, anyone under 17 that rides a bicycle must wear a helmet at all times (N.J.S.A. 39:4-10.1). Any student without a helmet will have their bicycle confiscated by the building administrator until a parent or guardian picks it up. Noncompliance with this rule will result in disciplinary action.
2. In New Jersey, bicycles are defined as vehicles under the state motor vehicle code contained in N.J.S.A. 39:4. Parents and students should be aware of these state bicycling laws and follow them at all times. Riders must follow the rules of the road including but not limited to:
 - a. Obeying all traffic lights and signals (N.J.S.A. 39:4-14.1, N.J.S.A. 39:4-14.2, N.J.S.A. 39:4-10.11);
 - b. Using hand signals before making turns;
 - c. Only one rider per seat – never let a friend ride on the handlebars or wheel pegs (N.J.S.A. 39:4-12);
 - d. Stopping and looking left, right, then left again before leaving driveways or entering any street,
 - e. Riding on the right side of the road with traffic (N.J.S.A. 39:4-14.2, N.J.S.A. 39:4-10.11). Don't ride too close to parked cars – doors can open suddenly;
 - f. Riding where drivers can see you and don't swerve between cars;
 - g. Equipping the bicycle with a bell or horn or other audible device that can be heard at least 100 feet away, but not a siren or whistle (N.J.S.A. 39:4-11); and
 - h. If you must ride at dawn, dusk or after dark, use headlights and tail lights on the bicycle– white on the front handlebars and red in back below the seat post(N.J.S.A. 39:4-10).
3. Bicycles ridden to school should be roadworthy and regularly maintained. Students should test tires for air before riding and make sure brakes work (N.J.S.A. 39:4-11.1).

D. While at school, students must comply with these rules:

1. Bicycles may not be ridden on school grounds during arrival and dismissal; they must be walked.
2. Bicycles must be parked in the racks provided. Students must bring and use bicycle locks.
3. Helmets must be stored in locker, backpack or attached to bicycle.
4. Students are not to interfere with any bikes, helmets or other equipment (steal, unlock quick releases, bounce helmets, etc.).

The school district/board or its subsidiaries are not liable for any equipment or property damage.

Walking

Walking is among the best ways to promote student wellbeing. The district supports walking as transportation as long as students live within walking distance and there are adequate facilities. Walking provides physical activity, decreases congestion and pollution, and provides pedestrian

TRAVELLING TO SCHOOL (BICYCLING/WALKING) (continued)

skills and healthy habits that will last a lifetime. Parents are discouraged from driving children to school, particularly since motor vehicle crashes are the leading cause of death among school-age children. The district supports students' participation in Safe Routes to School programs.

The district regards walking to school by students as an assumption of responsibility by students and their parents – a responsibility in the care of property, in the observation of safety rules, and in the display of courtesy and consideration towards others. The district assumes no liability for injuries occurring outside school property.

The district strongly recommends that students and their parents follow recommended walking safety guidelines and always use their common sense and good judgment. If crossing guards are available, students and parents should cross where crossing guards are located. Students should use crosswalks. A crosswalk is an extension of the road, sidewalk, curb or edge of the shoulder at an intersection. Crosswalks may be either marked with painted stripes or unmarked. School employees and parents/caregivers are role models for children, and older children should be models for younger children. Role models have a responsibility to follow the laws and rules for safe walking, bicycling and driving to ensure the safety of all road users - pedestrians, bicyclists, and motorists.

A. 3rd grade and below:

It is recommended that students in the third grade and below walk with adult supervision. Students who walk to school should use sidewalks, paths and/or trails. Students should cross where crossing guards are located and within painted crosswalks where present. All pedestrians should cross streets only at corners or within painted crosswalks, after looking both ways.

B. 4th grade and above:

It is recommended that students walk in groups or with adult supervision. If crossing guards are available, students and parents should cross where crossing guards are located. Students should cross within painted crosswalks where present. All pedestrians should cross streets only at corners or within painted crosswalks, after looking both ways.

C. The district expects parents and guardians to make students aware of the following safety tips:

1. If there is a crosswalk, use it (N.J.S.A. 39:4-36);
2. Before crossing, look left, right, and left again to make sure the road is clear. Continue looking while crossing and listen for traffic;
3. Do not cross the street from between parked cars;
4. If walking at dawn, dusk or after dark, wear light-colored or reflective clothing.

Adopted: December 2018

NJSBA Review/Update: April 2017

Readopted: June 13, 2019

Legal References: N.J.S.A. 39:4 et seq. Bicycles and roller skates (motorcycles and scooters)

TRAVELLING TO SCHOOL (BICYCLING/WALKING) (continued)See particularly:

- N.J.S.A. 39:4-10 Lights and reflectors on bicycles
- N.J.S.A. 39:4-10.1 Bicycle helmets, requirements
- N.J.S.A. 39:4-10.4 Rules, regulations
- N.J.S.A. 39:4-10.11 Roller skaters, skateboarders to keep to right of roadway; exceptions
- N.J.S.A. 39:4-11 Audible signal
- N.J.S.A. 39:4-11.1 Brake required
- N.J.S.A. 39:4-12 Position of hands and feet; carrying another person
- N.J.S.A. 39:4-14.1 Rights, duties of bicycle riders on roadways, exemptions
- N.J.S.A. 39:4-14.2 Keep to the right; exceptions; single file
- N.J.S.A. 39:4-36 Use of cross walks

Possible

- Cross References:
- *3516 Safety
 - *5131 Conduct and discipline
 - *5142 Student safety

Policy

VANDALISM/VIOLENCE

Vandalism

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

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

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

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

Violence

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

Any student who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm or any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular

VANDALISM/VIOLENCE (continued)

education program for a period of not less than one calendar year. The chief school administrator may modify this suspension on a case-by-case basis. Each student so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the board.

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

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

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

Threats of Violence

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

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

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

Threat Assessment Team

The board shall direct the establishment of a threat assessment team(s) in each school. The purpose of the team shall be to provide school teachers, administrators, and other staff with assistance in identifying students of concern, assessing those students' risk of engaging in violence or other harmful activities. The team shall also be responsible for delivering intervention strategies to manage the risk of harm for students who pose a potential safety risk, to prevent targeted violence in the school, and ensure a safe and secure school environment that enhances the learning experience for all members of the school community.

The threat assessment team at each school shall be multidisciplinary in membership and, to the

VANDALISM/VIOLENCE (continued)

extent possible, shall include the following individuals:

- A. A school psychologist, school counselor, school social worker, or other school employee with expertise in student counseling;
- B. A teaching staff member;
- C. A school principal or other senior school administrator;
- D. A safe schools resource officer or school employee who serves as a school liaison to law enforcement; and
- E. The school safety specialist designated pursuant to N.J.S.A. 18A:17-43.3, in the event that the school safety specialist is not already a school administrator or school employee required to be a part of the threat assessment team in accordance with this policy.

Additional school employees may serve as regular members of the threat assessment team or may be consulted during the threat assessment process, as determined appropriate by the team.

This policy shall be consistent with guidelines adopted by the New Jersey Department of Education and include, but not be limited to:

- A. Guidance for students, teachers and all staff regarding the recognition of threatening or aberrant behavior in a student that may represent a threat to the school community;
- B. The designation of members of the school community to whom threatening behavior shall be reported; and
- C. Appropriate actions to be taken, including available social, developmental, and law enforcement resources, for students whose behavior is identified as posing a threat to the safety of the school community.

The threat assessment team shall not disclose or disseminate any information obtained during their assessment beyond the purpose for which the information was provided to the threat assessment team, except that the team is authorized to disclose the information to applicable agencies to pursue appropriate action under paragraph C., above, for any student whose behavior is identified as posing a threat to the safety of the school community.

Classified Students

Where a student whose behavior is being assessed has an Individualized Education Program (IEP) or 504 plan, the threat assessment team shall consult with the IEP team or 504 team to determine whether the aberrant behavior is a threat to school safety and is being properly addressed in a manner that is required by N.J.A.C. 6A:14 and all federal and State special education laws.

Training

VANDALISM/VIOLENCE (continued)

Each member of the threat assessment team shall participate in training provided by the school safety specialist designated pursuant to N.J.S.A. 18A:17-43.3, that is consistent with the guidelines developed by the New Jersey Department of Education, to ensure that the threat assessment team is able to accurately assess student behavior and to ensure that threat assessment teams do not have a disparate impact on students based on their race, ethnicity, homelessness status, religious belief, gender, gender identity, sexual orientation, or socioeconomic status. The training shall, at a minimum, include training on adverse childhood experiences, childhood trauma, cultural competency, and implicit bias.

Nothing in this policy shall be construed as affecting the provisions of any collective bargaining agreement or individual contract of employment in effect on the date of the policy's adoption.

Unsafe School Choice Option

The chief school administrator shall comply with all requirements of the Unsafe School Choice Option policy adopted by the State Board of Education for schools in districts that receive funds under the Every Student Succeeds Act of 2015 (ESSA). He/she shall keep the board informed of all state requirements and actions taken to implement the policy.

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

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

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

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

School Violence Awareness Week

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

Violence and Vandalism Reporting

VANDALISM/VIOLENCE (continued)

The chief school administrator will biannually submit a report utilizing the Student Safety Data System (SSDS) accurately reporting on each incident of violence, vandalism and alcohol and other drug abuse and harassment, intimidation and bullying within the school district. Any allegations of falsification of data will be reviewed by the board of education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(f). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record.

Implementation

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

Date:	November 13, 1986
Revised:	June 25, 2009
First Reading	June 11, 2009
Second Reading:	June 25, 2009
Revised:	November 18, 2010
First Reading	October 21, 2010
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NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019
Revised:	July 19, 2023
First Reading:	June 14, 2023
Second Reading:	July 19, 2023

<u>Legal References:</u>	<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A. 2A:53A-15</u>	Liability of parent or guardian for willful destruction of property by infant under 18
	<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
	<u>N.J.S.A. 18A:17-46</u>	Act of violence; report by school employee; notice of action taken; annual report,
	<u>N.J.S.A. 18A:25-2</u>	Authority over students
	<u>N.J.S.A. 18A:36-5.1</u>	School Violence Awareness Week
	<u>N.J.S.A. 18A:37-1 et seq.</u>	Discipline of Students

See particularly:

VANDALISM/VIOLENCE (continued)

N.J.S.A. 18A:37-2, -2.1
through -2.5, -3, -7
through -12

N.J.S.A. 18A:37-13 et seq. Anti-Bullying Bill of Rights Act
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsion
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-5.1,
-5.2, -5.3, -5.5, -5.6, -5.7,
-6.1

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

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

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

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

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

Possible**Cross References:**

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

Regulation

VIOLENCE AND WEAPONS

GENERAL STATEMENT

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

In addition to the following procedures, when a student is required by law to be removed from the education program for the offenses described below, all procedures for short- and long-term suspension and expulsion shall apply as detailed in File Code 5114 Suspension and Expulsion.

PURPOSE/SCOPE

The purpose of this regulation is to clarify and support policy file codes 5131.5 and 5131.7 to ensure that school facilities and board approved events are free from violence and the threat of violence. This regulation includes both incidents that are required by statute to be reported, and other conduct that violates board policy, affects the health and safety of members of the school community or affects the orderly operation of the schools. File Codes 5131.5 and 5131.7 also apply to off-campus student conduct that affects the health and safety of members of the school community and which has a negative impact on the orderly operation of the schools.

STAFF RESPONSIBLE

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

Position	Summary of Main Responsibilities
Chief school administrator	<ul style="list-style-type: none">• General policy procedure oversight within the district• Reporting incidents to the board• Required biannual public report• Notification of due process and appeal rights• Documentation of all steps of the procedure
Board of Education	<ul style="list-style-type: none">• General oversight of the chief school administrator• Board hearings• Ensure appropriate due process in all student disciplinary matters• Ensure appropriate access to student records
Building Principal	<ul style="list-style-type: none">• Immediate report to CSA of incidents involving students in possession of firearms or weapons• Written report to the board in cases of assault by a student

VIOLENCE AND WEAPONS (regulation continued)

	<ul style="list-style-type: none"> • Notice to case manager and parents/guardians along with reasons for removal for classified students • Oversight of SSDS reports
Classroom Teachers and/or aides	<ul style="list-style-type: none"> • Direct reporting of incidents • Report all disciplinary infractions to administration
IEP Team and Case Manager	<ul style="list-style-type: none"> • Ensure that the removal of a special education student is limited to 45 days in the interim alternative educational setting • Ensure that services allow advancement in the general education curriculum and toward the achievement of IEP goals and objectives • Recommend/initiate I&RS referrals in appropriate matters
Special Education Teacher	<ul style="list-style-type: none"> • Ensure that services allow for both advancement in the general education curriculum and toward the achievement of IEP goals and objectives.

I. DEFINITIONS

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

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

"Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument from which may be fired or ejected any solid object or gas, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person. A toy gun is not considered a weapon and its possession should not be reported. An imitation firearm (e.g., an object that looks like a real handgun but cannot be fired or converted to a handgun) should be reported.

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

"Destructive device" means any device, instrument or object designed to explode or produce uncontrolled combustion, including, but not limited to, any explosive or incendiary bomb; any rocket having a propellant charge; any weapon capable of firing a projectile.

"Explosive" means any chemical compound or mixture that is commonly used or is possessed for producing an explosion.

VIOLENCE AND WEAPONS (regulation continued)

Disciplinary removals are defined as any instance in which a child is removed from his/her educational placement for disciplinary purposes, including in-school suspension, out-of-school suspension, expulsion, removal by school personnel to an interim alternative educational setting for drug or weapon offenses or serious bodily injury, and removal by a hearing officer for likely injury to self or others. All disciplinary removals for reasons other than Violence, Vandalism and Substance Abuse (VV-SA) lasting at least one-half day for students receiving special education and or related services must be reported using the Report of Suspension of Students with Disabilities section of the SSDS by the school that the student attends. The data are reported annually to the United States Department of Education (USDOE).

PROCEDURES**Incidents of Violence and Vandalism**

- A. Any school employee who has direct knowledge from a victim of, or participant in an incident defined in this section including harassment, intimidation, and bullying, or the possession or distribution of alcohol or other drugs on school grounds, and any school employee who reasonably believes a student is under the influence of alcohol or other drugs shall promptly report that information to the building principal:
1. Assault: causing or attempting to cause bodily injury to another, including conduct that engaged is in purposely, knowingly, or recklessly.
 2. Bias-Related: conduct which is reasonably perceived as motivated by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, a mental, physical, or sensory disability, or any other distinguishing characteristic.
 3. Criminal Threat: Expressing – either physically or verbally – the intent to commit one of the following violent criminal offenses: homicide, aggravated assault, sexual assault, kidnapping, or arson. The threat must be made for the purpose of placing another in imminent fear of one of these violent acts, under circumstances that would reasonably cause the victim(s) to believe the immediacy of the threat and the likelihood that it will be carried out.
 4. Extortion: Attempting to obtain or obtaining money or any material thing (regardless of value) from another by means of a stated or implied threat of future violence, or threats to make false charges against someone or to blackmail someone.
 5. Fight: Mutual engagement in a physical confrontation that may result in bodily injury to either party. Does not include a verbal confrontation or a minor confrontation, such as a shoving match. Each participant must be classified as an offender. One needs to consider age and developmentally appropriate behavior before using this category.
 6. Threat: Attempting by physical menace (e.g., verbal threats) to put another in fear of future serious bodily injury. (Do not include bomb threats in this category.) One needs to consider age and developmentally appropriate behavior before using this category.

VIOLENCE AND WEAPONS (regulation continued)

7. Kidnapping: Pursuant to N.J.S.A. 2C:13-1, unlawful removal of a student from school grounds or a substantial distance from where he or she is found in or on school grounds; or confinement of the victim for the purpose of holding the victim for ransom or reward as a shield or hostage; or confinement for a substantial period of time to facilitate commission of a crime or flight thereafter; or to inflict bodily injury on or terrorize the victim.
8. Robbery: Obtaining money or any material thing (regardless of value) from another by means of violence or the threat of immediate violence.
9. Sex Offense: Subjecting another to sexual contact or exposure. For the incident to be considered a sex offense, at least one of the following criteria must apply to the offender. The offender must:
 - a. Intentionally touch, either directly or through clothing, the victim's intimate body parts, for the purpose of degrading or humiliating the victim;
 - b. Sexually arouse or sexually gratify himself or herself in view of the victim whom the offender knows to be present;
 - c. Force or coerce the victim to participate in any contact or exposure; or
 - d. Commit any act of sexual assault defined under N.J.S.A. 2C:14-2, which includes provisions related to the age of the victim and the offender.

Note - Intimate body parts are defined by statute (N.J.S.A. 2C:14-1e) to include "sexual organs, genital area, anal area, inner thigh, groin, buttock or breast of a person."

One needs to consider age and developmentally appropriate behavior before using this category when there is no victim.

10. Gang-Related: Confirmation from a law enforcement official, the victim, or the offender that the incident was gang related.
11. Arson: Starting a fire or causing an explosion in or on the grounds of a school, thereby purposely or knowingly placing the victim or group of specified victims in danger of death or bodily injury; or with the purpose of destroying or damaging the victim's or group of specified victims' property that – as defined under Incident Location – is in the school, on school grounds, or in another school building or structure. Arson does NOT include the act of lighting a match.
12. Bomb Threat: A communication received via telephone, e-mail or other means stating that a bomb (an explosive device greater in size than a firecracker) will detonate on school grounds.
13. Burglary: An individual entering, or surreptitiously remaining in, a school district facility or on school property, or someone else's property (e.g., an automobile) that is on school property for committing an offense therein. For an incident to constitute burglary, the individual must not be entitled to enter or remain in the facility. If the person does have this right, and property is stolen, the incident is reported as theft.
14. Damage to Property: Purposely, knowingly, or recklessly destroying or defacing school, contracted, or personal property, thereby causing an economic loss due to repair or

VIOLENCE AND WEAPONS (regulation continued)

replacement. Serious incidental damage to property that occurs during an act of violence should be reported.

15. Fake Bomb: An object that has the appearance of an explosive device that upon inspection is determined to be harmless.
16. Fire Alarm: Knowingly setting off a fire alarm when no fire exists.
17. Fireworks Offense: The possession, sale or distribution, or detonation of a self-fusing explosive device that is no greater in size than two inches and is commercially sold as “fireworks.” Cherry bombs, M80s, and M90s are reported in this category.
18. Theft: The taking of the school district’s or a person’s belongings or property without consent. Report only incidents where the value of the article taken is \$10 or more. One needs to consider age and developmentally appropriate behavior before using this category.
19. Trespassing: Entry onto school property or into a school building without permission when the individual knows that he/she is not privileged to be on the property.
20. Use of controlled dangerous substance – Usage must be confirmed by medical examination or by a refusal of examination.
21. Possession: A student is found with alcohol, marijuana, and/or any other prohibited substance or anabolic steroids (excluding cigarettes) in his or her locker or vehicle, or on his or her person. This definition also includes possession of unauthorized prescription drugs, over-the-counter (nonprescription) drugs, drug paraphernalia and authorized prescription drugs – except medicines under the conditions stated in the student’s individualized healthcare plan.
22. Sale/Distribution: The sale or transfer of alcohol, other controlled dangerous substances (not including cigarettes), or anabolic steroids to others, or employs others to do the same.

B. Behavior that Threatens Safety, Wellbeing, or Orderly Operation

1. Any school employee, volunteer, or student who obtains direct information regarding any person on school grounds, in school buildings, on a school bus or at a school sponsored activity, who is or is becoming, or has become a threat to the safety and wellbeing of a student, staff member, other person or school property shall immediately report the information to the building principal. This includes any information related to suicidal or other self-destructive behaviors; it also includes actions by students, employees, volunteers, vendors, or visitors that disrupt the orderly operations of the school;
2. All reports of violence and/or vandalism will be timely documented in writing and signed by the individual reporting the incident and the building principal;
3. A verbal report of all incidents of disruption of orderly operations, by adults, shall be immediately made to the building principal and shall accurately and fully document the incident, including the date, time, and location of events, and the names of witnesses to the extent known, and a summary of the incident. The verbal report shall be followed by a written report within five school days of the incident;
4. The principal/designee shall promptly investigate all reports;

VIOLENCE AND WEAPONS (regulation continued)

5. The principal will promptly complete and document the steps and findings of the investigation and file a written report with the chief school administrator;
6. The principal will notify the police and/or appropriate legal authorities in cases of criminal behavior that endangers or threatens to endanger the safety of staff, students or any person on school grounds, on a school bus, or at a board approved event.

C. Notifications and Reporting

1. The principal shall:
 - a. Notify the chief school administrator of both the incident and the administrative action taken regarding the incident;
 - b. Ensure that all incidents of violence, vandalism or substance abuse that are required to be reported in the Student Safety Data System (SSDS) are promptly and fully filed and shall ensure the proper execution of required documents.
2. The chief school administrator/designee shall:
 - a. Review all incident reports of violence and vandalism to ensure appropriate investigation and follow-up of all reports;
 - b. Verification of the annual report on violence and vandalism shall be part of the state's monitoring of the school district. The district will comply with SSDS as detailed below;
 - c. Ensure that the district and each school grade regarding harassment, intimidation and bullying is posted on the home page of the school and on the district websites;
 - d. Provide for the training of staff to prepare them to fulfill the reporting requirements.
3. Social, medical, psychological, legal and other records from the courts or probation division, and records of law enforcement agencies, pertaining to juveniles charged as a delinquent or found to be part of a juvenile-family crisis, shall be strictly safeguarded from public inspection. Victims of crimes asserting a need to access such records must obtain a court order expressly indicating disclosure of specific records to named party in a civil action.

D. Penalties and Restitution

1. A student who engages in violence or vandalizes school property is subject to discipline, which may include suspension or expulsion, in accordance with board policy 5131 Conduct and Discipline and the district code of student conduct. Criminal conduct may be reported to law enforcement authorities;
2. The parents or guardian of any minor who damages school property, whether or not the minor is enrolled in this district, shall be liable for damages in the amount of the injury, together with costs of suit if the board must resort to legal process to obtain payment of damages;
3. Each building principal, with the consent of the chief school administrator, may institute proceedings in Special Civil Part of the Superior Court in order to recover damages to district property caused by student misconduct. Parents may be held liable for actual damages and costs of suit pursuant to N.J.S.A. 18A:37-3.

VIOLENCE AND WEAPONS (regulation continued)

4. Any person who purposely defaces or damages school or personal property with any symbol that exposes persons to violence, contempt, or hatred on the basis of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin or ethnicity is guilty of a crime and shall be reported to the police;
5. A student found responsible of any act of violence is subject to discipline up to and including suspension, expulsion and referral to law enforcement authorities (see board policy and regulation 5114 Suspension and Expulsion).

Procedures for Reporting Allegations of a Crime Committed On School Property

All students enrolled in the district are required to submit to the authority of teachers and other individuals as designated, including but not limited to aides, bus drivers and chaperones.

Pursuant to the *Uniform State Memorandum of Agreement between Education and Law Enforcement Officials* between the district, the Elizabeth County Prosecutor's Office and the Elizabeth Police Department, uniform procedures are required for the reporting and handling of allegations of a crime committed on school property. Such procedures are required to ensure staff cooperation between law enforcement and education officials for the protection of students and the preservation of a safe educational environment. These procedures also serve to prevent compromising any ensuing investigation of alleged criminal conduct by any of these agencies, and to ensure that the district and all agencies function collectively and efficiently with respect to allegations of crimes.

- A. Administrative staff must promptly notify the police and as appropriate child welfare authorities whenever there is reason to believe that:
 1. A drug offense has occurred (except when a student voluntarily and on his or her own initiative seeks treatment for substance abuse and does not appear to have been involved in the distribution of drugs);
 2. A firearm has been brought onto school property;
 3. A student, staff member or other person is in unlawful possession of a firearm, whether on or off school property;
 4. A student, staff member or other person has threatened or intends to commit an act of violence;
 5. A crime has been committed involving criminal sexual contact by or against a student on school property or during school hours or school-related functions;
 6. A hate crime has been, or is about to be committed ("hate crime" means an offense committed with the purpose of intimidating and individual or group of individuals because of race, color, disability, religion, national origin, nationality, ethnicity, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status and according to law and board policy 2224 Nondiscrimination/Affirmative Action);
 7. A potential missing or abused child situation is detected (N.J.S.A. 18A:36-25).
- B. Administrative staff should also promptly notify the police when they have seized or come upon:
 1. Any controlled, dangerous substance or drug paraphernalia;

VIOLENCE AND WEAPONS (regulation continued)

2. Any firearm or dangerous weapon; and
 3. A “utility knife, “box-cutter” knife, switchblade, stun gun, metal knuckles or any dangerous instrument.
- C. Whenever there is an allegation that a crime has been committed on school property against a student by a school employee, or by a student against another student or school employee:
1. The principal or his or her designee must immediately notify the police by calling local police or 911 in an emergency, any police personnel stationed at the school, if applicable, and the Division of Child Protection and Permanency (DCP&P). If the alleged crime involves sexual or physical abuse then the Special Victims Unit (SVU) should also be notified SVU;
 2. The principal or his or her designee must immediately notify the parent or guardian of any student involved;
 3. The suspect must be escorted to the principal’s office where he or she shall remain while the school contacts the police and DCP&P. Under no circumstances is the suspect to be removed or asked to report to Central Office before the police, DCP&P or the Prosecutor’s Office arrives;
 4. The principal or his or her designee must separate and protect the victim by referring him or her to the nurse’s office or calling 911 for an ambulance in the case of an emergency;
 5. The principal or his or her designee must secure all possible crime scenes by closing those areas off to any staff, students or other persons. Security shall be stationed at all entry points to those areas until the police (which include school personnel stationed at the school) or the Prosecutor’s Office arrives to secure the crime scene;
 6. The principal or his or her designee must secure all potential witnesses until the police (which include school personnel stationed at the school) or the Prosecutor’s Office arrives;
 7. In the rare instance when the end of the school day approaches and neither the police, DCP&P or the Prosecutors Office have arrived to take the suspect into custody, then the principal or his or her designee must make another call to the police, no later than 45 minutes prior to the end of the school day, to advise that no agency representative has arrived and that the suspect’s end of the work day is approaching and will soon be leaving.
- D. Allegations of a crime committed against a school employee by another school employee

With respect to allegations that a crime has been committed on school property against a school employee by another school employee, the above procedures should be followed, with the exception of contacting DCP&P and any parents or guardians.

Serious Offenses – Mandatory Removal from School

- A. Serious and dangerous offenses requiring mandatory removal from school include:
1. Assault against board member or school personnel in the performance of their duties, or as a result of the individual’s relationship to a public school, without a weapon;
 2. Assault against board member, school personnel, or student with a weapon on school property, school bus or at a school function;
 3. Gun possession on school property, on a school bus or at a school function;
 4. Conviction of possession of a gun or a crime involving a gun off school property;

VIOLENCE AND WEAPONS (regulation continued)

5. Administration retains the discretion to remove a student pursuant to the code of student conduct or other misconduct if that misconduct endangers the health or safety of others or disrupts the orderly operation of the schools. Discipline may be imposed according to the district's anti-bullying policy, file code 5131.1.

B. Assault without a Weapon

1. Where a general education student commits an assault, without a weapon, upon a board of education member or board employee, acting pursuant to assigned duties or as a result of the individual's relationship to a public school district, that student shall be immediately suspended from the school's general education program pending a hearing before the board of education. The building principal/designee shall:
 - a. Immediately remove the student and report such removal to the chief school administrator.
 - b. Isolate the student with appropriate supervision until released into the custody of law enforcement or parent/guardian;
 - c. Notify law enforcement of a potential violation of the New Jersey Code of Criminal Justice;
 - d. Provide notice to the parents as follows:
 - 1) The removal action to an alternative educational placement;
 - 2) The change of custody to law enforcement, if it occurs;
 - 3) The law enforcement notification of potential criminal violations; and
 - 4) A general education student's due process rights, as set forth in N.J.A.C. 6A:16-7.2 through 7.6, or the due process rights of a student with a disability, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5 (see board policies, procedures and exhibits 5114 Suspension and Expulsion).
2. The board hearing shall take place within 30 calendar days of the initial suspension. Parental notification of the hearing date shall take place as soon as practical, but in no case, less than five calendar days prior to the hearing.
3. The student shall be entitled to all the due process protections associated with a long-term suspension (N.J.A.C. 6A:16-7.3) that apply. If it is found that the student did not commit the offense(s), the student shall be immediately returned to the program from which he or she was removed. The board shall:
 - a. Approve the provision of alternate educational arrangements for suspensions of longer than 5 days;
 - b. Conduct a formal hearing within 30 days of the first day of the student's removal;
 - c. Notify the parent/guardians in writing of the decision within 5 days;
 - d. Notify the parents/guardians of the right to appeal to the commissioner within 90 days.
4. Upon written notice to the building principal that a student has assaulted a board member or school employee, the principal shall promptly file a report with the chief school administrator of schools, who shall notify the board of education at the next regular meeting. The name of

VIOLENCE AND WEAPONS (regulation continued)

the student may be revealed to the board in executive session, but may not be disclosed to the public.

C. Assault with a Weapon

1. Where a student commits an assault with a weapon on upon a board of education member, board employee, or another student on school grounds, that student, other than a student with a disability, shall be immediately removed from the school's general education program for a period not exceeding one calendar year. The building principal/designee shall:
 - a. Immediately remove the student and report such removal to the chief school administrator;
 - b. Such removal shall be for one calendar year and shall be subject to modification by the chief school administrator on an individual basis;
 - c. The chief school administrator shall document the reasons for each modification in the student's disciplinary file and shall make such documentation available to the Commissioner of Education upon request.
2. Isolate the student with appropriate supervision until released into the custody of law enforcement or parent/guardian;
3. Notify law enforcement of a potential violation of the New Jersey Code of Criminal Justice,
4. Provide notice to the parents as follows:
 - a. The removal action to an alternative educational placement, including the dates of the one calendar year removal from the general education program;
 - b. The law enforcement notification;
 - c. The change of custody, if it occurs; and
 - d. A general education student's due process rights, as set forth in N.J.A.C. 6A:16-7.2 through 7.6, or the due process rights of a student with a disability, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.
5. Provide notification according to N.J.A.C. 6A:16-7.2, -7.3 as detailed for short-term and long-term suspension (see board regulation 5114 Suspension and Expulsion).
6. The student shall be entitled to all the due process protections associated with a long-term suspension (N.J.A.C. 6A:16-7.3) that apply. The board shall:
 - a. Approve the provision of alternate educational arrangements for suspensions of longer than 5 days;
 - b. Conduct a formal hearing within 30 days of the first day of the student's removal;
 - c. Notify the parent/guardians in writing of the decision within 5 days;
 - d. Notify the parents/guardians of the right to appeal to the commissioner within 90 days.

D. Gun Possession

VIOLENCE AND WEAPONS (regulation continued)

1. Where a student, other than a student with a disability, is found in possession of a firearm on school grounds, on a school bus, or at a board-approved activity, the building principal/designee shall:
 - a. Immediately remove the student and report such removal to the chief school administrator;
 - b. Such removal shall be for one calendar year and shall be subject to modification by the chief school administrator on an individual basis;
 - c. The chief school administrator shall document the reasons for each modification in the student's disciplinary file and shall make such documentation available to the Commissioner of Education upon request.
2. Isolate the student with appropriate supervision until released into the custody of law enforcement or parent/guardian;
3. Notify law enforcement of a potential violation of the New Jersey Code of Criminal Justice, specifically the belief that the student was found in possession of firearm on school grounds, on a school bus, or at a board-approved activity;
4. Provide notice to the parents as follows:
 - a. The removal action including the dates of the one calendar year removal from the general education program;
 - b. The law enforcement notification;
 - c. The change of custody, if it occurs; and
 - d. A general education student's due process rights, as set forth in N.J.A.C. 6A:16-7.2 through 7.6, or the due process rights of a student with a disability, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5 (See board policy and regulation 5114 Suspension and Expulsion).
5. The student shall be entitled to all the due process protections associated with a long-term suspension (N.J.A.C. 6A:16-7.3) that apply as detailed in board regulation 5114 Suspension and Expulsion. The board shall:
 - a. Approve the provision of alternate educational arrangements for suspensions of longer than 5 days;
 - b. Conduct a formal hearing within 30 days of the first day of the student's removal;
 - c. Notify the parent/guardians in writing of the decision within 5 days;
 - d. Notify the parents/guardians of the right to appeal to the commissioner within 90 days.
6. A student who is found in possession of a firearm that is lawfully stored in a locked vehicle on school grounds, or when it is for activities approved and authorized by the district board of education, as long as the district board of education adopts appropriate safeguards to ensure student safety shall not be subject to removal.
7. A student shall obtain the written consent of the chief school administrator before bringing a firearm onto school grounds, on a school bus, or at a board-approved activity.

E. Conviction/Adjudication

VIOLENCE AND WEAPONS (regulation continued)

Upon court notice that a student has been convicted or adjudicated delinquent for possession of a firearm on school grounds or has been convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school grounds, the building principal/designee shall notify the chief school administrator who shall initiate removal proceedings.

Public Hearing Requirements

- A. Two times each school year, between September 1 and January 1 and between January 1 and June 30, at a public hearing, the chief school administrator shall report to the board all acts of violence, vandalism, and harassment, intimidation, or bullying which occurred during the previous reporting period. The report shall include:
 1. The number of reports of harassment, intimidation, or bullying;
 2. The status of all investigations;
 3. The nature of the bullying based on one of the protected categories identified in the definition of harassment, intimidation and bullying (see N.J.S.A. 18A:37-14 Anti-Bullying Bill of Rights and board policy 5131.1 Harassment, Intimidation and Bullying);
 4. The names of the investigators;
 5. The type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying; and
 6. Any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying.
- B. The information shall also be reported once during each reporting period to the Department of Education. The report must include data broken down by the enumerated categories as listed in the definition of harassment, intimidation and bullying (see N.J.S.A. 18A:37-14 Anti-Bullying Bill of Rights and board policy 5131.1 Harassment, Intimidation and Bullying). The data shall also be broken down by each school in the district, in addition to district-wide data. It shall be a violation to release improperly any confidential information not authorized by federal or State law for public release.

Verification

Verification of the reports on violence, vandalism, and harassment, intimidation, or bullying shall be part of the State's monitoring of the school district. A school employee who knowingly falsifies the report shall be penalized to the extent consistent with law.

The chief school administrator shall use the Department of Education recommendations for the confirmation and verification of the Student Safety Data System report. It shall be the responsibility of the chief school administrator or his or her designee(s) to:

- A. Compare municipal police reports to the Violence, Vandalism, and Substance Abuse (VV-SA) Incident Forms to ensure occurrences of police activity on your agency's grounds were reported as Student Safety Data System (SSDS) incidents, if such incidents meet the criteria of an SSDS-defined incident;
- B. Review the school records of student disciplinary actions (e.g., detention, suspension, expulsion)

VIOLENCE AND WEAPONS (regulation continued)

to ensure any incidents related to these measures, as well as the disciplinary actions taken, were accurately recorded in the SSDS, if such incidents meet the criteria of an SSDS-defined incident;

- C. Review harassment, intimidation, and bullying (HIB) investigation reports to ensure all cases of HIB affirmed by the board have been entered accurately into the SSDS;
- D. Review school records of arson, theft, and damage to property to ensure accurate input into the SSDS;
- E. Review nurse's office records (injury reports) to ensure all SSDS records accurately reflect associated injuries, if such incidents meet the criteria of an SSDS-defined incident;
- F. Review the School Security Incident Report forms that were submitted to the NJDOE to ensure these incidents have been reported over the SSDS, if such incidents meet the criteria of an SSDS-defined incident;
- G. Ensure that the number of VV-SA report forms on record at the schools matches the number of incidents that appear in the SSDS Report Module;
- H. Ensure the number of HIB incidents affirmed by the board in SSDS match the number of affirmed HIB incidents in the Harassment, Intimidation and Bullying – Investigations, Training and Programs (HIB-ITP) data collection system;
- I. Ensure that the information recorded on the VV-SA (Violence and Vandalism – Substance Abuse) report forms coincides with the information provided in the SSDS Report Module:
 - 1. The number and type of incidents (Violence, HIB, Vandalism, Substance Offense, and/or Weapons) appearing in the Incident Category Summary;
 - 2. The Action Taken Summary;
 - 3. The Offender Type Summary;
 - 4. The Victim Type Summary;
 - 5. The Student Removal Summary (including the removal of students with disabilities for reasons other than violence, HIB, vandalism, substance offenses and weapons offenses);
 - 6. Victim(s) of a Violent Criminal Offense;
 - 7. Program(s) Provided Upon Disciplinary Action;
 - 8. Missing Offender Information; and
 - 9. Missing Victim Information.
- J. Check to make sure all schools' data are entered;
- K. Review the incidents listed for each school in the Incident Listing; click the Incident Number hyperlink to check the incident details. After printing the Incident Listing, have each school review records of its suspensions to determine if any incidents are missing in the SSDS;
- L. Checking the report data against the incident reports to ensure the numbers are accurate;
- M. A board of education shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements pursuant to this section. The majority

VIOLENCE AND WEAPONS (regulation continued)

representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, and harassment, intimidation, or bullying.

Knowingly Falsifying the Report

- A. Whenever it is alleged that a school employee has knowingly falsified the report, the board shall make a determination regarding whether the employee committed the act;
- B. Any employee alleged to have knowingly falsified the report shall be notified in writing of the allegation. The employee may file a grievance according to law, grievance procedures under their respective bargaining agreements, or other district grievance procedures as appropriate;
- C. If it is determined that an employee has knowingly falsified the report, one or more of the following actions may be taken:
 - 1. Impose minor discipline on a tenured or non-tenured employee notwithstanding any other law to the contrary and if negotiated with the majority representative of the employees in the appropriate collective bargaining unit;
 - 2. Withhold a tenured or nontenured employee's increment;
 - 3. File tenure charges with the secretary of the board in writing and with a written statement of evidence under oath to support such charges; and/or
 - 4. Terminate employment.
- D. Any disciplinary action resulting from the falsification of the SSDS reporting requirements shall be based on its consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record;
- E. Any employee having been found responsible for the falsification of the report by the board shall have the right to:
 - 1. File a grievance under their respective bargaining agreements;
 - 2. Appeal the board's determination to the Commissioner of Education and subsequently to the State Board of Education; or
 - 3. Appeal the decision to the Superior Court of New Jersey.
- F. The availability of appeal options shall be based upon the action taken by the board.

School Violence Awareness Week

The week beginning with the third Monday in October of each year is designated as "School Violence Awareness Week." All schools in the district shall observe this week by organizing activities designed to prevent school violence. Activities shall include age-appropriate opportunities for student discussion on conflict resolution, diversity, and tolerance. Law enforcement personnel shall be invited to join members of the teaching staff in the discussions. Programs shall also be provided for school board employees that are designed to help them recognize warning signs of school violence and to instruct them on recommended conduct during an incident of school violence.

VIOLENCE AND WEAPONS (regulation continued)

Each building principal shall ensure that appropriate programs are designed and implemented in each school and grade level. The principal/designee may utilize the New Jersey Department of Education resources or may utilize other appropriate programs and materials. Department of Education recommended programs include:

1. Keeping Our Kids Safe, Healthy and in School webpage includes resources about positive learning environments, as well as resources specific to character and social development and student behavior (<http://www.state.nj.us/education/students/safety/sandp/>).
2. New Jersey Commission on Holocaust Education website includes the 9/11 curriculum, Learning from the Challenges of Our Times, and the K-4 Holocaust Genocide Curriculum. Both resources emphasize the importance of respecting diversity and appreciating others. In addition, both provide lesson plans that stress the importance of respect for others and of ways to deal with issues of prejudice and bias in the classroom (<http://www.state.nj.us/education/holocaust/>).
3. New Jersey School Climate Survey (NJSCS) website provides the materials needed to conduct climate surveys of students, staff and parents. (<http://www.state.nj.us/education/students/safety/behavior/njscs>).
4. To help schools comply with the requirements for School Violence Awareness Week, the NJDOE has provided guidance online at <http://www.nj.gov/education/students/safety/behavior/violence.shtml>. The guidance document is included (see exhibit 1 Guidance for Schools on Violence Awareness Week).

REGULATION HISTORY

Date:	February 4, 1999
Revised:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

CROSS REFERENCES

5114	Suspension and Expulsion
5114	Suspension and Expulsion, Regulation
5114	Parent Notification and Due Process Letter, Exhibit
5131.5	Violence and Vandalism
5131.6	Substance Abuse
5131.6	Substance Abuse, Regulation
5131.7	Weapons and Dangerous Instruments

PRIMARY RESOURCES

1	Guidance for Schools on Violence Awareness Week
2	SSDS Reporting Form

Policy

DRUGS, ALCOHOL, STEROIDS, TOBACCO
(Substance Abuse)

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

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

Students

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

- A. The board of education prohibits the use, possession and/or distribution of any drug, alcohol, or steroids on school premises, and at any event away from the school provided by the board. Compliance with a drug-free standard of conduct at all school functions is mandatory for all students. Students suspected of being under the influence of drugs, alcohol, or steroids will be identified, evaluated, and reported in accordance with the law. Assessment will be provided by individuals who are certified by the New Jersey State Board of Examiners as student assistance coordinators or by individuals who are appropriately certified by the New Jersey Board of Examiners and trained in alcohol and other drug abuse prevention. A student who uses, possesses, or distributes drugs, alcohol, or steroids on school premises or while attending a school-sponsored activity will be subject to discipline that may include suspension or expulsion, and may be reported to appropriate law enforcement personnel. Students suspected of

SUBSTANCE ABUSE (continued)

involvement with alcohol, drugs or steroids away from school premises will be advised of appropriate treatment and remediation (N.J.S.A. 18A:40A-10). Treatment services for students who are affected by alcohol or other drug use will be provided by individuals who are certified as student assistance coordinators or who are otherwise appropriately trained in drug and alcohol prevention, intervention, and follow-up. Treatment will not be at the board's expense.

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

Enforcement of Drug-Free School Zones

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

Law Enforcement Liaison

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

Undercover Operations

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

The board recognizes that law enforcement authorities may contact the chief school administrator to request that an undercover operation be established in a district school. The board recognizes that the chief school administrator is prohibited from discussing the request with the board. The board

SUBSTANCE ABUSE (continued)

hereby authorizes the chief school administrator to act upon any such request in the manner that he/she determines is in conformity with the law and the Attorney General's Executive Directive 1988-1 and that is in the best interests of the students and the school district.

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

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

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

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

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

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

Student Searches and Securing Physical Evidence

SUBSTANCE ABUSE (continued)

The principal or his/her designee may conduct a search of a student's person or belongings if the search is necessary to maintain discipline and order in the school, and the school official has a reasonable suspicion that the student is concealing contraband. All searches and seizures conducted by designated school staff shall comply with the standards prescribed by the United States Supreme Court in State in re T.L.O. 94 N.J. 331 (1983), reversed on other grounds, New Jersey v. T.L.O. 569 U.S. 325 (1985) and the New Jersey School Search Policy Manual.

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

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

Police Presence at Extracurricular Activities

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

Resolving Disputes Concerning Law Enforcement Activities

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

Confidentiality of Student Involvement in Intervention and Treatment Programs

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

SUBSTANCE ABUSE (continued)Tobacco

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

A. Tobacco Use and Possession

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

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

For the purposes of this policy:

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

C. Signage

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

D. Compliance for Students

SUBSTANCE ABUSE (continued)

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

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

E. Compliance for Faculty, Staff, and Visitors

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

F. Opportunities for Cessation

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

G. Prevention Education

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

H. Procedures for Implementation

SUBSTANCE ABUSE (continued)

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

Ongoing Implementation of this Policy

A. Prevention Education for Students

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

B. Faculty Education and Inservice Training

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

C. Annual Review and Distribution of Policy

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

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

D. Administrative Regulations

The chief school administrator may develop administrative regulations for:

1. A comprehensive program of drug, alcohol, steroid, and tobacco education;
2. The identification and remediation of students involved with drugs, alcohol, steroids, and

SUBSTANCE ABUSE (continued)

tobacco;

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

E. Reporting and Liability

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

At a biannual hearing the chief school administrator shall report to the board all acts of violence and vandalism and incidents of alcohol and other drug abuse that occurred during the previous school year.

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

F. Confidentiality Requirements

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

G. Parental Compliance

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

Optional Random Drug Testing of High School Students

School districts have the option to conduct random testing of high school students who possess a school parking permit or who participate in extracurricular activities, including sports, for alcohol or other drug use. Testing, if conducted, will comply with the requirements of N.J.A.C. 6A:16-4.4, "voluntary policy for random testing of student alcohol or other drug use." Before instituting testing, a public hearing will be held concerning the district's policy and procedures. Collection and testing

SUBSTANCE ABUSE (continued)

of specimens will be only by the individuals authorized by the regulations. The district's procedures will include a procedure whereby students or their parents may challenge a positive result from alcohol or other drug tests.

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Legal References: N.J.S.A. 2A:62A-4

Reports by educational personnel on dependency upon or illegal use of controlled dangerous substances or use of intoxicating vapor releasing chemicals; immunity from liability

N.J.S.A. 2C:29-3a

Hindering apprehension or prosecution

N.J.S.A. 2C:33-15

Possession or consumption of alcoholic beverage by person under legal age, penalty

N.J.S.A. 2C:33-16

Alcoholic beverages; bringing or possession on school property by person of legal age; penalty

N.J.S.A. 2C:33-17

Offer or service of alcoholic beverage to underage person; disorderly persons; exceptions

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

Paging devices, possession by students

N.J.S.A. 2C:35-1 et seq.

New Jersey Comprehensive Drug Reform Act of 1987

See particularly:

N.J.S.A. 2C:35-7, -10

N.J.S.A. 2C:35-2

Definitions

N.J.S.A. 9:6-1 et seq.

Abuse abandonment, cruelty, and neglect of child; what constitutes

SUBSTANCE ABUSE (continued)

<u>N.J.S.A.</u> 9:17A-4	Consent by minor to medical care or treatment; venereal disease, sexual assault or drug use or dependency; notice and report of treatment; confidentiality
<u>N.J.S.A.</u> 18A:25-2	Authority over students
<u>N.J.S.A.</u> 18A:36-19.2	Student locker or other storage facility; inspections; notice to students
<u>N.J.S.A.</u> 18A:37-1	Submission of students to authority
<u>N.J.S.A.</u> 18A:37-2	Causes for suspension or expulsion of students
<u>N.J.S.A.</u> 18A:38-25	Attendance required of children between six and sixteen, exceptions
<u>N.J.S.A.</u> 18A:38-31	Violation of article by parents or guardian, penalties
<u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u>	Substance abuse
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:40A-1, -2, -3, -4, -5, and -9	
<u>N.J.S.A.</u> 18A:40A-22 to -25	Random student drug testing
<u>N.J.S.A.</u> 24:21-2	Definitions (New Jersey controlled dangerous substances)
<u>N.J.S.A.</u> 26:3D-55 <u>et seq.</u>	<u>New Jersey Smoke-Free Air Act</u>
<u>N.J.A.C.</u> 6A:8-3.1	Curriculum and instruction
<u>N.J.A.C.</u> 6A:9B-14.2	Student assistance coordinator
<u>N.J.A.C.</u> 6A:14-2.8	Discipline/suspension/expulsion
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-4.4	
<u>See also:</u>	
<u>N.J.A.C.</u> 6A:16-1.3, -2.2, -2.4, -3.1, -3.2, -4.1 through -4.3, -5.3, -6.1 -6.5	
Voluntary policy for random testing of student alcohol or other drug use.	

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

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

42 C.F.R. Part 2--Confidentiality of alcohol and drug abuse patient records

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

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

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

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

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

SUBSTANCE ABUSE (continued)

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

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

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

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

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

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

Possible

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

Regulation

SUBSTANCE ABUSE

GENERAL STATEMENT

In accordance with board policy, the following procedures are established for:

- A. The instruction of students in avoiding drug, alcohol, tobacco and steroid abuse;
- B. Reporting, assessing, intervening, referring for evaluation, and referring for treatment students suspect of being under the influence of alcohol, drug and/or steroids;
- C. Reporting requirements for students who are suspected or found in possession of or distributing drugs, alcohol, tobacco and/or steroids; and
- D. Cooperation with law enforcement officials regarding the use of illicit drugs in district schools.

The purpose of this regulation is to clarify and support policy file code 5131.6, to specify the ways in which the district will address the needs of students who have become involved in the use of illicit drugs, including controlled dangerous substances (CDS), prescription or over-the-counter (OTC) medications, as well as alcohol, tobacco, steroids and other harmful substances. The district policy is far-reaching in its scope and extends to all students enrolled in the district. Services are also available to parents and guardians under appropriate circumstances. The district will consult with state and local agencies in developing and implementing procedures to reduce the use of illicit substances by district students.

STAFF RESPONSIBLE

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

Position	Summary of Main Responsibilities
Chief school administrator	<ul style="list-style-type: none">• General policy procedure oversight within the district,• Contacting and being the liaison with law enforcement, EMS
Building principal	<ul style="list-style-type: none">• General procedure oversight within the school• Notification of the chief school administrator• Primary contact for reported incidents• Contacting and being the liaison with law enforcement, EMS• EVVRS report
Student assistance coordinator (SAC) <i>Core team member</i>	<ul style="list-style-type: none">• Lead the core team• Develop and maintain referral list for referral to community treatment programs

SUBSTANCE ABUSE (continued)

	<ul style="list-style-type: none"> • Coordinate school and/or community based assessment, treatment, intervention and referral
School Nurse <i>Core team member</i>	<ul style="list-style-type: none"> • Oversight of the student's physical wellbeing • Primary contact for reported incidents • Examination and direct care of the student pending treatment • Review and evaluation of all medical reports and documentation • Maintain the school health records
School guidance counselor, school-based social worker and child study team staff <i>Core team members</i>	<ul style="list-style-type: none"> • Support services as required and assigned in consultation with the SAC
Teaching and support staff	<ul style="list-style-type: none"> • Incident reporting • Incident documentation • Student supervision

PROCEDURESProcedures for Instruction

- A. The chief school administrator shall ensure that appropriate staff are designated to receive training sufficient to teach an educational program on drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances. Such training may include in-service programs from county or regional department of education offices or other educational organizations approved by the Commissioner of Education.
- B. The designated programs shall:
1. Prepare attendees in teaching methodologies and practices for teaching students the dangers associated with drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances as part of its curriculum.
 2. Include information on the history, pharmacology, physiology and psychosocial aspects of drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances, symptomatic behavior associated with substance abuse, the availability of rehabilitation and treatment programs, and
 3. Include information on the legal and criminal aspects of substance abuse.
- A. Each local board of education shall provide time for the in-service training during the usual school schedule in order to ensure that appropriate teaching staff members are prepared to teach the educational program in each grade in each school district.
- B. The chief school administrator shall ensure that the district curriculum submitted to the board of education for annual approval includes instructional programs on the nature of drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances in each grade in the district.
- C. Teachers shall be guided by the drug, alcohol, tobacco and steroid program approved by the

SUBSTANCE ABUSE (continued)

board of education as a part of the health education curriculum in accordance with the Department of Education curriculum guidelines established by the Commissioner of Education.

- D. Teachers and administrators will be requested to evaluate annually the effectiveness of the drug, alcohol, tobacco and steroid education programs.

Reporting, Notification, and Examination Procedures for Students Suspected of Being Under the Influence

Teaching staff members will be alert to the signs of a student's involvement with drugs, alcohol, or steroids including:

- A. Impaired health or fatigue;
- B. Loss of physical coordination;
- C. Excessive truancy or tardiness;
- D. Declining grades;
- E. Depressed appetite or loss of weight;
- F. Appetite extremes, such as loss of appetite;
- G. Eyes that are bloodshot, watery, extremely wide, or have extremely small pupils;
- H. An unusual body or breath odor; needle tracks;
- I. A change in attitude, personality, temperament, appearance, or peer groups; and
- J. Mental confusion.

A behavior checklist is provided for each referral that is made with reference to possible drug, alcohol or steroid use.

Concerns over student use of chemicals outside of school and away from school-related activities may be reported to the guidance counselor, student assistance coordinator, the school nurse or any administrator who can follow through on the process of investigating nonemergency cases of suspected drug, alcohol, or steroid involvement.

Procedures for Intervention - Students Under the influence

In instances involving intoxication either in school or at a school-sponsored activity by alcoholic beverages, controlled dangerous substances or any chemical or chemical compound as identified in N.J.A.C. 6A:16-4.1(c), the following shall apply:

- A. Any professional staff member to whom it appears that a student may be under the influence of

SUBSTANCE ABUSE (continued)

alcoholic beverages or other drugs on school property or at a school function shall report the matter as soon as possible to the school nurse or medical inspector and the principal. In the absence of the principal, their designee shall be notified; and in instances where the school nurse, medical inspector or the principal are not in attendance, the staff member responsible for the school function shall be immediately notified;

- B. Any staff member who observes and suspects that a student is under the influence of alcohol, drugs or steroids shall remain with the student or otherwise ensure that the student is supervised by a qualified professional staff member. The student shall not be left alone;
- C. The principal or their designee shall immediately notify the parent/guardian and the chief school administrator and arrange for an immediate examination of the student by a physician. If a physician is not immediately available, the emergency medical services team shall be contacted or the student shall be accompanied by a member of the school staff, designated by the principal, to the emergency room of the nearest hospital for examination. If available, a parent/guardian should also accompany the student;
- D. If, at the request of the parent/legal guardian, the medical examination is conducted by a physician other than the school physician or school recommended health care facility, such examination shall not be at the expense of the district board of education;
- E. The school nurse or the principal shall arrange for the appropriate care of the student while awaiting the results of the medical examination;
- F. A written report of the medical examination shall be furnished to the parent/guardian of the student, the principal and the chief school administrator by the examining physician within 24 hours;
- G. If the written report of the medical examination is not submitted to the parent/guardian, principal and chief school administrator within 24 hours, the student shall not be allowed to return to school until the medical examiner authorizes that the student is fit to return to school;
- H. If there is a positive diagnosis from the medical examination indicating that the student is under the influence of alcoholic beverages or other drugs, the student shall be returned to the care of a parent/guardian as soon as possible. Attendance at school shall not resume until a written report has been submitted to the parent/guardian of the student, the principal and chief school administrator from a physician who has examined the student to diagnose alcohol or other drug use. The report shall certify that substance abuse no longer interferes with the student's physical and mental ability to perform in school. In addition, the staff member shall complete the violence, vandalism and substance abuse incident report;
- I. A student will be disciplined in accordance with guidelines outlined in the discipline procedure manual when involved in drug-related activities while in school or involved in a school-sponsored activity;
- J. The student and parent/guardian will be advised by the student assistance coordinator (SAC) of available counseling and support services in the community. Individual referrals will be made as

SUBSTANCE ABUSE (continued)

appropriate;

- K. The board shall provide for in-house assessment of student drug and alcohol concerns, as well as instruction, counseling, and related services for that student and/or family members. These counseling interventions will be offered by the student assistance coordinator and/or core team members who are trained in drug and alcohol prevention, intervention, and after-care procedures;
- L. While the student is at home because of disciplinary and/or medical reasons, the child study team will intervene to determine the student's eligibility for home instruction, if the development of an IEP is required, and provide additional assessment if needed. The child study team will assess the student's eligibility and need for special education and/or related services;
- M. The core team, student assistance coordinator, crisis counselor, or other staff member assigned to monitor the student's stability, progress, and possible re-entry into the daily school routine shall be responsible to keep all appropriate school personnel informed of the status of the student referral. Staff should work in close cooperation with the student's parents/guardians in an effort to fully support the student.

Anabolic Steroids

for instances involving anabolic steroids:

- A. Whenever any teaching staff member, school nurse or other educational personnel shall have reason to believe that a student has used or may be using anabolic steroids, that teaching staff member, school nurse or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, the student assistance coordinator, and to the principal or, in his or her absence, to their designee;
- B. The principal or their designee, shall immediately notify the parent/guardian and the chief school administrator and shall arrange for an examination of the student by a doctor selected by the parent/guardian or by the medical inspector. The student shall be examined as soon as possible for the purpose of diagnosing whether or not the student has been using anabolic steroids;
- C. A written report of that examination shall be furnished by the examining physician to the parent/guardian of the student and to the chief school administrator of schools or administrative principal;
- D. If there is a positive diagnosis from the medical examination indicating that the student has been using steroids, attendance at school shall not resume until a physician who has examined the student certifies in writing that the substance abuse shall not interfere with the student's physical and mental ability to perform in school. This physician's written report shall be submitted to the parent/guardian of the student, the principal and chief school administrator before the student may return to school;
- E. If it is determined that the student has been using anabolic steroids, the student shall be interviewed by a student assistance coordinator or another appropriately trained teaching staff

SUBSTANCE ABUSE (continued)

member for the purpose of determining the extent of the student's involvement with these substances and possible need for treatment. In order to make this determination, the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the student's teachers and parents/guardians. The coordinator or other teaching staff member may also consult with such experts in the field of substance abuse as may be necessary and appropriate;

- F. If it is determined that the student's involvement with and use of these substances represents a danger to the student's health and well-being, the coordinator shall refer the student to an appropriate treatment program.

Transportation of Students for Examination

- A. Transportation to a physician's office or hospital/healthcare facility will be provided by authorized district personnel or emergency medical services, if parents/guardians are unable or unwilling to take their child to the physician's office;
- B.** A staff member designated by the principal shall accompany the student being taken from school for any reason;
- C. No faculty member shall transport a student in their own car (see board policy 3541.31 Private Vehicles);
- D.** The physician will send the results of the drug screening to the student assistance coordinator, who shall report the results of the screening to the principal and the chief school administrator;
- E. The parent/guardian of any student determined to be using alcohol, drugs or steroids shall be notified in writing of steps for reentry to school. The student assistance coordinator in consultation with the relevant school staff members shall be responsible for designing a reentry plan that may include school based counseling support, drug education and awareness activities as well as referral to community based treatment programs.

Possessing, Buying, Selling and/or Distributing Drugs, Alcohol, or Steroids, Paraphernalia

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

- A. School personnel shall report the matter as soon as possible to the school principal, or in their absence, to their designee;
- B. The school principal, observing all due process procedures, shall then attempt to establish the truth of the actual possession or sale and/or distribution of drugs or alcohol;

SUBSTANCE ABUSE (continued)

- C. If so determined, the principal shall immediately notify the student's parent/guardian and the chief school administrator;
- D. The law enforcement authorities shall be notified in accordance with provisions established by N.J.A.C. 6A:16-6.1 et seq.
- E. When a student has voluntarily requested assistance for a substance abuse concern, and has not been involved in distribution activities, no disclosure to police is required if the student agrees to participate in assessment, evaluation, treatment, counseling support services and/or after-care provided by the student assistance coordinator and/or core team staff. Referral to community treatment services may be warranted;
- F. The principal, chief school administrator, the student assistance coordinator, and members of the core team shall document in writing the incident report and all actions conducted by the district for the investigation, examination, intervention, treatment and referral of all students suspected of being under the influence or in possession of drugs, alcohol, or steroid and/or drug related paraphernalia. The student assistance coordinator and/or core team will make appropriate student and family referrals to community agencies offering assistance for drug and alcohol related issues;
- G. While the student is at home because of disciplinary and/or medical reasons, a child study team may be convened to determine the student's eligibility for home instruction, develop an IEP, and provide additional assessment if needed. The child study team will assess the student's eligibility and need for special education and/or related services;
- H. The violence, vandalism and substance abuse incident report is to be completed by the principal and forwarded to the chief school administrator for every reported incident.

Recordkeeping Regarding Self-disclosure vs. Discovery of Student Substance Abuse Concerns

- A. Voluntary student disclosure involving drugs, alcohol, or steroids will be kept confidential and exchange of information will be kept between student, student assistance coordinator, and core team, and the student support program director. Records will be confidential and kept separate and apart from general student files. These files will be kept locked. Feedback to referral sources will be limited to status of student progress only;
- B. Disciplinary referrals, or cases which involve discovery of student chemical use by students will be recorded in student disciplinary files. Only the content of student disclosures made thereafter to a student assistance coordinator or core team member will be kept as a part of the confidential substance awareness treatment program records. It must be noted that even under the strictest of confidentiality laws, a counselor is required to report a student whom they believe to:
 - 1. Be suicidal;
 - 2. Be assaultive (murder, rape, armed robbery intent);
 - 3. Have been abused;
 - 4. Be under the influence of drugs;
 - 5. Be in need of emergency medical treatment.

SUBSTANCE ABUSE (continued)School-Based Support Measures

The student assistance coordinator shall:

Investigate community based treatment resources for students with drug, alcohol or steroid use and/or dependence;

- A. Maintain an updated list of treatment program options in the community and residential program options that include:
 - 1. Name, contact information, description and costs of programs for drugs, alcohol, steroids and tobacco;
 - 2. Information on the schedules for local Narcotics Anonymous (NA), Alcoholics Anonymous (AA), Al-Anon, and Alateen meetings;
 - 3. Resources for quitting smoking/nicotine addiction;
 - 4. Other community, State and federal resources.
- B. Develop referral information for students and their family members to distribute when appropriate.

Students identified as drug and/or alcohol and/or steroid dependent will be referred to a community agency and required to complete a treatment program appropriate to their needs. The student assistance coordinator will make every effort to develop a plan for the ongoing needs of the student that may include providing assessment, intervention and referral, and transportation arrangements to and from testing.

Parents who believe that a child is using prohibited substances may submit a request for assistance to the district intervention and referral services (I&RS) team or seek a referral to community agencies. However, any such request may not be used to avoid any actual or contemplated disciplinary action actually pending against the student at the time the request is made. In addition, parents must be actively involved in the development and implementation of **I&RS** action plans.

Prohibition of Smoking by Students

Students are not permitted to smoke, including inhaling the burning or vapor of a lighted cigar, cigarette, pipe, electronic smoking device or any other matter or substance which contains tobacco at any time in school buildings, on school property, on school buses, or at a school-sponsored trip or activity off school premises. Chewing tobacco is also specifically prohibited. Students are not to carry cigarettes or other smoking materials such as electronic smoking devices, tobacco, pipes or cigarette rolling papers while on school property.

SUBSTANCE ABUSE (continued)

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

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

- A. Locker and desk searches when there is reason to believe that inspection is warranted;

SUBSTANCE ABUSE (continued)

Offense (within the same school year)	First Offense	Second Offense	Third Offense
Smoking/use of tobacco or tobacco products (not including electronic smoking devices)	<ul style="list-style-type: none"> • Parents/guardians notified; • 3 day Out-of-school suspension • Referral for counseling and development of cessation plan; • Law enforcement contacted and possible fine pursuant to <u>N.J.S.A. 26:3D-62</u> (\$250/first offense) 	<ul style="list-style-type: none"> • Parents/guardians notified; • 3 day Out-of-school suspension • Referral for counseling and development of cessation plan; • Law enforcement contacted and possible fine pursuant to <u>N.J.S.A. 26:3D-62</u> (\$500/second offense) 	<ul style="list-style-type: none"> • Parents/guardians notified; • 5 day Out-of-school suspension • Referral for counseling and development of cessation plan; • Law enforcement contacted and possible fine pursuant to <u>N.J.S.A. 26:3D-62</u> (\$1,000/third offense) • Informal/Administrative hearing
<p>Possession of drug paraphernalia (i.e. electronic smoking devices) not containing any controlled dangerous substance otherwise identified in <u>N.J.A.C. 6A:16-4.1(a)</u></p> <p>or</p> <p>Possession of drugs or drug paraphernalia containing any controlled dangerous substance identified in <u>N.J.A.C. 6A:16-4.1(a)</u></p>	<ul style="list-style-type: none"> • Parents/guardians notified; • 3 day Out-of-school suspension • Referral for counseling and development of cessation plan; • Universal Drug Screening completed within 2 hours <p>For confirmed cases of drugs or drug paraphernalia containing any controlled dangerous substance identified in <u>N.J.A.C. 6A:16-4.1(a)</u>:</p> <ul style="list-style-type: none"> • Law enforcement contacted • Medical statement substantiating student's state of wellbeing is required before re-entry after positive diagnosis of chemical use. 	<ul style="list-style-type: none"> • Parents/guardians notified; • 5 day Out-of-school suspension • Universal Drug Screening completed within 2 hours • Referral for counseling and development of cessation plan; <p>For confirmed cases of drugs or drug paraphernalia containing any controlled dangerous substance identified in <u>N.J.A.C. 6A:16-4.1(a)</u>:</p> <ul style="list-style-type: none"> • Law enforcement contacted • Medical statement substantiating student's state of wellbeing is required before re-entry after positive diagnosis of chemical use. 	<ul style="list-style-type: none"> • Parents/guardians notified; • 7 day Out-of-school suspension • Universal Drug Screening completed within 2 hours • Referral for counseling and development of cessation plan; • Informal/Administrative hearing <p>For confirmed cases of drugs or drug paraphernalia containing any controlled dangerous substance identified in <u>N.J.A.C. 6A:16-4.1(a)</u>:</p> <ul style="list-style-type: none"> • Law enforcement contacted • Medical statement substantiating student's state of wellbeing is required before re-entry after positive diagnosis of chemical use. • Informal/Administrative hearing

SUBSTANCE ABUSE (continued)

Under the influence of alcohol, drugs, steroids, or substances identified in N.J.A.C. 6A:16-4. I(a)	<ul style="list-style-type: none"> • Parents/guardians notified; • Universal Drug Screening completed within 2 hours • 3 day Out-of-school suspension • Referral for counseling and development of cessation plan; • Medical statement substantiating student's state of wellbeing is required before re-entry after positive diagnosis of chemical use. 	<ul style="list-style-type: none"> • Parents/guardians notified; • Universal Drug Screening completed within 2 hours • 5 day Out-of-school suspension • Referral for counseling and development/continuation of cessation plan; • Medical statement substantiating student's state of wellbeing is required before re-entry after positive diagnosis of chemical use. 	<ul style="list-style-type: none"> • Parents/guardians notified; • Universal Drug Screening completed within 2 hours • 7 day Out-of-school suspension • Referral for counseling and development/continuation of cessation plan; • Medical statement substantiating student's state of wellbeing is required before re-entry after positive diagnosis of chemical use. • Informal/Administrative hearing
Distribution, transferring, or selling alcohol, drugs, steroids, or substances identified in N.J.A.C. 6A:16-4. I(a)	<ul style="list-style-type: none"> • Parents/guardians notified; • 10 day suspension; • Referral for counseling • Universal Drug Screening completed within 2 hours • Law enforcement contacted 	<ul style="list-style-type: none"> • Parents/guardians notified; • 10 day suspension and/or expulsion hearing; • Referral for counseling • Universal Drug Screening completed within 2 hours • Law enforcement contacted 	<ul style="list-style-type: none"> • Parents/guardians notified; • 10 day suspension and/or expulsion hearing; • Referral for counseling • Universal Drug Screening completed within 2 hours • Law enforcement contacted

SUBSTANCE ABUSE (continued)**REGULATION HISTORY**

Date:	
Revised:	March 9, 1989
Revised:	August 8, 1991
Revised:	November 14, 1991
Revised:	August 14, 1992
Revised:	March 8, 1994
Revised:	June 25, 2009
First Reading:	June 11, 2009
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Revised:	June 30, 2011
First Reading:	June 9, 2011
Second Reading:	June 30, 2011
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Readopted:	June 13, 2019
Revised:	October 18, 2023
First Reading:	September 20, 2023
Second Reading:	October 18, 2023

CROSS REFERENCES

5114	Suspension and Expulsion
5131	Conduct and Discipline
5131.5	Violence and Vandalism
5131.5/5131.7	Violence, Vandalism and Weapons, Regulation (EVVRS report)
5131.7	Weapons and Dangerous Instruments

WEAPONS AND DANGEROUS INSTRUMENTS

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

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

Portable metal detectors will be used at school sites throughout the district to prevent the possession of weapons on school property. Parent/guardians will be notified in writing as to the random use of these detectors by trained Board of Education personnel at the opening of each school year.

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

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

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

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

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

Disciplinary action shall be taken against students who possess, handle, transmit or use firearms,

WEAPONS AND DANGEROUS INSTRUMENTS (continued)

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

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

Remotely Activated Paging Devices (Beeper)

No student shall bring or possess a remotely activated paging device on any property used for school purposes without the written permission of the board.

Implementation

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

Date: April 2, 1998
 Revised: June 25, 2009
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Legal References: N.J.S.A. 2A:4A-60 et al.

N.J.S.A. 2C:12-1
N.J.S.A. 2C:33-19
N.J.S.A. 2C:39-1
N.J.S.A. 2C:39-5
N.J.S.A. 2C:39-6
N.J.S.A. 18A:6-1
N.J.S.A. 18A:36-19.2

N.J.S.A. 18A:37-1
N.J.S.A. 18A:37-2
N.J.S.A. 18A:37-2.1
 through -2.5

N.J.S.A. 18A:37-7
 through -12
N.J.A.C. 6A:14-2.8
N.J.A.C. 6A:16-1.1 et seq.
See particularly:
N.J.A.C. 6A:16-1.3, -5.2,
-5.4, -5.5, -5.6, -6.1, -6.2,

Disclosure of juvenile information; penalties for disclosure
 Definition of assault
 Paging devices, possession by students
 Definitions
 Unlawful possession of weapons
 Exemptions
 Corporal punishment of students
 Student locker or other storage facility; inspections; notice to students
 Submission of students to authority
 Causes for suspension or expulsion of students
 Assaults by student upon teacher, administrator, board member or employee of board of education; suspension; expulsion proceedings ...
Zero Tolerance for Guns Act

 Discipline/suspension/expulsion (special education)
 Programs to Support Student Development

WEAPONS AND DANGEROUS INSTRUMENTS (continued)

-6.3(b), -6.4

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

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

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

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

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

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

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

Possible

Cross References:

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

Regulation

CODE OF STUDENT CONDUCT

GENERAL STATEMENT

The Elizabeth School District Code of Student Conduct is established in order to:

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

STAFF RESPONSIBLE

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

Position	Summary of Main Responsibilities
Chief school administrator	<ul style="list-style-type: none">• General policy procedure oversight within the district• Ensure the annual review and implementation of the code of student conduct• Ensure implementation of referral procedures• Ensure appropriate training for school staff• Develop and maintain list of community resources to assist students and families involved in drugs and alcohol

CODE OF STUDENT CONDUCT (regulation continued)

Building principal	<ul style="list-style-type: none"> • Primary responsibility for implementing and enforcing student code of conduct procedures • Disciplining students • Liaison with law enforcement re: reports of criminal activities by students • Maintaining the student discipline records • Participate in the annual review of the code of student conduct • Ensure support for student transitions to and from health and social service agencies • Annual dissemination of student code of conduct to all staff and students
Teaching staff members	<ul style="list-style-type: none"> • Primary responsibility for implementing enforcing procedures • Disciplining students
Support staff members	<ul style="list-style-type: none"> • Reporting violations to teaching staff members
Bus driver	<ul style="list-style-type: none"> • Primary responsibility for implementing enforcing good order while transporting students

SCOPE/PURPOSE

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

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

DEFINITIONS

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

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

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

CODE OF STUDENT CONDUCT (regulation continued)

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

PROCEDURESSix Pillars of Character

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

A. Trustworthiness

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

B. Citizenship

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

C. Responsibility

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

D. Respect

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

E. Caring

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

F. Fairness

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

CODE OF STUDENT CONDUCT (regulation continued)

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

Behavioral Expectations

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

- A. Prepare mentally and physically for the process of learning;
- B. Be nourished, rested, clean, properly dressed and groomed;
- C. Be free of drugs and alcohol;
- D. Come to school prepared to learn;
- E. Demonstrate respect for people and property;
- F. Be honest, courteous and polite;
- G. Respect the property of others;
- H. Accept the rights of others to their own opinions;
- I. Settle differences peacefully;
- J. Display good sportsmanship at school-related functions;
- K. Actively participate in the maintenance and cleanliness of school facilities and property;
- L. Take responsibility for individual behavior and learning;
- M. Recognize that school is work and academic development is the primary purpose of being in school;
- N. Complete all homework, class work and exams on time;
- O. Make personal choices based on reasonable decision making processes;
- P. Accept constructive criticism and disagreement when necessary and appropriate;
- Q. Accept the consequences of individual actions;

CODE OF STUDENT CONDUCT (regulation continued)

- R. Attend school and classes regularly and punctually;
- S. Use library/media center time for school work;
- T. Use books, school technology and other equipment appropriately;
- U. Access and use the internet safely and only for school related work;
- V. Share responsibilities when working as a member of a group;
- W. Cooperate, contribute and share in the work of the group;
- X. Accept and assume leadership when appropriate; and
- Y. Obey and comply with the instruction of the school staff.

Student Recognition

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

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

Student Rights

The student shall have the right to:

- A. Be free from corporal punishment;
- B. Advance notice of behaviors that will result in suspension and expulsion (board policy 5114 Suspension/Expulsion);
- C. Education that supports student development toward becoming a productive citizen;

CODE OF STUDENT CONDUCT (regulation continued)

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

Discipline

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

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

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

CODE OF STUDENT CONDUCT (regulation continued)

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

Disciplinary Measures

The following disciplinary measures may be applied as appropriate to the student's violation of school rules. The measures are sequential and are organized in order of severity. The age of the

CODE OF STUDENT CONDUCT (regulation continued)

student, nature of the offense and circumstances surrounding the offense will all be taken into account when discipline is being applied. In all cases, before a classified student is subjected to a suspension of more than ten consecutive or cumulative school days in a school year, administration shall notify the IEP team who shall conduct a manifestation determination.

A. Admonishment

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

B. Deprivation of Privileges

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

1. Moving freely about the school building;
2. Participation in cocurricular or extracurricular activities;
3. Participation on sports teams, or in competitions;
4. Attendance at a school-related social or sports activity;
5. Participation in a graduation ceremony;
6. Parking on school grounds;
7. Transportation by school bus; or
8. Assignment to an alternative educational setting;
9. Any other privilege the principal or designee determines may be appropriate and consistent with policy 5131 Conduct and Discipline, and N.J.A.C. 6A:16-7.1 et seq.

C. Temporary Removal from Classroom/Transportation

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

D. Detention

1. The student may be required to report before or after the school day to detention for a period of supervised study, lunch detention may also be assigned;

CODE OF STUDENT CONDUCT (regulation continued)

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

E. Grading

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

F. In-school Suspension

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

G. Suspension from School

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

H. Expulsion

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

Annual Review

Each school code of student conduct shall be reviewed annually and maintained by a committee. The members of the committee shall include parents, guardians and students, the chief school administrator, members of the board of education and community members. The committee may also include teachers and other staff and administrators as desired or required. The committee shall assess the effectiveness of the implementation of policy 5131 by completing the Department of Education Compliance Checklist (see: primary resource 1). The annual review shall also include consultation with local organizations licensed by the Department of Human Services, more information can be found at: <http://www.state.nj.us/humanservices/clients/addiction/>.

CODE OF STUDENT CONDUCT (regulation continued)

The revised/updated code of student conduct shall be distributed annually to all students, staff, and parents. The chief school administrator shall ensure that training on the proper implementation of the code of student conduct is provided to all staff annually and is provided to all new employees reasonably after service commences.

Discipline Chart

Discipline infractions that may not have been addressed in the code of student conduct will be subject to review at the discretion of the school administration. The code of student conduct may be reviewed during the school year. If changes to the code are implemented, students, staff and parents affected by the change will be notified. For definitions and additional information regarding disciplinary infractions, please refer to the New Jersey Electronic Violence and Vandalism (“SSDS”) Incident Definitions (see: <http://homeroom.state.nj.us/evvrs.htm>).

Conduct Rubric

Behavior	1 st Offense	2 nd Offense	3 rd Offense
Firearms – Mandatory Removal <u>N.J.S.A. 2C:39-1(f)</u> "Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. Also included is any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compresses or other gas/vapor, air or compresses air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.	<ul style="list-style-type: none"> • Due Process Rights • Long term suspension • Formal hearing • Contact police 		
Assault with weapons -Mandatory Removal <u>N.J.S.A. 2C:39-1(r)</u> "Assault with weapons" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all (1) firearms, even though not loaded or lacking a clip or other component to render them immediately operable; (2) components	<ul style="list-style-type: none"> • Due Process Rights • Long term suspension • Formal hearing • Contact police 		

CODE OF STUDENT CONDUCT (regulation continued)

which can be readily assembled into a weapon; (3) gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood; and (4) stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.			
Assault on district personnel- Mandatory Removal <u>N.J.S.A. 2C:12-1</u> "Assault" means (1) the attempt to cause or purposely, knowingly or recklessly cause bodily injury to another; or (2) negligently cause bodily injury to another with a deadly weapon; or (3) attempt by physical menace to put another in fear of imminent serious bodily injury	<ul style="list-style-type: none"> • Due Process Rights • Long term suspension • Formal hearing • Contact police 		
Possession <u>N.J.S.A. 2C:39-5</u> (Reference File Code: 5131) Any person who knowingly has in his possession any other weapon not manifestly appropriate for such lawful uses.	<ul style="list-style-type: none"> • Parent Contact • Short term suspension • Contact Police 		
Arson/explosive device <u>N.J.S.A. 2C:17-1(b)</u> "Arson" means that the student purposely starts a fire or causes an explosion there; (1) recklessly placing another person in danger of death or bodily injury; or (2) recklessly placing a building in danger of damage or destruction.	<ul style="list-style-type: none"> • Due Process Rights • Long term suspension • Formal hearing • Contact police 		
Bomb Scare Possession of a bomb or a bomb-like device, bomb threat or false information concerning the placement of explosives or destructive substances	<ul style="list-style-type: none"> • Due Process Rights • Long term suspension • Formal hearing • Contact police 	<ul style="list-style-type: none"> • Due Process Rights • Long term suspension • Formal hearing • Contact Police • Signs waiver to waive rights to a Free and 	

CODE OF STUDENT CONDUCT (regulation continued)

		Appropriate Education (FAPE)	
Distribution of Intoxicants/Drug Paraphernalia Selling or giving away any drugs, alcohol, placebos, or any other dangerous substance, including prescription medications.	<ul style="list-style-type: none"> • Due Process Rights • Long term suspension • Formal hearing • Contact police 	<ul style="list-style-type: none"> • Due Process Rights • Long term suspension • Formal hearing • Contact Police • Signs waiver to waive rights to a Free and Appropriate Education (FAPE) 	
Using Intoxicants/Drugs Paraphernalia Possession or use of drugs, alcohol, placebos, or other dangerous and/or illegal substances including drug paraphernalia in the school, on school property, or within the drug-free school zone (1000 feet) at any time. This constitutes a violation of State Law and will be strictly enforced.	<ul style="list-style-type: none"> • Due Process • Short term suspension • Informal hearing • Contact police • Drug testing/referral 	<ul style="list-style-type: none"> • Due Process • Short term suspension • Informal hearing • Contact police • Drug testing/referral 	<ul style="list-style-type: none"> • Due Process • Long term suspension • Formal hearing • Contact police • Drug testing/referral
Prolonged Intimidation (Verbal abuse and/or Threat) and Bullying including Cyberbullying frightening or tormenting another student by verbal threats and taunts. Use of offensive or insulting language directed at staff members or other students. This may include racial, ethnic, or sexual epithets or references used to degrade another person. (Reference File Code 5131, 5131.1, 5131.8)	<ul style="list-style-type: none"> • Parent contact • School level intervention • Possible police involvement • Possible HIB investigation 	<ul style="list-style-type: none"> • Due Process • Short term suspension • Informal hearing • School level intervention • Possible police involvement • Possible HIB investigation 	<ul style="list-style-type: none"> • Due Process • Long term suspension • Formal hearing • Possible police involvement • Possible HIB investigation
Extortion The student attempts to secure money or property through threat of physical harm (explicit or suggested).	<ul style="list-style-type: none"> • Due Process • Short term suspension • Informal hearing 	<ul style="list-style-type: none"> • Due Process • Short term suspension • Informal hearing 	<ul style="list-style-type: none"> • Due Process • Long term suspension • Formal hearing

CODE OF STUDENT CONDUCT (regulation continued)

	<ul style="list-style-type: none"> • Contact police 	<ul style="list-style-type: none"> • Contact police 	<ul style="list-style-type: none"> • Contact police
False Fire Alarm Pulling the fire alarm without a legitimate cause	<ul style="list-style-type: none"> • Due Process • Short term suspension • Informal hearing • Contact fire department for fire safety program 	<ul style="list-style-type: none"> • Due Process • Long term suspension • Formal hearing 	
Physical Assault on Student/Bullying An unprovoked attack on a student on school grounds or in conjunction with a school activity (severity level and Involvement determines degree of offense). (Reference File Code 5131, 5131.1)	<ul style="list-style-type: none"> • Due Process • Short term suspension • Informal hearing • School level intervention • Possible police involvement • Possible HIB investigation 	<ul style="list-style-type: none"> • Due Process • Short term suspension • Informal hearing • School level intervention • Possible police involvement • Possible HIB investigation 	<ul style="list-style-type: none"> • Due Process • Long term suspension • Formal hearing • School level intervention • Possible police involvement • Possible HIB investigation
Sexual Harassment Unwelcome sexual advances, requests for sexual favors, or other inappropriate verbal, written or physical conduct of a sexual nature on students or staff (severity level and involvement determines degree of offense).	<ul style="list-style-type: none"> • Parent contact • School level intervention • Possible police involvement of DCP&P and police 	<ul style="list-style-type: none"> • Due Process • Short term suspension • Informal hearing • School level intervention • Possible police involvement of DCP&P and police 	<ul style="list-style-type: none"> • Due Process • Long term suspension • Formal hearing • Possible police involvement of DCP&P and police
Vandalism/Theft Destruction or defacement of any school property, including books, supplies, district issued electronic devices, facilities and equipment. Also to include staff's and/or student's personal property.	<ul style="list-style-type: none"> • Parent contact • School level intervention • Restitution • Possible police involvement • Short term suspension 	<ul style="list-style-type: none"> • Due process • Short term suspension • Informal hearing • Restitution • Possible police involvement 	<ul style="list-style-type: none"> • Due process • Long term suspension • Formal hearing • Restitution • Possible police involvement

CODE OF STUDENT CONDUCT (regulation continued)

Computer/Electronic Device Data Misuse Inappropriate and/or unauthorized access to electronic devices or computer equipment including altering of electronic computer data, misuse of equipment, or access to inappropriate electronic content.	<ul style="list-style-type: none"> • Parent contact • Due process rights • Short term suspension • Informal hearing • Contact police involvement 		
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ANY OFFENSE OF A SEVERE NATURE MAY RECEIVE CONSEQUENCES AND POLICE REFERRAL

DISCIPLINARY REPORTING PROCEDURE

1. When a disciplinary incident involving a student has been safely resolved, the building principal/designee shall determine whether an SSDS report must be generated using form E00-00317 as revised for the current school year (see primary resource 2 SSDS Reporting Form).
2. The principal/designee shall investigate the incident and shall direct employees who were witnesses to the incident to report details surrounding the incident as fully and faithfully as possible.
3. The building principal/designee shall be familiar with the Student Safety Data System (SSDS) and should refer to the SSDS manual (see: <http://homeroom.state.nj.us/evvrs.htm>) to ensure accuracy and consistency in reporting student-involved incidents to that system.
4. Incidents that need not be reported through the SSDS should nevertheless, be investigated and reported using the district code of student conduct incident reporting form.
5. The SSDS incident report shall be completed as soon as possible after the incident, but in all cases within 10 days. If additional time is needed to complete the report due to unavailability of witnesses or other obstacles to a complete and thorough investigation, the principal/designee shall document the reasons for any necessary extension and establish a date certain for the completion of the initial report. If additional facts become available subsequent to the completion date, the SSDS incident shall be revised and such revisions shall be documented and filed accordingly.

DUE PROCESS

In all cases, before remedial or disciplinary measures are imposed upon a student for a disciplinary violation, the student shall receive appropriate due process as set forth in N.J.A.C. 6A:16-7.1-7.5.

Students who are the subject of remedial or disciplinary actions may appeal such action to the board of education within thirty days. Students may also appeal to the Commissioner of Education pursuant to the procedures set forth in N.J.A.C. 6A:3-1.3 through 1.17; N.J.A.C. 6A:4; and, where

CODE OF STUDENT CONDUCT (regulation continued)

applicable, N.J.A.C. 6A:14-2.7 and 2.8.

REGULATION HISTORY

Date:	October 6, 2008
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CROSS REFERENCES

5114	Suspension and Expulsion
5131	Conduct and Discipline
5134	Married and Pregnant Students
5131.1	Harassment, Intimidation and Bullying
5131.5	Violence and Vandalism
5131.5/5131.7	Violence and Vandalism, Regulation
5131.6	Substance Abuse
5136.6	Substance Abuse, Regulation
5131.7	Weapons and Dangerous Instruments
5145.11	Questioning and Apprehension
5145.12	Search and Seizure

EXHIBIT

Exhibit 1	Incident Report Form
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PRIMARY RESOURCES

1	DOE Compliance Checklist
2	SSDS Reporting Form
3	Conduct and Discipline, Sample Behavior Chart

Policy

SCHOOL UNIFORMS

The Elizabeth Board of Education hereby adopts a school uniform policy for students in grades Pre-K through twelfth attending uniform schools. The board believes that young people who are safe and secure, who learn basic American values, and the essentials of good citizenship, are better students. Parents, teachers, and school officials have come to see a school uniform as one positive and creative way to reduce discipline problems, prevent future discipline problems from occurring, and increase school safety.

The board believes that the adoption of a school uniform policy can promote school safety, improve discipline, and enhance the learning environment. The Elizabeth Board of Education strongly believes that the following issues would support such a school uniform policy:

- A. An adopted school dress code will create security through identification, enabling school officials to recognize intruders;
- B. Will establish and instill positive atmosphere conducive to education;
- C. Similar clothing will eliminate peer pressure dealing with student attire;
- D. The dress code will promote a statement of identity;
- E. A sense of school unity will be created;
- F. Students will be instilled with discipline;
- G. School spirit will be enhanced;
- H. The dress code will help assist families with the economic burden of clothing school age children since following the dress code is less costly.

Uniform Selection

The Elizabeth Board of Education believes that personal appearance of an individual begins with tasteful dress, cleanliness, and common sense. Appropriate dress is instrumental in creating a feeling of pride on the part of Elizabeth students resulting in better behavior, greater school spirit, and higher academic achievement.

The specific uniform selection shall be determined by the principal, staff and parents of the individual school in accordance with N.J.S.A. 18A:11-8.

The Elizabeth Board of Education prohibits students from wearing, while on school property, any type of clothing, apparel or accessories which indicates that the student has membership in or

SCHOOL UNIFORMS (continued)

affiliation with, any gang associated with criminal activities. The Board authorizes administration to consult with the local law enforcement agencies to assist in identifying potential gang affiliation in the districts uniforms.

Uniforms are required at all schools. Waivers of district uniform requirements may be issued by the chief school administrator and/or his designee. Waivers are restricted to those who meet one or more of the following requirements:

- A. Religious Freedom - When wearing of the standard district uniform violates the student's religious beliefs; however, the district may require documentation or other means of corroborating that the belief would be violated by the wearing the school uniform;
- B. Short Term Health - A physician verified health condition that would preclude a student from being able to wear all or part of the district uniform.

Uniform Violations

The building administrators will make final determination if the student's attire meets the approved uniform specifications. Students choosing not to wear the approved uniform attire will be disciplined per the districts discipline policy 5131. The building principal must approve any deviation from the dress code for specific, approved events.

Financial Considerations

Families in need of financial assistance for the purchase of school uniforms will be encouraged to contact the school. The building principal will determine the form and type of assistance that is appropriate. The board shall include a provision to assist economically disadvantaged students to acquire said uniforms.

Annual Evaluation

An evaluation of the school uniform policy will be conducted annually by the building principal, chief school administrator and the board.

2020-2021 School Emergency Closure Procedures

School uniforms that were in effect during the 2019-2020 school year will remain acceptable in the 2020-2021 school year as outlined below:

2019-2020	2020-2021
Grades 4-8 White Oxford Shirt Physical Education White T-Shirt	Grades 4-8 Navy Blue Polo Physical Education Navy Blue T-Shirt

SCHOOL UNIFORMS (continued)

Date:	October 20, 2005
Revised:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
Revised:	August 16, 2012
First Reading:	July 19, 2012
Second Reading:	August 16, 2012
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019
Revised:	November 19, 2020
First Reading:	October 15, 2020
Second Reading:	November 19, 2020

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties

Cross References: *5131 Student Conduct and Discipline
 *5142 Student Safety

Exhibit

SCHOOL UNIFORMS

Boys	Girls
Boys Girls Grades PreK-3 Navy Blue Polo* Khaki Pants or khaki shorts** Navy Blue Socks Flat Black-Appropriate Shoes Navy Blue Cardigan Sweater*	Grades PreK-3 Navy Blue Polo* Khaki Jumper* or Skort Navy Blue Tights or Socks Flat Black-Appropriate Shoes Navy Blue Cardigan Sweater*
Grades 4-8 White Oxford Shirt * Navy Blue Tie Khaki Pants or khaki shorts** Navy Blue Socks Black Flat Appropriate Shoes Navy Blue Cardigan Sweater*	Grades 4-8 White Oxford Shirt* Navy Blue Cross Tie Khaki Pants or Skort Navy Blue Tights or Socks Black Flat Appropriate Shoes Navy Blue Cardigan Sweater*
Grades 9-12 White Oxford Shirt * Navy Blue Tie Khaki Pants Navy Blue Socks Black Flat Appropriate Shoes Navy Blue Cardigan Sweater * Navy Blue Blazer*	Grades 9-12 White Oxford Shirt * Navy Blue Cross Tie Khaki Pants or Skort Navy Blue Tights or Socks Black Flat Appropriate Shoes Navy Blue Cardigan Sweater* Navy Blue Blazer*

Physical Education

- White T-Shirt* or Navy Blue Sweat Shirt*
- Navy Blue Mesh Shorts* or Navy Blue Sweat Pants*
- Sneakers (any color)

Grades PreK-5 may wear their gym uniform to school on physical education days.
Grades 6-12 must bring their gym uniform to change for physical education class.

School uniforms (regulation continued)

*All items marked with an asterisk must have the LEAP logo (neighborhood school emblem) or the school's logo.

**Khaki shorts must be knee high and only worn in May 15th- October 1st.

All administrative and supervisory personnel must plan very carefully the orientation procedures for new teachers in their respective areas.

Please note that this is a standard uniform list for most neighborhood schools. The uniform policy is the same districtwide but may vary in color depending on the school.

Date: August 17, 2017

NJSBA Review/Update: December 2018

Readopted: June 13, 2019

Exhibit

SCHOOL UNIFORMS

Effective September 1, 2020

Boys	Girls
Boys Girls Grades PreK-3 Navy Blue Polo* ^ Khaki Pants or Khaki Shorts** Navy Blue Socks Black Flat Appropriate Shoes Navy Blue Cardigan Sweater*	Grades PreK-3 Navy Blue Polo* ^ Khaki Jumper* or Khaki Skort Navy Blue Tights or Navy Blue Socks Black Flat Appropriate Shoes Navy Blue Cardigan Sweater*
Grades 4-8 Navy Blue Polo* ^ Khaki Pants or Khaki Shorts** Navy Blue Socks Black Flat Appropriate Shoes Navy Blue Cardigan Sweater*	Grades 4-8 Navy Blue Polo* ^ Khaki Pants or Khaki Skort Navy Blue Tights or Navy Blue Socks Black Flat Appropriate Shoes Navy Blue Cardigan Sweater*
Grades 9-12 Theme based academies (see below)	Grades 9-12 Theme based academies (see below)

Physical Education

- Navy Blue T-Shirt* or Navy Blue Sweat Shirt*
- Navy Blue Mesh Shorts* or Navy Blue Sweat Pants*
- Sneakers (any color)

Grades PreK-5 may wear their gym uniform to school on physical education days.

Grades 6-12 must bring their gym uniform to change for physical education class.

*All items marked with an asterisk must have the embroidered LEAP logo (neighborhood school emblem) or the embroidered school's logo.

^ All items marked with a ^ pertain to the following schools:

School No. 1 – Royal Blue Polo

School No. 9 – Green Polo

School No. 29 – Burgundy Polo

**Khaki shorts must be knee high and only worn from May 15th - October 1st

GRADE 9-12 THEMED ACADEMIES

Effective September 1, 2020

BOYS	Grades 9-12 Hamilton	GIRLS	Grades 9-12 Hamilton
	White Oxford Shirt* Navy Blue Tie Khaki Pants Navy Blue Socks Black Flat Appropriate Shoes Navy Blue Cardigan Sweater* Navy Blue Blazer*		White Oxford Shirt* Navy Blue Cross Tie Khaki Pants/Skirt Navy Blue Tights or Socks Black Flat Appropriate Shoes Navy Blue Cardigan Sweater* Navy Blue Blazer*
BOYS	Grades 9-12 Dwyer	GIRLS	Grades 9-12 Dwyer
	Green Polo/Oxford Shirt* Black Pants Black Socks Black Flat Appropriate Shoes Black Cardigan Sweater*		Green Polo/Oxford Shirt* Black Pants/Skirt Black Tights or Socks Black Flat Appropriate Shoes Black Cardigan Sweater*
BOYS	Grades 9-12 Halsey	GIRLS	Grades 9-12 Halsey
	Navy Blue Polo Shirt* Khaki Pants Navy Blue Socks Black Flat Appropriate Shoes Navy Blue Cardigan Sweater*		Navy Blue Polo Shirt* Khaki Pants/Skirt Navy Blue Tights or Socks Black Flat Appropriate Shoes Navy Blue Cardigan Sweater*
BOYS	Grades 9-12 Jefferson	GIRLS	Grades 9-12 Jefferson
	Purple Polo/Oxford Shirt* Black Pants Black Socks Black Flat Appropriate Shoes Black Cardigan Sweater*		Purple Polo/Oxford Shirt* Black Pants/Skirt Black Tights or Socks Black Flat Appropriate Shoes Black Cardigan Sweater*

Effective September 1, 2020

BOYS	Grades 9-12 Edison	GIRLS	Grades 9-12 Edison
	Teal Polo Shirt* Black Pants Black Socks Black Flat Appropriate Shoes Teal Cardigan Sweater* Navy		Teal Polo Shirt* Black Pants/Skirt Black Tights or Socks Black Flat Appropriate Shoes Teal Cardigan Sweater*

BOYS	Grades 9-12 EHS-Cicarell	GIRLS	Grades 9-12 EHS-Cicarell
	White Oxford Shirt* Navy Blue Tie Khaki Pants Navy Blue Socks Black Flat Appropriate Shoes Navy Blue Cardigan Sweater* Navy Blue Blazer*		White Oxford Shirt* Navy Blue Cross Tie Khaki Pants/Skirt Navy Blue Tights or Socks Black Flat Appropriate Shoes Navy Blue Cardigan Sweater* Navy Blue Blazer*

BOYS	Grades 9-12 Bollwage	GIRLS	Grades 9-12 Bollwage
	Blue Oxford Shirt* Navy Blue Tie Khaki Pants Navy Blue Socks Black Flat Appropriate Shoes Navy Blue Cardigan Sweater* Navy Blue Blazer*		Blue Oxford Shirt* Navy Blue Cross Tie Khaki Pants/Skirt Navy Blue Tights or Socks Black Flat Appropriate Shoes Navy Blue Cardigan Sweater* Navy Blue Blazer*

Please note that this is a standard uniform list for most neighborhood schools. The uniform policy is the same districtwide but may vary in color depending on the school.

Date: August 17, 2017
 NJSBA Review/Update: December 2018
 Readopted: June 13, 2019
Revised: February 20, 2020 effective September 1, 2020
 First Reading: January 16, 2020
 Second Reading: February 20, 2020

STUDENT DRESS CODE

The Elizabeth Board of Education believes that a strong relationship exists between what a student wears and the attitude and behavior he/she displays toward school.

Students must be well groomed and appropriately dressed at all times. Appropriately dressed means clothing must be neat and clean and should not be hazardous to the health and safety of self or others and should not be capable of disrupting the school's educational program.

The dress code will be enforced during the school day, at all school functions (including school dances) and on trips.

Exceptions to the student dress code policy for special occasions such as School Spirit Days and Student Council event days will be announced by the principal in advance. Exceptions for medical reasons require clearance through the school nurse.

Prohibited Clothing and Articles includes but is not inclusive of:

- A. Clothing with language or graphics that promote violence, drugs, alcohol, tobacco or sexual conduct. In addition, clothing with messages deemed offensive, profane, expressing racial or ethnic slurs and gang associations are also prohibited. Pants or shorts with printing across the buttocks are not permitted;
- B. Ripped" style clothing may not have openings in areas deemed inappropriate and/or exposing undergarments;
- C. Dresses and tops with "spaghetti" straps are not permitted. Tank tops must have straps a minimum of 2" wide and fall close to the neckline and directly below the underarm to insure that the torso and undergarments are not exposed;
- D. No halter tops, strapless, tube tops, off-the-shoulder, low cut, or crop tops. Midriff, back and chest cannot be exposed;
- E. Transparent clothing is not permitted unless it is worn over clothing as an accessory;
- F. Underwear may not be worn as outerwear;
- G. Form fitting clothing that exaggerates the anatomy is prohibited. Leggings are permitted only if they are worn under a dress or skirt;
- H. Shorts and skirts must be a minimum of mid-thigh length;
- I. Pants and shorts must be worn at the waist without undergarments exposed;

STUDENT DRESS (continued)

- J. No chains on pants, wallets, around the neck or any other accessories that may be deemed a safety hazard may be worn;
- K. No bare feet, flip-flops, beach footwear, slippers, heeleys (w/wheels) or any other potentially dangerous footwear. Sandals are permitted only when straps secure the shoe to the back of the foot;
- L. No hats, bandanas or sweatbands or outerwear such as winter coats or heavy jackets may be worn or carried during the school day;
- M. No sunglasses may be worn during the school day;
- N. No pajamas may be worn during the school day.

Physical Education

Traditional sneakers are required in all Physical Education classes.

Open back slip-on sneakers cause safety concerns as they actually fall off while your child is running. Hiking boots are heavier than regular sneakers and can cause injuries to other children who may accidentally get kicked by the child wearing them. If you have any questions about the appropriateness of a sneaker, please speak with your child's physical education teacher. T-shirts with sleeves must be worn. Shorts must be a minimum of mid-thigh and waistbands cannot be rolled down.

Dangling jewelry is not permitted as it can pose a safety hazard.

Date:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:11-8	Adoption of dress codes by boards of education, uniforms required; request for code by principal, staff and parents
	<u>N.J.S.A.</u> 18A:11-9	Adoption of dress code policy prohibiting wearing of clothing indicating membership in certain gangs.

<u>Cross References:</u>	*5131	Student Conduct and Discipline
	5132	Student Dress
	*5142	Student Safety

MARRIED/PREGNANT AND LACTATING PUPILS

No student, whether married or unmarried, who is otherwise eligible to attend the district's school(s) shall be denied an educational program solely because of pregnancy, childbirth, pregnancy-related disabilities, or actual or potential parenthood. All pregnant students shall be permitted to remain in the regular school program and activities.

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

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

A student who has received an alternate educational program or home instruction for reasons associated with her pregnancy shall be readmitted to the regular school program upon her request and the written statement of a physician that she is physically fit to do so. All alternate educational programs or home instruction for pregnant students shall provide instruction equivalent to the general and/or special education programs as applicable.

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

Lactation Provisions

Students admitted or returning to school following the birth of a child who choose to continue providing their milk for their infants shall receive the accommodations required by law that support their choice to breast feed. Accommodations shall include but shall not be limited to:

A. Milk expression breaks for breastfeeding

The student shall be allowed to breastfeed or express milk during the school day using their normal breaks, study hall and meal times. For time that may be needed beyond the usual break times, the student may request a pass to the school nurse. The school nurse with the consultation of the principal and student's teacher(s) may at the request of the student develop regular schedule accommodation that better support their choice to breastfeed.

B. A place to express milk

A private room (not a toilet stall or restroom) shall be made available for the student to breastfeed or express milk. The room will be private and sanitary, located near a sink with running water for washing hands and rinsing out breast pump parts, and have an electrical outlet. If the student prefers, she may also breastfeed in other comfortable locations agreed upon in

MARRIED/PREGNANT STUDENTS (continued)

consultation with the principal. Expressed milk can be stored in general refrigerators; in designated refrigerators provided in the lactation room or other location; or in student's personal cooler.

C. Staff Support

The principal shall ensure that pregnant and breastfeeding students are notified about the district's lactation support policies and procedures. The principal shall be responsible for negotiating policies and practices that will help facilitate each student's infant feeding goals. It is expected that all employees will assist in providing a positive atmosphere of support for breastfeeding students.

The building principal shall ensure that the New Jersey Department of Education signage shall be displayed in a clear and conspicuous manner in the school's waiting area, as well as in any lactation room that is made available. The New Jersey Department of Education signage shall contain information about breast feeding; affirm a mother's right to nurse in public; and indicate that lactation rooms are being made available for the privacy and comfort of nursing mothers.

The building principal shall ensure board policy and regulations on provisions for milk expression breaks, for breastfeeding and the designated lactation room(s) are distributed to staff and students who are pregnant and nursing mothers returning from maternity leave.

Date:	November 13, 1986
Revised:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019
Revised:	August 26, 2021
First Reading:	July 15, 2021
Second Reading:	August 26, 2021

<u>Legal References:</u>	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	<u>N.J.S.A. 18A:36-20</u>	Discrimination prohibited
	<u>N.J.S.A. 26:4B-4</u>	Right to breastfeed in public
	<u>N.J.S.A. 26:4C-1</u>	Lactation rooms
	through -3	
	<u>N.J.A.C. 6A:7-1.1 et seq.</u>	Managing for Equality and Equity in Education
	<u>See particularly:</u>	
	<u>N.J.A.C. 6A:7-1.4,-1.7</u>	
	<u>N.J.A.C. 6A:16-7.1</u>	Code of student conduct

MARRIED/PREGNANT STUDENTS (continued)

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

P.L.1997, c.101 (C.26:4B-4). Right to Breastfeed in Public

P.L.2019, c.242. Requirements regarding the provision of lactation rooms for nursing mothers.

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible

Cross References:

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

Regulation

SUPPORT FOR BREASTFEEDING MOTHERS

The following procedures shall be implemented in each school when a student requests accommodations to support their choice to breastfeed.

School Responsibilities

Breastfeeding students who choose to continue providing their milk for their infants after returning to school shall receive:

A. Milk expression breaks for breastfeeding

The student shall be allowed to breastfeed or express milk during the school day using their normal breaks, study hall and meal times. For time that may be needed beyond the usual break times, the student may request a pass to the school nurse. The school nurse with the consultation of the principal and student's teacher(s) may at the request of the student develop regular schedule accommodation that better support their choice to breastfeed.

B. A place to express milk

A private room (not a toilet stall or restroom) shall be made available for the student to breastfeed or express milk. The room will be private and sanitary, located near a sink with running water for washing hands and rinsing out breast pump parts, and have an electrical outlet. If the student prefers, she may also breastfeed in other comfortable locations agreed upon in consultation with the principal. Expressed milk can be stored in general refrigerators; in designated refrigerators provided in the lactation room or other location; or in student's personal cooler.

C. Staff Support

The principal shall ensure that pregnant and breastfeeding students are notified about the district's lactation support policies and procedures. The principal shall be responsible for negotiating policies and practices that will help facilitate each student's infant feeding goals. It is expected that all employees will assist in providing a positive atmosphere of support for breastfeeding students.

D. Signage

The building principal shall ensure that the New Jersey Department of Education signage shall be displayed in a clear and conspicuous manner in the school's waiting area, as well as in any lactation room that is made available. The New Jersey Department of Education signage shall contain information about breast feeding; affirm a mother's right to nurse in public; and indicate

SUPPORT FOR BREASTFEEDING (regulation continued)

that lactation rooms are being made available for the privacy and comfort of nursing mothers.

The building principal shall ensure board policy and regulations on provisions for milk expression breaks, for breastfeeding and the designated lactation room(s) are distributed to staff and students who are pregnant and nursing mothers returning from maternity leave.

Student Responsibilities

A. Communication with Teachers

Any student who wishes to express milk during the work period shall keep the school nurse and/or their teachers informed of their needs so that appropriate accommodations can be made to satisfy the needs. The school nurse shall keep the principal informed regarding accommodations requested.

B. Breastfeeding Equipment

The student is responsible for the purchase, maintenance and storage of breastfeeding equipment. The district is not responsible for any lost, broken or stolen private property.

C. Maintenance of Milk Expression Areas

Breastfeeding students are responsible for keeping designated milk expression area clean and using antibacterial wipes to sanitize small areas. Students shall be required to report any large spills to the nurse. Students are also responsible for keeping the general designated lactation room clean for the next user. This responsibility extends to both designated milk expression areas, as well as other areas where expressing milk will occur.

D. Milk Storage

Students should label all milk expressed with their name and date collected so it is not inadvertently confused with another mother's milk. Each student is responsible for proper storage of her milk using the school refrigerator or personal storage coolers.

E. Use of Break Times to Express Milk

When more than one breastfeeding mother needs to use the designated lactation room, they can use the sign-in log provided in the room to negotiate milk expression times that are most convenient or best meet their needs.

Adopted: **August 26, 2021**
First Reading: July 15, 2021
Second Reading: August 26, 2021

Policy

FUND-RAISING ACTIVITIES

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

For purposes of this policy, "student fund raising" shall include the solicitation and collection of money from students for any purpose and shall include the collection of money in exchange for tickets, papers or any other goods or services except those goods and services which are part of a board-approved program of the schools. The school student activity fund (see board policy 3453 School Activity Funds) will be maintained by each school, in accordance with sound accounting practices. in order to establish a uniform method of receiving and disbursing, the board stipulates that the following requirements are strictly enforced:

- A. All building principals shall be held accountable for funds raised. All money collected by the student fund-raising activity shall be deposited and accounted for in accordance with New Jersey law;
- B. Collection of money by school organizations approved by the board shall be approved by the principal;
- C. Receipts shall be detailed showing date, sources, purpose, and amount. All receipts shall be deposited in the bank within 48 hours following the fundraiser. Bank deposits must agree with the receipts in the cash receipt book and must be traceable to definite receipts or groups of receipts;
- D. Disbursements shall be recorded chronologically showing date, vendor; check number, purpose and amount. All disbursements should be made by check and supported by a claim, bill, or written order to persons supervising the fund. Checks must bear two or more authorized signatures;
- E. Book balances shall be reconciled with bank balances. Cancelled checks and bank statements must be maintained for examination by the auditor as part of the annual audit;
- F. The board prohibits the collection of money in school or on school property or at any school-sponsored event by a student for personal benefit;
- G. No school employee may open or maintain a separate bank account for school-related transactions
- H. Borrowing from the student activity fund is strictly prohibited;

FUND-RAISING ACTIVITIES (continued)

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

The board may give permission for outside charitable organizations to collect money in schools. Any teacher or student who serves as collector for these organizations does so as a private citizen and not as an employee of the board. The board is precluded from having responsibility for the funds of student support or parent/teacher organizations. The depositing of funds collected by these organizations in the school student activity fund and the issuance of checks thereon on behalf of the organization cause an undesirable commingling of funds and is strictly prohibited. In order to avoid misunderstanding, principals are advised to disclaim any responsibility for the protection of and accounting for the funds of outside charitable organizations, which are considered independent from the operations of the board.

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

In order to efficiently process all requests for fund raising activity programs under the responsibility of the school district during the calendar year, those seeking to participate in fund-raising activities are required to fill out the appropriate forms. The student fundraising activities request form must be completed 45 days prior to the event with all requested information prior to submission.

Other requirements include that:

- A. Any communication or promotional letter must be approved by the principal;
- B. All fund-raising checks must be made payable to the school's student activity fund and sent to the principal for timely deposit;
- C. The food services department must be used to coordinate the purchase of refreshments and return the unused refreshments for proper storage;
- D. There must be an accounting for all refreshments and snack sales at an activity where refreshments are sold. This entails the reconciliation of starting funds, seed money, and a tally of cash receipts. This must be signed by two individuals at the end of the event. Those people are the individuals responsible for the sale(s) and the activity head.

In order to provide an adequate follow-up and closeout of fundraising events, a student activity deposit schedule must be completed for deposits related to each fund-raising activity. Upon completion of this sheet, the total deposits will equal the fundraising fees generated for the event.

The principal is required to track the projected versus actual receipts and follow-up with the respective activity coordinator to close out and determine the success of the fundraiser. On a monthly basis a meeting of the activity coordinators, including all those involved in the student fund activity, should take place to review the outcome of all fund-raisers.

FUND-RAISING ACTIVITIES (continued)

All funds disbursed from the school activity fund should be by written check and supported by completion of the student organization fund payment request form. All checks disbursed shall be signed by two authorized signatures (principal and vice principal). If a school has only one administrator, the second signature will be supplied by school business administrator/board secretary.

Each month a bank reconciliation must be completed and kept on file for review by the board auditor and/or business office representative.

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

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

Student Donations to Charitable Organizations

The Elizabeth Board of Education recognizes the value of many organized charities. The following listing of charities is approved for continuing solicitation within the Elizabeth Public Schools:

- A. UNICEF;
- B. American Heart Association;
- C. American Red Cross;
- D. New Jersey Central Lung Association;
- E. American Cancer Society;
- F. March of Dimes;
- G. United Way of Eastern Union County;
- H. St. Jude Children's Research Hospital;

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

Date: October 18, 2001
 Revised: March 16, 2006
 Second Revision: June 25, 2009

FUND-RAISING ACTIVITIES (continued)

First Reading: June 11, 2009
 Second Reading: June 25, 2009
 NJSBA Review/Update: December 2018
 Readopted: June 13, 2019

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:19-14 Funds derived from student activities
N.J.S.A. 18A:20-34 Use of schoolhouse and grounds for various purposes
N.J.S.A. 18A:23-1 Audit when and how made
N.J.S.A. 18A:23-2 Scope of audit
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.S.A. 52:14-15.9c1. et al. Public Employee Charitable Fund-Raising Act
N.J.A.C. 6A:23A-16.1 et seq. Double Entry Bookkeeping and GAAP Accounting n
 Local School Districts
N.J.A.C. 6A:23A-16.12 Student activity funds
N.J.A.C. 6A:23A-16.13 School store business practices

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

Possible

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

Policy

HEALTH

The Elizabeth Board of Education believes that good health is vital to successful learning. In order to help district students achieve and maintain good health, the board directs the chief school administrator to develop student health services that employ professional personnel and interact with both parents/guardians and community health agencies. The program shall include but not be limited to:

- A. Employment of a medical inspector to perform those duties required by law, and to advise the chief school administrator on all matters affecting the health of students;
- B. Employment of at least one certified school nurse to assist with physical examinations; conduct biennial scoliosis screening; conduct an audiometric screening; maintain student health records; observe and recommend to the principal the exclusion of students who show evidence of communicable disease or who have not submitted acceptable evidence of immunizations; instruct teachers on communicable diseases and other health concerns; train and supervise the emergency administration of epinephrine for school staff who have been designated as delegates; supervise other nursing tasks; provide appropriate response to Do Not Resuscitate (DNR) orders; maintain valid, current Cardiopulmonary Resuscitation (CPR) certification; review and summarize health and medical information for the Child Study Team; write and update annually the accommodation plan under Section 504 for any student who requires one;
- C. Provision of proper and adequate facilities, equipment and supplies for professional health personnel and other staff;
- D. Establishment of a system of student health records in compliance with state law;
- E. Implement the New Jersey Student Learning Standards in physical education, health, family life, safety, and use of drugs, alcohol, tobacco and anabolic steroids; recommendations for appropriate equipment and supplies to teach such courses;
- F. Development of rules and procedures to foster good student health, and periodic dissemination of these rules and procedures to the staff;
- G. Development of a program to provide safe drinking water and otherwise to maintain the buildings, grounds, facilities and equipment of the district in sanitary condition in accordance with law;
- H. Development and enforcement of an eye protection program as required by statute and administrative code;
- I. A regular report to the board on progress and accomplishments in the field of student health;

HEALTH (continued)

- J. Health services to staff that support student health;
- K. Provision of emergency services for injury and sudden illness;
- L. Provision for required physical examinations including an examination to certify that a student returning to school after suffering a contagious/infectious condition or illness is no longer a threat to the health of others;
- M. Development of all regulations and procedures necessary for evaluation of students suspected of being under the influence of drugs/alcohol, tobacco or anabolic steroids;
- N. Encouragement of correction of defects through fully informing students and parents/guardians concerning the findings of health examinations for scoliosis;
- O. Preparation for the potential disruption of a pandemic flu outbreak, such as avian flu, by filling out a school preparedness checklist available from www.pandemicflu.gov or NJSBA, with periodic reports to the school board on steps the district has already taken, as well as additional steps that need to be taken, to prepare for a flu pandemic.

School-based health care services shall be available to all students, including English language learners.

Annual Nursing Plan

The chief school administrator (or his/her designee) in conjunction with the school physician and the certified school nurse shall develop an annual nursing services plan. The nursing services plan shall describe in detail the nursing services to be provided throughout the district based on the needs of its students, potential emergency situations, basic nursing services requirements, and the assignment of medical staff to provide the services. The nursing services plan shall be adopted annually at a regular meeting. The nursing services plan may include the following:

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

Students with Diabetes

HEALTH (continued)

As used in this policy, an “individualized health care plan” means a document setting out the health services needed by the student at school, and an “individualized emergency health care plan” outlines a set of procedural guidelines that provide specific directions about what to do in a particular emergency situation. Both are to be developed by the school nurse, in consultation with the parent or guardian of a student with diabetes and other medical professionals who may be providing diabetes care to the student, and signed by the parent or guardian.

The board believes that diabetes is a serious chronic disease that impairs the body’s ability to use food, and must be managed 24 hours a day in order to avoid the potentially life-threatening short-term consequences of blood sugar levels that are either too high or too low. In order to manage their disease, students with diabetes must have access to the means to balance food, medications, and physical activity level while at school and at school-related activities.

Accordingly, a parent or guardian of a student with diabetes shall inform the school nurse, who shall develop an individualized health care plan and an individualized emergency health care plan for the student. Further, the parent or guardian must annually provide to the board of education written authorization for the provision of diabetes care as outlined in the plans, including authorization for the emergency administration of glucagon.

Both plans shall be updated by the school nurse prior to the beginning of each school year and as necessary if there is a change in the student’s health status. The plans may include elements specified in N.J.S.A. 18A:40-12.13 including, but not limited to:

- A. The symptoms of hypoglycemia for that particular student and the recommended treatment;
- B. The symptoms of hyperglycemia for that particular student and the recommended treatment;
- C. The frequency of blood glucose testing;
- D. Written orders from the student’s physician or advanced practice nurse outlining the dosage and indications for insulin administration and the administration of glucagon, if needed;
- E. Times of meals and snacks and indications for additional snacks for exercise;
- F. Full participation in exercise and sports, and any contraindications to exercise, or accommodations that must be made for that particular student;
- G. Accommodations for school trips, after-school activities, class parties, and other school-related activities;
- H. Education of all school personnel who may come in contact with the student about diabetes, how to recognize and treat hypoglycemia, how to recognize hyperglycemia, and when to call for assistance;
- I. Medical and treatment issues that may affect the educational process of the student with diabetes;

HEALTH (continued)

and

- J. How to maintain communications with the student, the student's parent or guardian and healthcare team, the school nurse, and the educational staff.

The school nurse assigned to a particular school shall coordinate the provision of diabetes care at that school and ensure that appropriate staff are trained in the care of these students, including staff working with school-sponsored programs outside of the regular school day. The school nurse shall also ensure that each school bus driver that transports a student with diabetes is provided notice of the student's condition, how to treat hypoglycemia, and emergency/parent contact information. A reference sheet identifying signs and symptoms of hypoglycemia shall be posted in plain view within school buildings.

The school nurse shall have the primary responsibility for the emergency administration of glucagon to a student with diabetes who is experiencing severe hypoglycemia. The school nurse shall designate, in consultation with the board of education, additional employees of the school district who volunteer to administer glucagon to a student with diabetes who is experiencing severe hypoglycemia. The designated employees shall only be authorized to administer glucagon, following training by the school nurse or other qualified health care professional, when a school nurse is not physically present at the scene.

Upon written request of the parent or guardian and as provided in the individualized health care plan, the student shall be allowed to attend to the management and care of his/her diabetes in the classroom, on school grounds or at any school-related activity, if evaluated and determined to be capable of doing so consistent with the plan. The student's management and care of his/her diabetes shall include the following:

- A. Performing blood glucose level checks;
- B. Administering insulin through the insulin delivery system the student uses;
- C. Treating hypoglycemia and hyperglycemia;
- D. Possessing on the student's person at any time the supplies or equipment necessary to monitor and care for the student's diabetes;
- E. Compliance with required procedures for medical waste disposal in accordance with district policies and as set forth in the individual health care plan; and
- F. Otherwise attending to the management and care of the student's diabetes.

New Jersey Family Care

The school nurse shall ensure that the parent/guardians of students who are without medical coverage are notified of and provided information on the accessibility of the New Jersey Family Care

HEALTH (continued)

Program in accordance with N.J.S.A. 18A:40-34.

Nonpublic School Students

The board shall provide mandated nursing services to nonpublic school students as required by law (see policy 5200 Nonpublic School Students).

The operation of the student health program shall be in compliance with the rules and regulations of the state department of education, local board of health and the state department of health and senior services, and state department of human services. The board shall review and adopt the regulations developed to implement the district's health services.

Automated External Defibrillator (AED)

Because the board recognizes that medical emergencies may occur that justify the use of AEDs, the board shall acquire and maintain this equipment for use by qualified staff members. An applicable patient would exhibit all of the following signs as per American Heart Association standards on AED use:

- A. Is unconscious;
- B. Is not breathing;
- C. Have no signs of circulation (as confirmed by a pulse check).

Only those staff members documented as having completed the required training shall be authorized to use an AED. A coach, athletic trainer, or in the absence of the coach or athletic trainer and other designated staff member, who is appropriately trained and certified in the use of the AED shall be present during athletic events or team practices. In the event that no appropriately AED trained and certified staff person can be present at athletic events or team practices, the district shall ensure that a State-certified emergency services provider or other certified first responder is on site at the event or practice.

Placement, Accessibility and Maintenance of the AED

The AED shall be:

- A. Available in an unlocked location on school property with an appropriate identifying sign;
- B. Accessible during the school day and any other time when a school-sponsored athletic event or team practice is taking place in which students of the district or nonpublic school are participating;
- C. Within reasonable proximity of the school athletic field or gymnasium, as applicable;

HEALTH (continued)

- D. Tested and maintained according to the manufacturer's operational guidelines and notification shall be provided to the appropriate first aid, ambulance, or rescue squad or other appropriate emergency medical services provider regarding the defibrillator, the type acquired, and its location in accordance with section 3 of P.L.1999, c.34 (N.J.S.A. 2A:62A-25).

Implementation of Procedures for Cardio-Pulmonary Resuscitation and AED Use

The chief school administrator shall oversee the development and implementation of a district emergency action plan that establishes guidelines for use of the AED. The emergency action plan shall include:

- A. A list of no less than five school employees, team coaches, or licensed athletic trainers who hold current certifications from the American Red Cross, American Heart Association, or other training program recognized by the Department of Health, in cardio-pulmonary resuscitation and in the use of a defibrillator. The list shall be updated, as necessary, at least once in each semester of the school year; and
- B. Detailed procedures on responding to a sudden cardiac event including, but not limited to, the identification of the persons in the school who will be responsible for: responding to the person experiencing the sudden cardiac event, calling 911, starting cardio-pulmonary resuscitation, retrieving and using the defibrillator, and assisting emergency responders in getting to the individual experiencing the sudden cardiac event.

Any employee, student or other individual who inappropriately accesses and/or uses an AED will be subject to disciplinary action, up to and including expulsion from school and/or termination of employment. Civil and/or criminal liability may also be imposed on any student, employee or individual who inappropriately accesses and/or uses an AED. All usage will be reported to the board of education.

Immunity

A school district and its employees shall be immune from civil liability in the acquisition and use of defibrillators pursuant to the provisions of section 5 of P.L.1999, c.34 (C.2A:62A-27). A person who acts with gross negligence or willful misconduct in the use of defibrillators does not enjoy immunity.

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HEALTH (continued)

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 Revised: June 12, 2014
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Readopted: June 13, 2019

Legal References: N.J.S.A. 2A:62A-23 to 27 AED emergency medical services
N.J.S.A. 18A:16-6, -6.1 Indemnity of officers and employees against civil actions
N.J.S.A. 18A:35-4.6 et seq. Parents Right to Conscience Act of 1979
N.J.S.A. 18A:40-1 Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
N.J.S.A. 18A:40-3 Lectures to teachers
N.J.S.A. 18A:40-4.3 Biennial examination for scoliosis
N.J.S.A. 18A:40-5 Method of examination; notice to parent or guardian
N.J.S.A. 18A:40-6 In general
N.J.S.A. 18A:40-7, -8, Exclusion of students who are ill
-10, -11
N.J.S.A. 18A:40-12.11 et seq. Findings, declarations relative to the care of students with diabetes
N.J.S.A. 18A:40-23 et seq. Nursing Services for Nonpublic School Students
N.J.S.A. 18A:40-34 New Jersey Family Care Program
N.J.S.A. 18A:40A-1 et seq. Substance Abuse
N.J.S.A. 44:6-2 Maintenance by boards of education of clinics for indigent children
N.J.A.C. 6A:16-1.1et seq. Programs to Support Student Development
See particularly:
N.J.A.C. 6A:16-1.1, -1.3, -2.1, -2.2, -2.3, -2.4
N.J.A.C. 6A:26-12.1 et seq. Operation and Maintenance of School Facilities
See particularly:
N.J.A.C. 6A:26-12.3
N.J.A.C. 8:57-1.1 et seq. Reportable Communicable Diseases
See particularly:
N.J.A.C. 8:57-2 Reporting of AIDS and HIV
N.J.A.C. 8:61-2.1 Attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987), guidelines for admission of children with AIDS, the right to call witnesses and attendant right to cross-examine must be provided automatically upon request of the parties

Possible

HEALTH (continued)

<u>Cross References:</u>	*1410	Local units
	1420	County and intermediate units
	*3510	Operation and maintenance of plant
	*3516	Safety
	*3542	Food service
	*4112.4/4212.4	Employee health
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	4151.2/4251.2	Family illness/quarantine
	*5111	Admission
	*5125	Student records
	*5131	Conduct/discipline
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5141.1	Accidents
	*5141.2	Illness
	*5141.3	Health examinations and immunizations
	*5141.4	Child abuse and neglect
	*5141.21	Administering medication
	*5142	Student safety
	*5200	Nonpublic school students
	*6142.4	Physical education and health
	*6142.12	Career education

ACCIDENTS

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

Guidelines for Dealing with Accident/Injury

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

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

Emergency Medical Procedures for Sports/Athletics

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

ACCIDENTS (continued)

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

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

Date: September 14, 2004
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Legal References: N.J.S.A. 18A:11-3 Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals
N.J.S.A. 18A:16-6 Indemnity of officers and employees against civil actions
N.J.S.A. 18A:16-6.1 Indemnity of officers and employees in certain criminal actions
N.J.S.A. 18A:40-25 Boards of education to provide nursing care to students in nonpublic schools
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
See particularly:
N.J.A.C. 6A:16-2.1, -2.3, -2.4
N.J.A.C. 6A:26-12.2(a)2iii Policies and procedures for school facility operation
N.J.A.C. 6A:27-12.2 Accident reporting (transportation)
N.J.A.C. 6A:32-9.1 et seq. Athletics Procedures
N.J.A.C. 8:61-1.1 et seq. Participation and Attendance at School by Individuals with HIV Infection

HIV Policy and Practice: Regulatory Requirements for New Jersey Public Schools,

SDOE Division of Student Services, Sept. 1996, Doc. #P101400-31

Possible

Cross References: *3516 Safety
 *3541.33 Transportation safety
 *4112.4/4212.4 Employee health
 *4123 Classroom aides
 *5113 Absences and excuses
 *5125 Student records
 *5131.6 Drugs, alcohol, tobacco (substance abuse)
 *5141 Health
 *5141.2 Illness

ACCIDENTS (continued)

*5141.4	Child abuse and neglect
5141.6	Crisis intervention
*5141.8	Sports related concussion and head injury
*5141.21	Administering medication
*5142	Student safety
*5200	Nonpublic school students
*6114	Emergencies and disaster preparedness
*6142.12	Career education
*6145.1/6145.2	Intramural competition; interscholastic competition
*6153	Field trips

Regulation

ACCIDENTS AND ILLNESS

Immediate Attention

The following procedures shall apply when a person, student, staff member, or visitor on school premises or in the course of a school-sponsored event or field trip is injured or becomes suddenly ill:

- A. The injury or illness shall be reported immediately to the school nurse or, in the absence of the school nurse, to the principal. The report may be made directly (over an intercom) or by another adult or by a student messenger;
- B. If it is clearly evident that the illness or injury is serious, emergency medical assistance shall be immediately summoned by telephone call to 911;
- C. The school nurse or the principal shall contact immediate family;
- D. The student shall be examined for breathing obstructions, bleeding, and broken bones;
- E. The student shall be checked for the presence of a necklace or bracelet that identifies a particular medical problem such as diabetes or epilepsy;
- F. The student will not be moved, except as may be absolutely necessary to remove the person from a dangerous environment. If necessary, furniture or equipment will be moved to permit space around the student;
- G. The student should be made as comfortable as possible, without moving him/her, by loosening binding clothing and providing warm coverings;
- H. No food or liquid should be given to the victim except on the orders of a health professional; and
- I. The student should be calmed with assurances that he/she is receiving or is about to receive aid.

Role of the School Nurse

The school nurse shall be responsible for the following. The school nurse shall:

- A. Maintain files of standing orders. Standing orders shall be written and signed annually by the school doctor and delineate actions to be taken by the school nurse in an emergency;
- B. Provide prompt and appropriate medical attention for students, staff members or visitors who are injured or become ill on school premises or at school sponsored events:
 - 1. For an injured staff member Managed Care protocol shall be followed;

ACCIDENTS AND ILLNESS (regulation continued)

2. For a student injury and injury report shall be completed. The original report and a copy of the insurance form shall be given to the superintendent. A copy of the report shall be maintained in the student's health record;
- C. Determine if a student is ill and/or contagious, oversee that the student is sent home and readmit students to school after an absence due to illness. The school nurse shall:
1. Provide appropriate care for students who are sick at school;
 2. Notify parents/guardians, and in their absence the emergency contact when a student is sick at school;
 3. Arrange for the student to be sent home and supervise the student until the parent/guardian takes custody of the student;
 4. Contact emergency medical services for serious illness;
 5. Keep a record of student absences due to illness including excusal notes from parents/guardians and doctors;
 6. Ensure that the student is readmitted to school after an absence due to a contagious illness only with the written authorization of a physician and verify the authorization as appropriate;
 7. As required by law report contagious diseases to the New Jersey Department of Health.

Accidents Away From School

- A. Any person receiving notice of an accident shall immediately contact police, fire, or rescue department as appropriate. Students and staff members receiving notice of an accident shall notify the principal or designee, or their immediate supervisor after contacting police, fire, or rescue department as appropriate;
- B. The principal or designee, or the immediate supervisor, shall immediately contact the superintendent;
- C. The principal or designee, or the immediate supervisor, shall notify the parents/guardians, spouse, or individual identified on the emergency card as appropriate;
- D. In the event the police, fire, or rescue department is aware of the accident when the district is notified of the accident, the principal or designee, or the immediate supervisor shall continue to attempt to notify the parents/guardians, spouse or individual identified on the emergency card as appropriate;
- E. If the parents/guardians, spouse or individual identified on the emergency card, is unavailable, the principal or designee, or the immediate supervisor shall discuss the situation, as appropriate, with an associate at the place of employment of the parents/guardians, spouse of emergency contact. If contacts are unsuccessful, the principal or designee, or the immediate supervisor will attempt to contact relatives, neighbors, or faith-based institutions, as appropriate;
- F. The school district may send a staff member to the scene of the accident, if appropriate.

Emergency First Aid Procedures

The school nurse shall administer the following emergency first aid procedures, as appropriate to the

ACCIDENTS AND ILLNESS (regulation continued)

victim's illness or injury. If the school nurse or other health professional is not available or cannot be summoned quickly or the victim's illness or injury is so serious as to warrant immediate attention, these first aid procedures may be followed by the responsible adult present.

A. Allergic Reactions

The victim may show sudden blotchy swelling of the skin (hives) and mucous membranes, difficulty in breathing, wheezing, increased pulse rate, nausea, abdominal cramps, vomiting, fall in blood pressure with weak pulse.

Epinephrine may be administered by the Epi-pen, Epi-pen Jr. or other single dose prefilled autoinjector in the event of the appearance of signs of anaphylactic shock. The school nurse or trained designee shall decide whether or not to administer the appropriate dose. The nurse shall call 911 and summon emergency medical services.

In a severe allergic (anaphylaxis) reaction, the victim should be taken immediately to hospital emergency services or a doctor's office.

B. Severe Bleeding

1. Gloves shall be worn and universal precautions observed;
2. Apply direct pressure with a sterile compress, if available; if no compress is available, the gloved or otherwise protected hand or fingers may be used until a compress can be obtained;
3. Unless there is evidence of a fracture, a severe wound of the hand, neck, arm, or leg should be elevated above the level of the victim's heart;
4. Apply pressure on the supplying artery if severe bleeding does not stop after application of direct pressure plus elevation;
5. A tourniquet may be used only for a severe, life threatening hemorrhage that cannot be controlled by other means. The decision to use a tourniquet may be made only by a health professional.

C. Breathing Obstruction

1. Tilt the victim's head, clear the airway, and begin mouth-to-mouth or mouth-to-nose breathing immediately. Initially, give two quick, full breaths without allowing the lungs to fully deflate between each breath;
2. Maintain the head tilt and look, listen, and feel for exhalation of air. Check the carotid pulse for at least five but no more than ten seconds;
3. If there is no pulse and no breathing, cardiopulmonary resuscitation (CPR) should be commenced by a person trained to give CPR;
4. Initiate the use of the school's AED in accordance with manufacture recommendations in an event of cardiac arrest;
5. If there is a pulse but no breathing, mouth-to-mouth breathing should be continued until the victim breathes spontaneously.

D. Major Burns

If the victim has sustained a second or third-degree burn, i.e. has burned the epidermis and

ACCIDENTS AND ILLNESS (regulation continued)

underlying dermis and perhaps underlying tissues, possibly over a large area; the skin will appear red and blistered or, in a very serious burn, white or blackened.

1. If the burn was caused by exposure to a chemical:
 - a. Remove all clothing that is saturated with any chemical exposure;
 - b. Flush the affected area under cool running water for at least fifteen minutes;
 - c. Apply any first aid measures specified on the chemical container;
 - d. Cover the burn with a cool, wet dressing;
 - e. Take the victim to hospital emergency services.
2. If the burn is a second degree burn that covers an area less than two or three inches across:
 - a. Rinse the burn with cool water and gently wash and rinse the burned area;
 - b. Apply Silvadene ointment and cover with a sterile dressing and notify parent if second or third degree burn;
 - c. Do not apply ointments, petroleum jelly, margarine, grease, oil, or butter;
 - d. Do not break blisters to avoid the risk of infection.
3. If the burn affects an area more than two or three inches across or is a third degree burn:
 - a. Immerse the burned area in cold water or apply cold compresses to the affected area to bring skin temperature back to normal; and
 - b. Wrap the victim loosely in a clean sheet and transport him/her to hospital emergency services or, if the burn affects more than ten percent of the body, to a specialized burn facility.

E. Concussion

The victim may be dazed or unconscious, bleed from mouth, nose or ears; have rapid but weak pulse; have eye pupils unequal in size; complain of headache and dizziness; be nauseated or vomiting:

1. Maintain head stabilization if situation warrants and immediately call 911;
2. Keep victim lying down and warmly covered;
3. Ice may be applied to head;
4. Check for any signs of altered consciousness i.e.: temporary loss of consciousness, change in usual mental status;
5. Check pupils of eyes for irregularity or lack of reaction to light;
6. If any abnormalities are noted or if any vomiting, parents should be notified to follow-up with family physician;
7. If necessary, call 911 and transport to hospital.

F. Convulsion or Seizure

1. Protect the victim from self-injury by lying him/her down, preferably on a padded surface, and loosen his/her clothing;
2. Turn the victim's head to one side to keep the airway open and permit saliva to flow out of the

ACCIDENTS AND ILLNESS (regulation continued)

mouth; Do not force tongue blade or airway into mouth unless patient is becoming cyanotic (danger of damaging teeth). First time seizure-call 911 and notify parent. If history of seizures refer to child's primary care physician's protocol;

3. Do not restrain the victim unless gentle restraint is necessary to prevent self- injury;
4. If vomiting occurs, turn the head so that vomit is expelled from the mouth and is not inhaled;
5. If the seizure continues for more than 3 minutes or recurs in a short time, summon an ambulance.

G. Insulin Shock

The victim may have a sudden onset of weak, drowsy appearance; moist and pale skin; drooling; intense hunger, vision disturbance; normal or shallow respirations; full and pounding pulse; irritability;

1. Administer some kind of carbohydrate, which can be in the form of sugar, fruit juice, candy, sugared soda pop (not artificially). If the victim has lost consciousness, honey or frosting. Whenever possible, it is important to test blood sugars before giving;
2. After symptoms have subsided (in ten to fifteen minutes), offer the victim a food snack;
3. If the symptoms do not subside, call 911 and the victim should be taken to a hospital emergency service.

H. Diabetic Coma

The victim may have an extremely ill appearance, dry flushed skin, intense thirst, exaggerated respiration with hunger for air, weak and rapid pulse, dimming of vision, and acetone or fruity odor on breath. If the person is in a diabetic coma, call 911. The patient must be taken immediately to a hospital emergency service.

I. Heat Exhaustion

The victim may have pale, clammy skin, rapid and weak pulse, weakness, headache, nausea, cramps of abdomen or limbs:

1. The victim should lie down with his/her head lower than the body;
2. The victim should be protected from chilling;
3. If the symptoms do not subside, the victim should be taken to a hospital emergency service.

J. Poisoning

1. Contact the Poison Control Center by calling 1-800-962-1253 for instructions. Be prepared to give information regarding the substance and amount ingested and the state of the victim;
2. If the Poison Control Center cannot be consulted and the poison can be identified with certainty and its original container is available, administer the antidote specified on the container in the method and dosage recommended and seek medical assistance;
3. If the poison is unknown, dilute the poison by requiring the victim to drink quantities of water or milk.
4. If the poison is a corrosive substance (drain cleaner, lye, bleach, or other acid or alkali product) or a petroleum product, do not induce vomiting. Burns on or in the mouth may

ACCIDENTS AND ILLNESS (regulation continued)

indicate a corrosive substance and a smell of petroleum on the victim's breath indicates a petroleum product;

5. Call 911 and transport the victim, along with the container of the substance ingested and any vomit, to hospital emergency services.

K. Shock

The victim may be drained of color and have a clammy skin, weak and rapid pulse, irregular or labored breathing, perspiration on upper lip and forehead. Victim may be nauseated and/or thirsty:

1. Keep the victim covered and lying down, with feet raised higher than the heart;
2. Loosen tight clothing and keep the victim comfortably warm;
3. If the victim is conscious, has no abdominal injury, and is not vomiting, the victim may be given fluid.

Routine First Aid Care

The school nurse shall administer the following routine first aid procedures, as appropriate to the victim's illness or injury. If the school nurse or other health professional is not available or cannot be summoned quickly, these first aid procedures may be followed by the responsible adult present.

A. Abdominal Pain

1. Take the victim's temperature and pulse rate;
2. Check for recent history of nausea, vomiting, and food ingestion and whether victim has had appendectomy.
3. Require victim to lie down for rest period;
4. If pain does not diminish or intensifies, notify parent/guardian or the school physician.

B. Abrasions and Lacerations

1. Wash area gently with bland soap and cool water, rinsing carefully;
2. Apply an approved antiseptic (zephrene/betadine or hydrogen peroxide) and a triple antibiotic may be applied to the site;
3. Cover area with a light protective adhesive bandage;
4. If laceration is superficial no further treatment is necessary. If wound is deep then transfer to physician or hospital and notify parents. With all human bites patients should be referred to their physician for evaluation and treatment. In case of any suspected blood borne exposure the Blood Borne Pathogen Plan shall be carried out completely.

C. Bites and Stings

1. A wound resulting from the bite of an animal-dog, cat, hamster, mouse-should be treated as follows:
 - a. Wash wound immediately with soap under running water, apply antiseptic and antibiotic ointment;
 - b. Apply bandage;

ACCIDENTS AND ILLNESS (regulation continued)

- c. If the wound is severe or a puncture wound, cleanse and send victim to hospital emergency services;
- d. Contact parents/guardians with information regarding the date of last tetanus immunization and refer for medical evaluation;
- e. If feasible and safe, attempt to identify and/or capture the animal.

2. Insect/bee Stings

- a. For a known anaphylactic reaction, follow individual protocol for the student and contact emergency medical services;
- b. Apply ice;
- c. If stinger is still present gently remove/scrape (do not squeeze). Wash wound immediately with soap under running water. Apply an antiseptic and an antibiotic;
- d. Seek medical attention if there is evidence of swelling or breathing difficulty;
- e. Notify parents/guardians;
- f. Administer epinephrine as directed.

3. Tick Bite

- a. Using tweezers, grasp the tick as close as possible to the skin;
- b. Pull straight out with a steady motion;
- c. Wash site thoroughly with soap and water;
- d. Apply a topical antiseptic.

4. Bite From a Human

A wound resulting from the bite of a human being should be washed and treated by a physician. In case of a suspected blood borne exposure incident, follow the Blood Borne Pathogen Plan and procedure file all reports and report incident to your building's principal.

D. Bleeding (not associated with head injury)

- 1. Use gloves and universal precautions;
- 2. For a nose bleed:
 - a. Have victim sit with head angled slightly forward so that blood cannot run back into the throat;
 - b. If bleeding is from one nostril only, press that nostril toward the center; if from both nostrils, pinch nostrils together five to ten minutes. Ask victim to breathe through the mouth;
 - c. Apply ice over bridge of nose;
- 3. Apply sterile gauze or and pressure over the wound until bleeding stops;
- 4. Elevate affected area;
- 5. Seek medical attention
- 6. Notify parents/guardians.

E. Blisters (other than those caused by burns)

ACCIDENTS AND ILLNESS (regulation continued)

1. Apply a light protective bandage;
2. Do not break; allow tissues to absorb fluid;
3. If blister ruptures, wash with antiseptic and water and apply sterile dressing.

F. Boils

1. Apply dry dressing;
2. If boil has erupted, cleanse area and apply sterile dressing.

G. Bone Injuries

1. Fractures:
 - a. Keep warm and evaluate for shock;
 - b. Immobilize;
 - c. Seek medical attention;
 - d. Call parents/guardians;
 - e. Fill out accident report and insurance forms
2. Severe Falls:
 - a. Do not move the victim until condition is evaluated by the nurse or medical professional;
 - b. Check breathing, bleeding and symptoms of shock;
 - c. Call 911 to take the victim to hospital emergency services;
 - d. Control any bleeding with gentle direct pressure;
 - e. Treat for shock;
 - f. Notify principal and parents/guardians.
 - g. Bruises
3. Apply cold compresses or ice to bruised area;
4. If bruise is black eye, examine student's eye and check victim for head injury.

H. Burns (minor)

1. Cool burned area under cold running water or with application of cold compress;
2. Encourage victim to drink fluids.

I. Choking

1. Assess respiratory status;
2. Perform the Heimlich maneuver;
3. Notify parents/guardians;
4. Refer for follow-up medical treatment

J. Dental Problems

1. Injury – contact parent/guardian and recommend a dental evaluation

ACCIDENTS AND ILLNESS (regulation continued)

2. Toothache
 - a. Apply Oragel;
 - b. For mouth ulcers, rinse with glyoxide/proxigel;
 - c. Notify parents/guardians as appropriate and necessary.

K. Diarrhea/Vomiting

1. Use gloves and observe the universal precautions
2. Take the victim's temperature, rest, fluids-only if can be tolerated;
3. Notify parents/guardians and exclude child from school for 24 hours;
4. Call parent/guardian.

L. Dislocations

1. Apply ice or cold compress;
2. If possible, e.g., in the dislocation of a finger joint, apply a splint;
3. Notify student's parent/guardian;
4. If needed refer victim to hospital emergency services or a doctor's office.

M. Earache

1. Take the temperature;
2. Call parent/guardian to recommend medical evaluation.

N. Fainting

1. Recline victim to lying position on his/her back. Loosen clothing for comfort;
2. Use ammonia inhalant when necessary;
3. Check victim for pulse rate and breathing; if necessary, apply CPR;
4. Permit victim to recover slowly;
5. If recovery does not occur in reasonable period of time or other symptoms indicate possibly complications, Call 911 and transport victim to hospital emergency services and notify parents.

O. Fever

Rest, cool compress PRN, acetaminophen (with parental permission), notify parents and exclude child from school for 24 hours.

P. Foreign Objects

1. If the object is in the eye:
 - a. Wash hands and examine the inner surface of the lower lid by pulling lid gently down;
 - b. Remove object with slightly moistened swab;
 - c. If object has not been removed, pull upper lid down over lower lid so that tears may wash object to corner of eye;
 - d. Eye may be flushed with clean running water to dislodge object;

ACCIDENTS AND ILLNESS (regulation continued)

- e. If object remains, Call 911 and transport victim to hospital emergency services or doctor's office.
2. If the object is in the ear:
 - a. Use tweezers to remove any soft object that is clearly visible;
 - b. Tilt the victim's head so that affected ear is downward and gently shake the victim's head;
 - c. Place oil in ear only to immobilize an insect in the victim's ear;
 - d. If object remains call parents and refer to the care of their physician or if necessary call 911 and transport the victim to hospital emergency services.
 3. If the object is in the nose:
 - a. Use tweezers to remove any soft object that is clearly visible;
 - b. Have victim gently blow his/her nose once or twice to attempt to dislodge the object;
 - c. If object remains call parents and refer them to the care of their physician or if necessary call 911 and transport, victim to hospital emergency services;

Q. Headache

1. Ascertain how and when the headache started, the length of time it has persisted, and what medication, if any, has been taken;
2. Take victim's temperature;
3. Have victim rest for ten minutes;
4. Offer fluid and apply ice pack to back of head;
5. Administer acetaminophen with parents' permission;
6. In case of fever, severe pain, or frequent recurring headaches or complicating symptoms, notify parent/guardian.

R. Head lice

Suggest Nix shampoo or similar treatment to be given at discretion of child's physician. Instruct parent/guardian to remove nits from hair. Child may be readmitted after shampoo treatment and nit removal. Nurse will monitor.

S. Menstrual Discomfort

1. Have victim rest and apply heating pad;
2. If parents' permission has been given, administer acetaminophen;
3. If pain is severe, notify parent/guardian.

T. Poison Ivy, Oak, Sumac

1. If person has recently been exposed to toxic plant, wash exposed skin area with soap and rinse thoroughly.
2. After rash appears, apply calamine lotion to lessen itching and burning;
3. Weeping rash should be covered with a dressing. Victim with weeping rash should be excluded from school;

ACCIDENTS AND ILLNESS (regulation continued)

4. Notify parents/guardians if necessary.

U. Sore Throat

1. Check victim's temperature;
2. Observe throat for infection, redness, swollen tonsils, and the like;
3. Treat with chloraseptic or a saltwater gargle;
4. If fever or complicating symptom is present, notify parent/guardian

V. Splinters

1. Cleanse area with soap and water, followed by alcohol;
2. Remove visible splinter with tweezers or sterile needle and cleanse area again. Apply antiseptic and light protective adhesive bandage;
3. If splinter is imbedded, do not remove. Notify parent/guardian.

W. Sprain

1. Eliminate all stress on the injured part;
2. Keep the area raised, elevated on a pillow or sling;
3. Apply ice pack or cold compresses to the injured part to keep swelling down;
4. Bandage with elastic bandage for support;
5. Notify parent/guardian.

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Policy

ILLNESS

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

Control of Contagious Diseases or Conditions

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

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

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

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

Handling Blood and Body Fluids

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

ILLNESS (continued)

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

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

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

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

Possible

<u>Cross References:</u>	*1410	Local units
	*4112.4/4212.4	Employee health
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*5113	Attendance, absences and excuses

ILLNESS (continued)

*5125	Student records
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141	Health
*5141.1	Accidents
*5141.4	Child abuse and neglect
*5141.8	Sports related concussion and head injury
*5200	Nonpublic school students
*6142.13	HIV prevention education

HEALTH EXAMINATIONS AND IMMUNIZATIONS

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

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

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

In order to protect the health of the children and staff in district schools, all regulations of the state department of education, the state department of health and the local board of health shall be scrupulously observed, particularly those dealing with contagious/infectious diseases or conditions. Students seeking to enter school who have been identified as having a communicable/infectious disease or condition shall not be enrolled unless they qualify under the above agencies' rules pertaining to periods of incubation, communicability, quarantine, and reporting.

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

Pandemic Reopening and Recovery

A. Screening and Personal Protective Equipment (PPE)

1. Adequate amount of personal protective equipment (PPE) shall be available, accessible, and provided for use by staff and students.

HEALTH EXAMINATIONS AND IMMUNIZATIONS (continued)

2. School staff and visitors are required to wear face coverings unless doing so would inhibit the individual's health or the individual is under two years of age.
3. Students are strongly encouraged to wear face coverings and are required to do so when social distancing cannot be maintained, unless doing so would inhibit the student's health.
4. Staff and students shall be screened for entry into the school building;
5. The principal or his or her designee shall develop a school entry plan that includes:
 - a. Staff assigned to do the screening;
 - b. Designated entrances that will be used to admit students;
 - c. The assignment of classes and grades to designated entrances and/or designated entrance times;
6. Staff must visually check students for symptoms upon arrival (which may include temperature checks) and/or confirm with families that students are free of COVID-19 symptoms;
7. Health checks must be conducted safely and respectfully, and in accordance with any applicable privacy laws and regulations;
8. Results must be documented when signs/symptoms of COVID-19 are observed;
9. Screening procedures shall take into account students with disabilities and accommodations that may be needed in the screening process for those students;

B. Procedures for symptomatic staff and students:

1. The school principal or his or her designee shall establish an isolation space;
2. Students and staff with symptoms related to COVID-19 shall be safely and respectfully isolated from others. Students should remain in isolation with continued supervision and care until picked up by an authorized adult;
3. Staff must provide continuous monitoring of symptoms;
4. The [current Communicable Disease Service](#) guidance for illness reporting shall be followed;
5. If a staff member becomes aware that an individual who has spent time in a district facility tests positive for COVID-19, the staff members shall notify the principal and the school nurse. The school nurse shall immediately notify local health officials, staff, and families of a confirmed case while maintaining confidentiality;

C. Preparations for when someone tests positive for COVID-19:

1. The school principal or his or her designee shall establish an isolation space;
2. Students and staff with symptoms related to COVID-19 shall be safely and respectfully taken to the designated isolation space and isolated from others. Students should remain in isolation with continued supervision and care until picked up by an authorized adult;
3. The [current Communicable Disease Service](#) guidance for illness reporting shall be followed;
4. Readmittance to school shall be consistent with [Department of Health guidance and information for schools](#) and Department of Health/Communicable Disease Service's [Quick Reference Guidance on Discontinuation of Transmission-Based Precautions and Home Isolation for Persons Diagnosed with COVID-19](#);

HEALTH EXAMINATIONS AND IMMUNIZATIONS (continued)

5. Contact tracing shall be initiated including records of groups/cohorts, assigned staff, and daily attendance.

D. Protocols to address a positive case:

Students and employees may be asked to leave or not come into school if they test positive for COVID-19 or exhibit one or more of the symptoms of COVID-19, based on CDC guidance, that is not otherwise explained:

1. A fever of 100° F or greater;
2. Cough;
3. Shortness of breath or difficulty breathing;
4. Chills;
5. Repeated shaking with chills;
6. Muscle pain;
7. Headache;
8. Sore throat;
9. New loss of taste or smell;
10. Fatigue;
11. Congestion or runny nose;
12. Nausea or vomiting;
13. Diarrhea.

Parent/Guardian Notice

In accordance with federal law, the Protection of Student Rights Amendment (PPRA), parents/guardians shall be notified annually of the opportunity for the parent/guardian to opt the student out of any non-emergency, invasive physical examination or screening that is:

- A. Required as a condition of attendance;
- B. Administered by the school and scheduled by the school in advance; and
- C. Not necessary to protect the immediate health and safety of the student, or of other students.

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HEALTH EXAMINATIONS AND IMMUNIZATIONS (continued)

<u>Legal References:</u>	
<u>N.J.S.A.</u> 18A:35-4.6 through -4.8	<u>Parents Right to Conscience Act of 1979</u>
<u>N.J.S.A.</u> 18A:40-4	Examination for physical defects and screening of hearing of students; health records
<u>N.J.S.A.</u> 18A:40-4.3	Scoliosis; periodic examination; notice to parents or guardian
<u>N.J.S.A.</u> 18A:40-4.4	Exemption
<u>N.J.S.A.</u> 18A:40-4.5	Immunity from action of any kind due to provisions of act
<u>N.J.S.A.</u> 18A:40-5	Method of examination; notice to parent or guardian
<u>N.J.S.A.</u> 18A:40-6	In general
<u>N.J.S.A.</u> 18A:40-11	Exclusion of students having communicable tuberculosis
<u>N.J.S.A.</u> 18A:40-16 through -19	Tuberculosis infection; determination of presence ...
<u>N.J.S.A.</u> 18A:40-20	Immunization at public expense
<u>N.J.S.A.</u> 18A:61D-8 through -10	Findings, declarations relative to Hepatitis B vaccinations....
<u>N.J.S.A.</u> 26:1A-9.1	Exemption of students from mandatory immunizations
<u>N.J.S.A.</u> 26:4-6	Prohibiting attendance of teachers or students
<u>N.J.S.A.</u> 26:2T-5 through -9	Findings, declarations relative to Hepatitis C
<u>N.J.A.C.</u> 6A:14-3.4	Evaluation
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-1.3, -2.1, -2.2, -2.3, -2.4, -4.1, -4.3	
<u>N.J.A.C.</u> 6A:32-9.1	Athletics Procedures
<u>N.J.A.C.</u> 8:57-2	Reporting of acquired immunodeficiency syndrome and infection with Human Immunodeficiency Virus
<u>N.J.A.C.</u> 8:57-4.1	Applicability
<u>N.J.A.C.</u> 8:57-4.2	Proof of immunization
<u>N.J.A.C.</u> 8:57-4.3	Medical exemptions
<u>N.J.A.C.</u> 8:57-4.4	Religious exemptions
<u>N.J.A.C.</u> 8:57-4.5	Provisional admission
<u>N.J.A.C.</u> 8:57-4.6	Documents accepted as evidence of immunization
<u>N.J.A.C.</u> 8:57-4.7	Records required
<u>N.J.A.C.</u> 8:57-4.8	Reports to be sent to the State Department of Health
<u>N.J.A.C.</u> 8:57-4.9	Records available for inspection
<u>N.J.A.C.</u> 8:57-4.10	Diphtheria and tetanus toxoids and pertussis vaccine
<u>N.J.A.C.</u> 8:57-4.11	Poliovirus vaccine
<u>N.J.A.C.</u> 8:57-4.12	Measles virus vaccine
<u>N.J.A.C.</u> 8:57-4.13	Rubella vaccine
<u>N.J.A.C.</u> 8:57-4.14	Mumps vaccine
<u>N.J.A.C.</u> 8:57-4.15	Haemophilus influenza type b (Hib) conjugate vaccine
<u>N.J.A.C.</u> 8:57-4.16	Hepatitis B virus vaccine
<u>N.J.A.C.</u> 8:57-4.17	Varicella virus vaccine

HEALTH EXAMINATIONS AND IMMUNIZATIONS (continued)

<u>N.J.A.C.</u> 8:57-4.18	Pneumococcal conjugate vaccine
<u>N.J.A.C.</u> 8:57-4.19	Influenza vaccine
<u>N.J.A.C.</u> 8:57-4.20	Meningococcal vaccine
<u>N.J.A.C.</u> 8:57-4.21	Providing immunization
<u>N.J.A.C.</u> 8:57-4.22	Emergency power of the Commissioner, Department of Health and Senior
<u>N.J.A.C.</u> 8:61-2.1	Attendance at school by students or adults infected by Human Immuno-deficiency Virus (HIV)

20 U.S.C.A. 1232h Protection of Student Rights Amendment

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

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

The NJDOE Guidance: *The Road Back: Restart and Recovery* at:
<https://www.nj.gov/education/reopening/>

Possible**Cross References:**

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

Regulation

PHYSICALS

Scoliosis

Every Board of Education must provide the biennial examination of every student between the ages of 10 and 18 – grades 5 – 7 – 9 – 11.

(Authorization: N.J.A.C. 6A:16-2.2(f); N.J.S.A. 18A:40-4.3 to 4.5 and A-1183 Pamphlet Law 2000 c. 126 9-21-00)

Protocol

Screenings must be conducted by a school or private physician.

The role of the school nurse:

- A. Prior to the screening, the nurse shall inform parents/guardians in a clear written communication that all students aged 10-18 will be screened for scoliosis. A student may be exempt from the examination only upon the written request of a parent/guardian;
- B. Conduct the screening using the Scoliosis Screening Technique:
 - 1. Explain the procedure to the student to reduce the student's anxiety;
 - 2. Screen each student for scoliosis individually in a well-lit private area;
 - 3. Have the student stand with his/her exposed back to screener;
 - 4. Check for the following:
 - a. Unequal shoulder levels;
 - b. Symmetry of scapulae;
 - c. Symmetry of flanks;
 - d. Uneven or greater crease at one side of waist;
 - e. Unequal distance between the elbow when both arms are hanging straight down from shoulder;
 - 5. Have the student face the screener and bend 90 degrees at the waist, feet together, knees straight, and arms hanging in front with palms together;
 - 6. The screener may sit facing student to check the following:
 - a. A rib hump (one side of upper back higher than the other);
 - b. Hump in both upper and lower back;

PHYSICALS (regulation continued)

- c. Levels of the back on both sides of the spine.

Sports Physicals

Good physical condition, freedom from injury and full recovery from illness are prerequisites to participation in athletic competition and practice for such competition. HIV status shall not be screened as a part of athletic physicals or reported in school health records.

An examination of each candidate for a school athletic squad or team shall be conducted within 365 days prior to the first practice session with examinations being conducted at the medical home of the student. If the student does not have a medical home, the district will provide the examination by the school physician. The medical examination shall be conducted in accordance with N.J.S.A. 6A:16-2.2(h)1 and board policy. The medical report shall include a determination concerning the student's participation from the examining physician, nurse practitioner/clinical nurse specialist, or physician's assistant. The medical report shall be provided to the school physician.

If the student's medical examination was completed more than 60 days prior to the first practice session, the student must provide a health history update of medical problems experienced since the last medical examination in accordance with N.J.A.C. 6A:16-2.2(h)4. This health history must be completed and signed by the parent(s) or legal guardian(s).

The school physician will provide a signed written notification to the parent(s) or legal guardian(s) stating approval of the student's participation in the athletics based on the medical report or the - written reasons for the school physician's disapproval of the student's participation.

The health findings of this medical examination shall be maintained as part of the student's health record.

The medical examination conducted to determine the fitness of a candidate for athletic competition and the health history update must include, as a minimum, the respective medical history information and physical assessments set forth in rules of the State Board of Education and incorporated in their entirety in regulations implementing this policy.

The school medical inspector shall approve or disapprove the student's participation in athletics based on the medical examination. Written notification of that determination, signed by the school medical inspector or team doctor, shall be given to the student's parent or legal guardian and shall include the reasons for disapproval of the student's participation. The health findings of the medical examination shall be filed in the student's health examination record, subject to board policy on student records.

Coaches Responsibilities

Distribute all forms to students:

PHYSICALS (regulation continued)

- A. Parent notification letter;
- B. Medical coverage - signed by parent/guardian;
- C. Health History Questionnaire – forms issued by the State Department of Education signed in ink by parent/guardian/student. New questionnaire for every sport;
- D. Physical examination on the form issued by the State Department of Education and completed by student's medical home provider - new form every school year;
- E. Board physician's approved/disapproval form;
- F. Permission to participate/parent's consent;
- G. Collect all signed forms from students;
- H. Formulate rosters and give to school nurses with physical forms if completed by student's private provider;
- I. Confer with school nurse when physicals will be scheduled for students without a "Medical Home" (private provider);
- J. Students cannot participate until final approval card is received via the school nurse;
- K. Disseminate Board physician signed approval physical forms to students.

Nurses Responsibilities

- A. Schedule physical examinations;
- B. Assist the physician;
- C. Document all physical examinations from private healthcare provider/school physician on Form A-45 Health Record;
- D. Keep health history questionnaire and physical examination form in health card. E. Give final approval card to students.

School Physicals

- A. Each student must be examined upon entry into the school district. This examination must be done no more than 365 days prior to entry and must state what, if any, modifications are required for full participation in the school program;

PHYSICALS (regulation continued)

- B. The district board of education must notify parents/guardians of the importance of obtaining subsequent examinations at least once during each of the student's developmental stages:
 - 1. New Admission;
 - 2. Early childhood (pre-school through grade 3);
 - 3. Pre-adolescence (grades 4 through 6);
 - 4. Adolescence (grades 7 through 12);
- C. Students who undergo comprehensive child study team evaluation may have to be examined, as per N.J.A.C. 6A:14-3.4;
- D. Each candidate for a school athletic squad or team is to be examined within 365 days prior to the first practice session, with examination being made available by the school physician for those students who do not have a medical home;
- E. Each student who applies for working papers is to be examined, as required by N.J.S.A. 3428(3);
- F. Every student between the ages of 10 and 18 is to be screened biennially for scoliosis, as required by N.J.S.A. 18A:40-4.3.

Every school office must disseminate Form A to all students before physicals are conducted. Form A should be distributed August/September of each school year.

All signed forms must be given to the school nurse.

Working Papers

A student shall be examined when applying for working papers. The examination must be documented on a form approved by the Commissioner of Education (Form A-45 – Regular Health Record) and include the following components:

- A. The student's immunization record;
- B. Results of the student's health screenings, including height, weight, hearing, blood pressure and vision;
- C. The results of the student's physical examination.

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MISSING, ABUSED AND NEGLECTED CHILDREN

The Elizabeth Board of Education believes that a child's physical and mental well-being must be maintained as a prerequisite to the achievement of the New Jersey Student Learning Standards. The board therefore believes that it is important to identify and investigate suspected incidents involving missing, abused and neglected children immediately. The school district will cooperate with the New Jersey Division of Child Protection and Permanency (DCP&P) and law enforcement authorities in identifying and reporting all such cases, whether institutional or noninstitutional.

In order to increase awareness of the symptoms of missing, abused and neglected children and cause them to be better informed on all aspects of abuse and neglect, the board directs the chief school administrator to provide information and inservice training on these subjects to all school employees. Specifically, this training shall include information on the district's policies and procedures for reporting allegations of missing, abused, or neglected child situations. All new employees, volunteers and interns shall receive the required information and training as part of their orientation.

Liaisons to DCP&P and Law Enforcement Authorities

The chief school administrator shall designate a staff member or staff members who shall act as liaison between DCP&P and the district. The liaison shall facilitate communication and cooperation between the district and/or the school and DCP&P and act as primary contact between the schools and DCP&P.

The chief school administrator shall also designate a staff member or staff members who shall act as liaison between law enforcement authorities and the district. The liaison shall facilitate communication and cooperation between the district and law enforcement authorities and act as primary contact between the school and law enforcement.

Reporting Procedures

The chief school administrator is directed to develop procedures for compliance with statutory requirements that suspected incidents of potentially missing, abused and neglected children be reported. The following procedures shall apply:

- A. All staff members, volunteers and interns having contact with students are required to report directly and immediately to DCP&P all incidents of alleged missing, abused and neglected children. The person having reason to believe that a child may be missing or may have been abused or neglected may inform the principal or other designated school officials prior to notifying DCP&P if the action will not delay immediate notification. Employees, volunteers and interns shall not be required to obtain confirmation by another person to report a suspected missing, abused or neglected child situation;

MISSING, ABUSED AND NEGLECTED CHILDREN (continued)

- B. The person notifying DCP&P shall inform the principal or other designated school officials of the notification, if this was not done prior to notifying DCP&P. The principal or other school designated school officials should not be given this notification if the person making the notification believes that it would likely endanger the reporter or student involved or result in retaliation against the student or in discrimination against the reporter with respect to his or her employment;
- C. The principal shall notify the law enforcement authorities of incidents of potentially missing, abused, or neglected child situations. Law enforcement authorities shall be notified about all reports by employees, volunteers, or interns working in the school district. Procedures for the notification of the law enforcement authority shall be consistent with the district Memorandum of Agreement (see board policy 1410 Local Units);
- D. The principal shall ensure that all involved staff cooperate with DCP&P and law enforcement authorities in all investigations of potential missing, abused, or neglected children including facilitating:
 - 1. Accommodations permitting investigators to interview the student in the presence of the school principal or other designated school official. If the student is intimidated by the presence of the school representative, the student shall be requested to name an employee, volunteer, or intern he or she feels will be supportive to be present during the interview;
 - 2. Interviews by scheduling time with any employee, volunteer, or intern who may have information relevant to the investigation;
 - 3. The release of all records of the student who is the subject of the investigation that are deemed relevant to the assessment or treatment of a potentially missing, abused, or neglected child;
 - 4. The maintenance, security, and release of all confidential information about potential missing, abused, or neglected child situations;
 - 5. The release of the student to child welfare authorities while school is in session when it is necessary to protect the student or take the student to a service provider. This removal shall take place only after the principal or his or her designee has been provided, either in advance or at the time removal is sought, with appropriate documentation that DCP&P has already removed, or has appropriate authority to remove, the student from his or her home;
 - 6. The transfer to another school of a student who has been removed from his or her home by DCP&P for proper care and protection (see board policy 5118.2 Foster Care and Educational Stability).

Due Process

Due process rights will be provided to school personnel, volunteers or interns who have been reassigned or suspended as a result of an accusation of child abuse or neglect. Temporary reassignment or suspension of an employee, with pay, volunteer or intern named as a suspect in an act of child abuse or neglect shall occur if there is reasonable cause to believe that the life or health of the alleged victim or other student is in jeopardy due to continued contact between the employee, volunteer or intern and a student. Due process rights shall include notice of the proposed suspension

MISSING, ABUSED AND NEGLECTED CHILDREN (continued)

and a pre-suspension opportunity to respond.

If abuse is found, resulting from a single incident occurring in the school district, the chief school administrator shall be available to meet with the Department of Children and Families, which may request that the chief school administrator create a corrective action plan. The plan may include, but shall not be limited to, action to be taken with respect to a teacher, intern, employee, volunteer or other staff member to assure the health and safety of the alleged victim and other children and to prevent future acts of abuse or neglect. Within 30 days of the date the Department requested the remedial plan, the chief school administrator shall notify the Department in writing of the progress in preparing the plan. The chief school administrator shall complete the plan within 90 days of the date the Department requested the plan.

If the child abuse or neglect is the result of several incidents occurring in the school district, within 30 days of receipt of the report of child abuse or neglect, the Department of Children and Families may request that the chief school administrator make administrative, personnel or structural changes within the district.

Records

All information regarding allegations of potentially missing, abused, or neglected children reported to authorities about an employee, volunteer, or intern working in the school district shall be considered confidential and may be disclosed only as required to cooperate in investigations. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the school district chief school administrator or his or her designee.

All references to a notification to the designated DCP&P caseworker of a potential missing, abused, or neglected child situation involving a school district employee shall be removed from employee personnel records immediately following the receipt of an official notice from DCP&P that such allegations were unfounded.

Suicide Reporting

The board is committed to supporting State efforts to improve the information available to both professionals, who are in contact with youth at risk of suicide, and families at risk; identify and provide suitable intervention services to reduce the incidence of suicide; and educate youths and families at risk about the resources available for suicide prevention and intervention about youths who attempt suicide.

Therefore, in compliance with law (N.J.S.A. 30:9A-24 and N.J.A.C. 6A:16-11.1) school district employees, volunteers, or interns with reasonable cause to suspect or believe that a student has attempted or completed suicide, shall report the information to the Department of Children and Families. The information shall be reported in the form and manner prescribed by the Department Children and Families.

MISSING, ABUSED AND NEGLECTED CHILDREN (continued)

The information contained in the report to the Department of Children and Families shall not be considered a public record, but the division may aggregate the data for the purpose of preparing an annual report. The reporter shall not be required to identify the student or youth by name or other unique identifier, but may be required to supply non-identifying demographic information about the student or youth, other attempts made by the student or youth and the response or referral made to deal with the incident.

Any person who reports an attempted or completed suicide shall have immunity from any civil or criminal liability on account of that report, unless the person has acted in bad faith or with malicious purpose.

Protection from Reprisal or Retaliation

The board assures all school personnel and volunteers that no one will be discharged from employment or discriminated against in any way as a result of making in good faith any reports of child abuse and neglect. Reprisal or retaliation against any person who, in good faith, reports or causes a report to be made of a potential missing, abused or neglected child situation is prohibited.

Staff members, volunteers or interns shall not be required to disclose, or be penalized for the failure to disclose, any information which would be privileged according to law (N.J.S.A. 2A:84A-18 through -23).

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<u>Legal References:</u>	<u>N.J.S.A.</u> 2A:4A-60.2	Disclosure, use of juvenile's statement made in course of screening
	<u>N.J.S.A.</u> 2A:84A-18 through -23	Self-incrimination
	<u>N.J.S.A.</u> 2C:11-6.	Aiding suicide
	<u>N.J.S.A.</u> 2C:58-8.	Certain wounds and injuries to be reported
	<u>N.J.S.A.</u> 9:6-1 <u>et seq.</u>	Abuse, abandonment, cruelty and neglect of child; what constitutes
	<u>N.J.S.A.</u> 9:6-3.1; -8.9 through -8.14; -8.21; -8.27 through -8.30;	

MISSING, ABUSED AND NEGLECTED CHILDREN (continued)

-8.34 through -8.36; -8.40;
-8.46; -8.56

N.J.S.A. 18A:6-7a, -10, -11,
-13, -14, -18.1, -30, -30.1

Removal from personnel files of reference to
complaint of child abuse or neglect determined to be
unfounded

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

Findings, declarations relative to instruction in suicide
prevention in public schools

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

Instruction in suicide prevention for public school
teaching staff.

N.J.S.A. 18A:6-113

Provision for instruction in suicide prevention in school
curriculum

N.J.S.A. 18A:36-19

Student records; creation; maintenance and retention,
security and access; regulations; nonliability

N.J.S.A. 18A:36-19a

Newly enrolled students; records and identification

N.J.S.A. 18A:36-24 et seq.

Missing children; legislative findings and declarations

N.J.S.A. 30:9A-22

Findings, declarations relative to youth suicide

N.J.S.A. 30:9A-23

Definitions relative to youth suicide

N.J.S.A. 30:9A-24

Report by teacher of attempted, completed suicide by
student

N.J.S.A. 52:17B-9.8a et seq.

Marking of missing child's school record

N.J.A.C. 6A:16-5.1

School safety plans

N.J.A.C. 6A:16-11.1 et seq.

Reporting Allegations of Child Abuse and Neglect

N.J.A.C. 6A:32-7.1

Student records

Possible

Cross References: *5113 Absences and excuses
*5125 Student records
*5141.1 Accidents
*5142 Student safety

Regulation

MISSING, ABUSED AND NEGLECTED CHILDREN

GENERAL STATEMENT

The board of education shall foster with its community of parents a sense of wellbeing and confidence that each child is valued and will be protected from any form of threat or danger to their safety and wellbeing. The board of education adopts the New Jersey Legislature's determination that removal of children from school constitutes a deprivation in itself and may be an indicator of even more grievous abuses. The board believes that it is important to identify and investigate suspected incidents involving missing, abused or neglected children immediately. Moreover, the public schools can and should provide an early warning to the appropriate authorities when a child appears to be missing from the educational system.

Therefore, the school district will cooperate with the New Jersey Division Child Protection and Permanency (DCP&P) and law enforcement authorities in identifying and reporting all such cases of missing, abused and neglected students whether institutional or noninstitutional.

The board further believes that as required by law, school staff, volunteers and interns have the responsibility to report attempted or completed suicide. Reporting enables the district to plan supportive measures for the school community and facilitates the state's initiatives regarding suicide prevention and intervention. Therefore, school staff, volunteers and interns shall report the information to the New Jersey Department of Children and Families (DCF) as required by law.

STAFF RESPONSIBLE

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

Position	Summary of Main Responsibilities
Chief school administrator	<ul style="list-style-type: none">• General policy and procedure oversight within the district• Designation of the liaison(s)• Liaison with law enforcement and DCP&P• Maintain contact information for police and DCP&P
Building principal	<ul style="list-style-type: none">• General procedure oversight within the school• Development and implementation of reporting and notification procedures for the school• Contacting and being the liaison with law enforcement and DCP&P• Maintaining confidential records and oversee the transfer and release of relevant records as required by law

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)

	<ul style="list-style-type: none"> • Maintain contact information for police and DCP&P • Contact parents/guardians or emergency contact as appropriate
District liaisons	<ul style="list-style-type: none"> • Primary contact with Law enforcement, the DCP&P case manager, and DCF as assigned • Facilitates all aspects of the report, investigation and follow-up for reported incidents • Coordinates school services with CST, I&RS, school nurse, EMS, or other services as necessary
Board Secretary	<ul style="list-style-type: none"> • Manage policy adoption and revision cycle • Oversight of student records and access to same
Director of Student Services	<ul style="list-style-type: none"> • In conjunction with CSA, oversight of student enrollment and documentation of attendance • Review procedures for maintenance and access to student records • Default liaison between the school district and DCP&P
Director of Curriculum	<ul style="list-style-type: none"> • In conjunction with CSA, oversight and implementation of instruction in suicide prevention • In conjunction with CSA, coordinate with Commissioner of the Department of Human Services to provide in-service & classroom instruction re: suicide prevention
Medical Inspector	<ul style="list-style-type: none"> • In conjunction with CSA, notify licensed and medical staff of immunity from civil liability for professional services
Attendance Officer	<ul style="list-style-type: none"> • Investigate and report certain student absences

DEFINITIONS

“Abandonment” is defined in N.J.S.A. 9:6-1, as any of the following acts committed by anyone having the custody or control of the child:

1. Willfully forsaking a child;
2. Allowing the child to be exposed to physical or moral risk without proper and sufficient protection;
3. Failing to care for a child to the extent that the child must be supported and maintained at the expense of the public or by private persons who are not legally responsible for the child.

“Abuse” is defined by the above statute as any of the following:

1. Disposing or resolving the custody of a child in ways contrary to law;
2. Employing the child in a position that is dangerous to the child’s health, or in violation of the child employment laws of New Jersey;
3. Employing the child in a position that would endanger the morals of the child;
4. Parental/guardian’s subjection of the child to the habitual use of profane language;
5. Performing an indecent act or deed, in the presence of a child, where the act may degrade the

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)

- morals of the child or allowing another person to perform such an act;
- 6. The use of excessive physical restraint on the child under circumstances which do not indicate that the child's behavior is harmful to himself, others or property;
- 7. Willfully isolating the child from ordinary social contact under circumstances which indicate emotional or social deprivation.

"Abused child" is defined by N.J.S.A. 9:6-8.9 as a child under the age of 18 years whose parent, guardian, or other person having his custody and control:

- 1. Inflicts or allows non-accidental physical injury which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;
- 2. Creates or allows a non-accidental and substantial or ongoing risk of physical injury to a child which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ; or
- 3. Commits or allows to be committed an act of sexual abuse against the child;
- 4. Or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his/her parent/guardian to exercise a minimum degree of care:
 - a. In supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so; or
 - b. In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to harm, or substantial risk thereof, including the infliction of excessive corporal punishment or using excessive physical restraint under circumstances which do not indicate that the child's behavior is harmful to himself, others or property; or by any other act of a similarly serious nature requiring the aid of the court; or
- 5. A child who has been willfully abandoned by his parent or guardian, or such other person having his custody and control; or
- 6. A child who is in an institution as defined in N.J.S.A. 9:6-8.21 and (1) has been so placed inappropriately for a continued period of time with the knowledge that the placement has resulted and may continue to result in harm to the child's mental or physical well-being or (2) has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.

"Child Cruelty" is defined as:

- 1. Inflicting unnecessarily severe corporal punishment;
- 2. Inflicting unnecessary suffering or pain, either mental or physical;
- 3. Habitually tormenting, vexing or afflicting a child;
- 4. Any willful act of omission or commission causing or permitting unnecessary pain and suffering; or
- 5. Exposing a child to unnecessary hardship, fatigue or mental or physical strains that may tend to injure the health or physical or moral well-being of such child.

"Missing child" is defined in N.J.S.A. 52:17B-9.8a as a person under 18 years of age reported to a

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)

law enforcement agency as being abducted, enticed away, taken, missing or a runaway. A missing child is also defined in N.J.S.A. 52:17B-212 as a person 13 years of age or younger whose whereabouts are not currently known.

“Neglect” is defined as any of the following acts committed by a person having the custody or control of the child:

1. Willfully failing to provide proper and sufficient food, clothing, maintenance, regular school education as required by law, medical attendance or surgical treatment, and a clean and proper home, or
2. Failure to do or permit any act necessary for the child's physical or moral well-being. Neglect includes the continued inappropriate placement of a child in an institution, knowing that the placement has resulted and may continue to result in harm to the child's mental or physical well-being.

"Parent or guardian" means any natural parent, adoptive parent, resource family parent, stepparent, paramour of a parent, or any person, who has assumed responsibility for the care, custody, or control of a child or upon whom there is a legal duty for such care. "Parent" includes the adoptive or resource family parent. The term also includes any person who has assumed the care of a child, or any person with whom a child is living at the time an offense is committed. Parent, as used in this regulation and attendant policy shall include this definition as well as the legal guardian of the child.

In all cases, the right of a parent/guardian to provide treatment for an ill child in accordance with the religious tenets of any church as authorized by other statutes of New Jersey shall be maintained, provided that laws, rules, and regulations relating to communicable diseases and sanitary matters are not violated. No child, who in good faith, is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a duly accredited practitioner of that recognized church or religious denomination, shall for this reason alone, be considered to be abused or neglected.

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

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

“Non-institutional child abuse and neglect” is abuse and/or neglect alleged to have taken place in the home or community by a parent/guardian or any other person having custody or control of the child, and should be reported in person or by telephone to the local DCP&P office.

“Institutional child abuse and neglect” is abuse alleged to have taken place in a school or other institutional setting by school personnel, compensated and uncompensated (volunteer) and should be

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)

reported in person or by telephone to the Institutional Abuse Investigation Unit (IAIU) of the local DCP&P office.

INDICATORS OF CHILD ABUSE/NEGLECT

(from: <http://www.nj.gov/dcf/reporting/indicators/>)

Physical Abuse

Physical Indicators	Behavioral Indicators
Unexplained bruises and welts: <ul style="list-style-type: none"> • On face, lips, mouth • On torso, back, buttocks, thighs • In various stages of healing • Cluster, forming regular patterns • Reflecting shape of article used to inflict (electric cord, belt buckle) • On several different surface areas • Regularly appear after absence, weekend or vacation Unexplained burns: <ul style="list-style-type: none"> • Cigar, cigarette burns, especially on soles of the feet, palms, back or buttocks • Immersion burns (sock-like, glove-like doughnut shaped on buttocks or genitalia) • Patterned like electric burner, iron, etc. • Rope burns on arms, legs, neck or torso Unexplained fractures: <ul style="list-style-type: none"> • To skull, nose, facial structure • In various stages of healing • Multiple or spiral fractures • Unexplained laceration or abrasions: <ul style="list-style-type: none"> • To mouth, lips, gums, eyes • To external genitalia 	Wary of adult contacts Apprehensive when other children cry Behavioral extremes: <ul style="list-style-type: none"> Aggressiveness Withdrawal Frightened of parents Afraid to go home Reports injury by parents

Physical Neglect

Physical Indicators	Behavioral Indicators
Consistent hunger, poor hygiene, inappropriate dress Consistent lack of supervision, especially in dangerous activities or long periods Constant fatigue or listlessness Unattended physical problems or medical needs Abandonment	Begging, stealing food Extended stays at school (early arrival and late departure) Constantly falling asleep in class Alcohol or drug abuse Delinquency (e.g. thefts) States there is no caregiver

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)**Sexual Abuse**

Physical Indicators	Behavioral Indicators
Difficulty in walking or sitting Torn, stained or bloody underclothing Pain or itching in genital area Bruises or bleeding in external genitalia, vaginal or anal areas Venereal disease, especially in pre-teens Pregnancy	Unwilling to change for gym or participate in PE Withdrawn, fantasy or infantile behavior Bizarre, sophisticated or unusual sexual behavior or knowledge Poor peer relationships Delinquent or run away Reports sexual assault by caregiver

Emotional Maltreatment

Physical Indicators	Behavioral Indicators
Habit disorders (sucking, biting, rocking, etc.) Conduct disorders (antisocial, destructive, etc.) Neurotic traits (sleep disorders, speech disorders, inhibition of play)	Behavior extremes: • Compliant, passive • Aggressive, demanding Overly adoptive behavior: • Inappropriately adult • Inappropriately infant

HOTLINE INFORMATION

All reports of child abuse and neglect, including those occurring in institutional settings such as child care centers, schools, foster homes and residential treatment centers, must be reported to the State Central Registry (SCR). This is a toll-free, 24-hour, seven-days-a-week hotline.

Child Abuse Hotline (State Central Registry)
1-877 NJABUSE
(1-877-652-2873)
TTY 1-800-835-5510

PROCEDURESChild Protection and Permanency Liaison

- A. The chief school administrator designates the building principals as the liaisons to the Division of Child Protection and Permanency (DCP&P) and/or to the local law enforcement agency.
- B. The roles and functions of the(se) liaisons are to:
 1. Act as the primary contact person between schools in the school district and law enforcement authorities, consistent with the memorandum of agreement;
 2. Facilitate communication and cooperation between DCP&P and the district including the sharing or transfer of records;

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)

3. Identify issues or problems that arise in the implementation of district policy and procedures related to missing, abused and neglected children and facilitate the resolution of any such problems;
4. Act as the primary contact with DCP&P with regard to training, general information sharing and the maintenance and development of cooperative efforts;
5. Coordinate intervention and prevention efforts.

Law Enforcement Liaison

C. The chief school administrator designates the building principals as the liaisons liaison to the county prosecutor's office and to the local law enforcement agency.

D. The roles and functions of the(se) liaisons are to:

1. Facilitate communication and cooperation;
2. Identify issues or problems that arise in the implementation of this Agreement and facilitate the resolution of any such problems;
3. Act as the primary contact person between the schools and the affected law enforcement agencies;
4. Act together in developing joint training and other cooperative efforts, including information exchanges and joint speaking engagements;
5. Coordinate drug and alcohol abuse and violence intervention and prevention efforts; and
6. Consult on the review of school safety and security plans, pursuant to N.J.A.C. 6A:16-5.1, and the review of approved model policies of the School Security Task Force.

Note: see board policy and regulation 1410 Local Units

Incident Reporting

Any person having reasonable cause to believe that a child has been subjected to child abuse shall report the same immediately to the Division of Child Protection and Permanency by telephone or otherwise. Such reports, where possible, shall contain the names and addresses of the child and his parent, guardian, or other person having custody and control of the child and, if known, the child's age, the nature and possible extent of the child's injuries, abuse or maltreatment, including any evidence of previous injuries, abuse or maltreatment, and any other information that the person believes may be helpful with respect to the child abuse and the identity of the perpetrator.

Any person who, in good faith, makes a report of child abuse or neglect or testifies in a child abuse hearing resulting from such a report is immune from any criminal or civil liability as a result of such action. Calls can be placed to the hotline anonymously. Any such person who is discharged from employment or is subject to employment discrimination may file a cause of action in the family part of the Chancery Division of the Superior Court in the county in which the discharge or alleged discrimination occurred or in the county of the person's primary residence.

Any person who, in good faith, makes a report of child abuse or neglect or testifies in a child abuse hearing resulting from such a report shall be free from any type of retaliation.

When a complaint made against a school employee alleging child abuse or neglect is determined by

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)

the Department of Children and Families to be unfounded, the school district shall remove any references to the complaint and investigation by the department from the employee's personnel records. A complaint made against a school employee that has been classified as unfounded by the department shall not be used against the employee for any purpose relating to employment, including but not limited to, discipline, salary, promotion, transfer, demotion, retention or continuance of employment, termination of employment or any right or privilege relating to employment.

Any person who knowingly fails to report suspected abuse or neglect according to the law or to comply with the provisions of the law is a disorderly person.

Reporting Procedures

The chief school administrator has developed these procedures in compliance with statutory requirements that suspected incidents of potentially missing, abused and neglected children be reported. If a student is reasonably believed to be missing, abused or neglected, the following procedures shall apply:

- A. Any person having reasonable cause to believe that a child has been subjected to child abuse shall report the same immediately to the Division of Child Protection and Permanency by contacting 1-877 NJABUSE (1-877-652-2873) or TTY 1-800-835-5510 or otherwise. Such reports, where possible, shall contain the following:
 1. Name, title and position of individual reporting the alleged abuse;
 2. Date, time and location that the report of alleged abuse is being submitted to the district;
 3. Names and addresses of the child and his parent, guardian, or other person having custody and control of the child;
 4. If known, the child's age;
 5. The nature and possible extent of the child's injuries, abuse or maltreatment;
 6. Any evidence of previous injuries, abuse or maltreatment, and any other information that the person believes may be helpful with respect to the child abuse and the identity of the perpetrator.
- B. All staff members, volunteers and interns having contact with students are required to report directly and immediately to DCP&P all incidents of alleged missing, abused and neglected children. The person having reason to believe that a child may be missing or may have been abused or neglected may inform the principal or other designated school officials prior to notifying DCP&P if the action will not delay immediate notification. The employee making a report to DCP&P shall inform the principal or other designated school officials that a report was made. Employees, volunteers and interns shall not be required to obtain confirmation by another person to report a suspected missing, abused or neglected child situation;
- C. If a student attendance investigation demonstrates reasonable cause to believe a child is missing or has been abused or neglected, the investigator shall immediately notify the building principal who shall then notify the chief school administrator. The chief school administrator shall then notify the Division of Child Protection and Permanency in the Department of Children and Families for its determination of whether the division is or has been involved with the child and whether action, as appropriate, is warranted (pursuant to N.J.S.A. 18A:36-25.2);

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)

- D. The person notifying DCP&P shall inform the principal or other designated school officials of the notification if this was not done prior to notifying DCP&P. The principal or other school designated school official should not be given this notification if the person making the notification believes that it would likely endanger the reporter or student involved or result in retaliation against the student or in discrimination against the reporter with respect to his or her employment. In the event that the person notifying DCP&P believes that making such a report to the principal or other designated school official would endanger the reporter or student involved or result in retaliation against the student or in discrimination against the reporter with respect to his or her employment, the reporter should document reasons for that belief in writing to the chief school administrator or other appropriate school official.
- E. The principal shall notify the chief school administrator and law enforcement authorities of incidents of potentially missing, abused, or neglected child situations. Procedures for the notification of the law enforcement authority shall be consistent with the district Memorandum of Agreement (see board policy 1410 Local Units);
- F. The principal shall ensure that all involved staff cooperate with DCP&P and law enforcement authorities in all investigations of potential missing, abused, or neglected children including facilitating:
 - 1. Accommodations permitting investigators to interview the student in the presence of the school principal or other designated school official. If the student is uncomfortable in the presence of the school representative, the student shall be requested to name an employee, volunteer, or intern he or she feels will be supportive to be present during the interview;
 - 2. Interviews by scheduling time with any employee, volunteer, or intern who may have information relevant to the investigation;
 - 3. The release of all records of the student who is the subject of the investigation that are deemed relevant to the assessment or treatment of a potentially missing, abused, or neglected child;
 - 4. The maintenance, security, and release of all confidential information about potential missing, abused, or neglected child situations;
 - 5. The release of the student to child welfare authorities while school is in session when it is necessary to protect the student or take the student to a service provider. This removal shall take place only after the principal or his or her designee has been provided, either in advance or at the time removal is sought, with appropriate documentation that DCP&P has already removed, or has appropriate authority to remove, the student from his or her home;
 - 1. The transfer to another school of a student who has been removed from his or her home by DCP&P for proper care and protection (see board policy 5118.2 Foster Care and Educational Stability);
 - 2. Notification to the student's parents or guardians shall not be made by school officials or employees when it is suspected that either parent or guardian is responsible for the suspected abuse.

Administrative Responsibilities

The principal shall:

MISSING, ABUSED AND NEGLECTED CHILDREN (regulation continued)

- A. Immediately notify the law enforcement authorities of incidents of potentially missing, abused, or neglected child situations reported by employees, volunteers, or interns. Procedures for the notification of the law enforcement authority shall consistent with the district Memorandum of Agreement (see board policy 1410 Local Units). If the student is attending pursuant to a send-receive or other type of shared services agreement, immediate notice shall also be provided to the law enforcement authorities of the receiving districts. The administration shall consider providing notice to the law enforcement authorities of the sending district where circumstances warrant.
- B. In timely fashion, notify the chief school administrator of incidents of potentially missing, abused, or neglected child situations reported by employees, volunteers, or interns;
- C. Document in writing any reported incident of a missing, abused or neglected student. There may be one report or multiple reports depending on the actions taken at the school and the time frame within which the actions were taken. Reports shall include at a minimum:
 - 1. The date, time and location the incident was reported;
 - 2. The name of the staff member, volunteer or intern who reported the incident;
 - 3. The date and time the principal notified the law enforcement authorities;
 - 4. The date and time the principal notified the chief school administrator;
 - 5. A description of the facts reported which may include the reason the report was made, statements and/or observations that caused the suspicion inciting the report, and who was involved;
 - 6. The date and time of any investigative interviews conducted with school students and staff, including the names, contact information and title of the professional or professionals conducting the interview;
 - 7. A description of any physical evidence that may have been provided or reported by witnesses.

All records of child abuse reports, all information obtained by the Department of Children and Families in investigating such reports, and all reports of findings forwarded to the child abuse registry shall be kept confidential.

Interviews and Investigations

When DCP&P and/or law enforcement officials investigate allegations of missing, abused or neglected students on school grounds the principal shall:

- A. Check the credentials of the DCP&P caseworker or law enforcement official requesting the interview or information;
- B. Arrange for any necessary accommodations permitting authorized investigators to interview the student in the presence of the principal or designated school official;
- C. If necessary arrange for a school representative of the student's preference to be present during the interview, when the student is not comfortable with the principal or the other designated school official;

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- D. As requested by DCP&P and/or the law enforcement official, schedule interview times and locations with any employee, volunteer, or intern who may have information relevant to the investigation;
- E. Prepare and release the records of the student who is the subject of the investigation that are deemed relevant to the assessment or treatment of the potentially missing, abused, or neglected student, to the extent permitted by N.J.S.A. 18A:36-19 and 9:6-8.40 and allowable under the Family Education Rights and Privacy Act (FERPA), 34 CFR Part 99;
- F. Cooperate with the maintenance, security, and release of all confidential information:
 - 1. All information regarding allegations of potentially missing, abused, or neglected children reported to authorities about an employee, volunteer, or intern shall be considered confidential and may be disclosed only as required to cooperate in investigations or as required by court order;
 - 2. Records pertaining to such information about an employee, volunteer, or intern shall be maintained in a secure location separate from other employee personnel records and accessible only to the chief school administrator or his or her designee;
- G. Facilitate the release of the student to DCP&P while school is in session when it is necessary to protect the student or take the student to a service provider. This removal shall take place only after the principal or his or her designee has been provided, either in advance or at the time removal is sought, with appropriate documentation that DCP&P has already removed, or has appropriate authority to remove, the student from his or her home;
- H. Cooperate with and facilitate any transfer arrangements made to another school of a student who has been removed from his or her home by DCP&P for proper care and protection according to the provisions of board policy and procedure 5118.2 Foster Care and Educational Stability.

Due Process Rights of a School Employee, Volunteer, or Intern Named As a Suspect

- A. An employee, volunteer, or intern working in the school district who has been named as a suspect in a notification to child welfare and law enforcement authorities regarding a missing, abused, or neglected child situation shall be entitled to due process rights;
- B. Temporary reassignment or suspension of an employee, volunteer, or intern working in the school district named as a suspect shall occur only if there is reason to believe that the life or health of the alleged victim or other student is in imminent danger due to continued contact between the employee, volunteer, or intern and the student;
- C. All references to a notification to DCP&P of a potential missing, abused, or neglected child situation involving a school district employee, shall be removed from the employee's personnel records immediately following the receipt of an official notice from DCP&P that the allegation was unfounded.
- D. Any employee who is licensed in the State of New Jersey to practice psychology, psychiatry, medicine, nursing, clinical social work or marriage counseling, is immune from any civil liability for a patient's violent act against another person or against himself unless the practitioner has

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incurred a duty to warn and protect the potential victim and fails to discharge that duty. Both the duty to warn and exceptions to that duty are located at N.J.S.A. 2A:62A-16.

Suicide Reporting

- A. Any employee, volunteer, or intern with reasonable cause to suspect or believe that a student has attempted or completed suicide, shall report the information to the Department Children and Families. The information shall be reported in the form and manner prescribed by the Department of Children and Families;
- B. Any person who has reported attempted or completed suicide, shall notify the principal of the reported suspicion, if they did not notify the principal prior to filing the initial report;
- C. The principal or his or her designee may assist the staff member, volunteer or intern in making the report to the Department Children and Families (DCF). Assistance may include:
 - 1. Distributing the board policy and procedure 5141.4 Missing, Abused and Neglected Children;
 - 2. Directing the staff member, volunteer or intern to the DCF website and the electronic reporting form at <http://www.nj.gov/dcf/adolescent/prevention/suicidereportingform.html>;
 - 3. Provide information regarding confidentiality of reporting;
- D. The principal shall notify the chief school administrator of any incident where a staff member, volunteer or intern has reported to the principal and/or DCF that a student has attempted or completed suicide;
- E. The principal or his or her designee shall keep a written record of any reported incidents of attempted or completed suicide including:
 - 1. The date and time the incident was reported;
 - 2. The name of the staff member, volunteer or intern who reported the incident.

The staff member, volunteer or intern that reports attempted or completed suicide shall have immunity from any civil or criminal liability on account of that report, unless the person has acted in bad faith or with malicious purpose.

Staff members, volunteers or interns shall not be required to disclose, or be penalized for the failure to disclose, any information which would be privileged according to law (N.J.S.A. 2A:84A-18 through -23).

Professional Development

The chief school administrator shall require each teaching staff member to complete at least two hours of instruction in suicide prevention during each professional development cycle. The instruction must be provided by a licensed health care professional with training and experience in mental health issues. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and bullying and information on reducing the risk of suicide in students who are members of communities identified

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as having members at high risk of suicide.

REGULATION HISTORY

Date:	November 13, 1986
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CROSS REFERENCES

5131.6	Substance Abuse
5131.7	Weapons and Dangerous Instruments
5141	Health
5141.1	Accidents
5141.2	Illness
5141.4	Child Abuse and Neglect
5142	Safety (covers missing children)
5145.11	Questioning and Apprehension
5145.12	Search and Seizure

SUICIDE AND SELF-DESTRUCTIVE BEHAVIOR

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

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

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

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

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

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

SUICIDE AND SELF-DESTRUCTIVE BEHAVIOR (continued)

child abuse or neglect, school personnel are required to contact the Division of Child Protection and Permanency.

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

The superintendent will, in consultation with appropriate teaching staff members and mental health organizations, develop and implement a program as necessary for students exhibiting self-destructive behaviors in grades K through 12. The program will address problems of depression, help students toward alternative ways of resolving stressful situations, and encourage students to help one another.

Suicide Awareness

Students at all grade levels shall receive instruction in suicide prevention as part of the district health and physical education curriculum and consistent with the New Jersey Student Learning Standards for Comprehensive Health and Physical Education.

Every teaching staff member shall complete at least two hours of instruction in suicide prevention as part of the required professional development. The instruction shall 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 students who are members of communities identified as having members at high risk of suicide.

Suicide Reporting

In compliance with law (N.J.S.A. 30-9A-24 and N.J.A.C. 6A:11-1) school district employees, volunteers, or interns with reasonable cause to suspect or believe that a student has attempted or completed suicide, shall report the information to the Department Children and Families. The information shall be reported in the form and manner prescribed by the Department Children and Families.

The information contained in the report to the Department Children and Families shall not be considered a public record, but the division may aggregate the data for the purpose of preparing an annual report. The reporter shall not be required to identify the student or youth by name or other unique identifier, but may be required to supply non-identifying demographic information about the student or youth, other attempts made by the student or youth and the response or referral made to deal with the incident.

Any person who reports an attempted or completed suicide shall have immunity from any civil or criminal liability on account of that report, unless the person has acted in bad faith or with malicious purpose.

Date: March 2004

SUICIDE AND SELF-DESTRUCTIVE BEHAVIOR (continued)

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Legal References: N.J.S.A. 2A:62A-23 to 26 AED emergency medical services, 1999 statute
N.J.S.A. 18A:6-111 et seq. Instruction in Suicide Prevention
See particularly:
N.J.S.A. 18A:6-113 Instruction in suicide prevention in public school curriculum
N.J.S.A. 18A:16-6, -6.1 Indemnity of officers and employees against civil actions
N.J.S.A. 18A:35-4.6 et seq. Parents Right to Conscience Act of 1979
N.J.S.A. 18A:40-1 Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
N.J.S.A. 18A:40-3 Lectures to teachers
N.J.S.A. 18A:40-5 Method of examination; notice to parent or guardian
N.J.S.A. 18A:40-6 In general
N.J.S.A. 18A:40A-1 et seq. Substance Abuse
N.J.S.A. 44:6-2 Maintenance by boards of education of clinics for indigent children
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
See particularly:
N.J.A.C. 6A:16-1.1, -1.3, -1.4, -2.1, -2.3, -2.4
N.J.A.C. 6A:26-12.1 et seq. Operation and Maintenance of School Facilities
See particularly:
N.J.A.C. 6A:26-12.3

Possible

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

SUICIDE AND SELF-DESTRUCTIVE BEHAVIOR (continued)

*5145.12	Search and seizure
*6142.4	Physical education and health

Regulation

SUICIDE AND SELF-DESTRUCTIVE BEHAVIOR

General: The following procedures are to be used for suicide prevention and for identification and intervention with students at risk for suicide and other self-destructive behaviors.

Identification of Suicidal Ideation

- A. School personnel and students should be alert to the warning signs of suicide:
1. Depressed mood;
 2. Changes in sleep and/or appetite patterns;
 3. Decline in school performance;
 4. Increased social withdrawal;
 5. Loss of interest and pleasure in previously enjoyable activities;
 6. Preoccupation with themes of death;
 7. Increased irritability and behavior problems;
 8. Verbal expressions about self-death;
 9. Giving away important possessions;
 10. Use of alcohol or drugs;
 11. History of physical, mental, emotional or sexual abuse;
 12. History of learning disabilities combined with sense of failure;
 13. Frequent sleeping disorders or complaints;
 14. Sudden interest in dangerous or uncharacteristic risk-taking activities;
 15. Inattention to personal hygiene;
 16. Rebelliousness, belligerence;
 17. Depression or grief following loss of emotionally supportive “significant other” relationships;
 18. Sudden lifting of severe depression; and
 19. Recent withdrawal from therapy or psychological counseling.
- B. The staff will be made aware of signs of suicide risk and instructed in the board policy related to suicide by the school counselor or child study team member or appropriate and approved outside agency.

Intervention for Potential Suicide

- A. A Potentially Suicidal Student
1. The staff member shall notify the principal immediately and may notify the school counselor or child study team member;
 2. The student shall be supervised by an adult staff member at all times;
 3. To assure the safety of the student, the school counselor or child study team member will

SUICIDE AND SELF-DESTRUCTIVE BEHAVIOR (regulation continued)

meet immediately with the student to assess the situation;

4. When it is determined that there is a reasonable basis for concern, the principal shall contact the parent/guardian to review all aspects of the incident;
5. The following may be required:
 - a. If parent/guardian is unable to pick up student, the student will be transported to the nearest local hospital by ambulance;
 - b. If parent/guardian refuses to pick up student, appropriate social agency will be called;
 - c. The principal will notify the classroom teacher of actions taken by confidential communication.
 - d. The principal will as soon as practical inform the superintendent of the incident and the actions taken;
 - e. The superintendent shall inform the board president.

B. Attempted Suicide Outside of School

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

C. Attempted Suicide in School

1. First aid will be administered by the school nurse and 911 shall be alerted immediately;
2. An available staff member shall notify the principal immediately;
3. The student shall be kept under close supervision at all times;
4. The principal will contact the parent/guardian immediately;
5. The school nurse or a staff member designated by the principal will accompany the student to the hospital via first aid squad if the parent/guardian is not present;
6. The principal will notify the superintendent;
7. The superintendent shall inform the board president;
8. The school counselor or child study team member will file an incident report, place it in a confidential file, and notify the program director and superintendent/principal.

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

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

SUICIDE AND SELF-DESTRUCTIVE BEHAVIOR (regulation continued)

E. Completed Suicide

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

Self-Injury

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

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

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

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

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

Procedures for Identification and Intervention for Self-Injuring Behavior

A. Risk Factors Associated with Self-Injury

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

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

SUICIDE AND SELF-DESTRUCTIVE BEHAVIOR (regulation continued)

B. Warning Signs

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

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

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

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

D. Intervention for Suspected Self-Injury

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

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

4. The principal shall notify the parents/guardians, if the student has an injury, to come to school. The principal shall request a conference to discuss the matter;
5. The principal shall notify the superintendent of the incident and actions taken;
6. The injured student shall be monitored by the school nurse until safely released to the parents/guardians or back to class as appropriate;
7. When requested by students, parents or guardians, or required under the policy, Elizabeth Board of Education will provide information on local or county agencies that will assist them in dealing with self-injury.

Suicide Reporting

- A. Teachers, volunteers, interns and all other school staff with reasonable cause to suspect or believe that a student has attempted or completed suicide shall report the suspicion to the

SUICIDE AND SELF-DESTRUCTIVE BEHAVIOR (regulation continued)

principal;

- B. Any employee, volunteer, or intern with reasonable cause to suspect or believe that a student has attempted or completed suicide, shall report the information to the Department Children and Families. The information shall be reported in the form and manner prescribed by the Department Children and Families
- C. An employee, volunteer, or intern who has reported attempted or completed suicide to the Department Children and Families (DCF), shall notify the principal of the reported suspicion, if they did not notify the principal prior to reporting to DCF;
- D. The principal or his or her designee may assist the staff member, volunteer or intern in making the report to the Department Children and Families (DCF). Assistance may include:
 - 1. Distributing the board policy and procedure 5141.4 Missing, Abused and Neglected Children;
 - 2. Distributing the Division of Mental Health and Addiction Services Suicide or Suicide Attempt Questionnaire to the staff member;
 - 3. Directing the staff member, volunteer or intern to the DCF website and the electronic reporting form at <http://www.nj.gov/dcf/adolescent/prevention/suicidereportingform.htm>;
 - 4. Provide information regarding confidentiality of reporting;
- E. The principal shall notify the superintendent of any incident where a staff member, volunteer or intern has reported to the principal and/or DCF that a student has attempted or completed suicide;
- F. The principal or his or her designee shall keep a written record of any reported incidents of attempted or completed suicide including:
 - 1. The date and time the incident was reported;
 - 2. The name of the staff member, volunteer or intern who reported the incident.

The staff member, volunteer or intern that that reports attempted or completed suicide shall have immunity from any civil or criminal liability on account of that report, unless the person has acted in bad faith or with malicious purpose.

Staff members, volunteers or interns shall not be required to disclose, or penalized for the failure to disclose, any information which would be privileged according to law (N.J.S.A. 2A:84A-18 through -23).

Date:	March 2004
Revised:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
Revised:	December 15, 2011
First Reading:	November 17, 2011
Second Reading:	December 15, 2011
Revised:	March 15, 2012
First Reading:	February 16, 2012

SUICIDE AND SELF-DESTRUCTIVE BEHAVIOR (regulation continued)

Second Reading:	March 15, 2012
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

Policy

SPORTS RELATED CONCUSSION AND HEAD INJURY

A concussion is a traumatic brain injury (TBI) caused by a direct or indirect blow to the head or body.

Requirements

- A. A student who participates in interscholastic athletics, which for the purpose of this policy includes cheerleading (student athlete), and who sustains or is suspected of sustaining a concussion or other head injury shall be immediately removed from the competition or practice. The student athlete may not return to play until they obtain medical clearance in compliance with the district return-to-play policy;
- B. All coaches, school nurses, school/team physicians and certified athletic trainers, and other appropriate district personnel must complete an Interscholastic Head Injury Training Program such as the National Federation of State High School Associations online "Concussion in Sports" training program or a comparable program that meets mandated criteria;
- C. The district shall monitor school district employees in the completion of an Interscholastic Head Injury Training Program;
- D. The Interscholastic Head Injury Training Program must include:
 - 1. The recognition of the symptoms of head and neck injuries, concussions, and injuries related to second impact syndrome; and
 - 2. The Graduated Six-Step Return to Play Progression developed by the Centers for disease Control and Prevention (CDC), or subsequent changes or updates developed by the CDC.
- E. Distribution of New Jersey Department of Education, *Concussion and Head Injury Fact Sheet* to every student athlete who participates in interscholastic sports. The chief school administrator shall ensure that a signed acknowledgement of the receipt of the fact sheet is completed annually by the student-athlete's parent/guardian and is kept on file for future reference.

Required Concussion Protocol

- A. A student-athlete who is suspected of sustaining a sports related concussion or other head injury during competition or practice shall be immediately removed from play and may not return to play that day;

SPORTS RELATED CONCUSSION AND HEAD INJURY (continued)

B. Possible signs (could be observed by coaches, athletic trainer, school/team physician, school nurse):

1. Appears dazed, stunned, or disoriented;
2. Forgets plays, or demonstrates short term memory difficulty;
3. Exhibits difficulties with balance or coordination;
4. Answers questions slowly or inaccurately;
5. Loses consciousness;

C. Possible symptoms (reported by the student-athlete to coaches, athletic trainer, school/team physician, school nurse, parent/guardian):

1. Headache;
2. Nausea/vomiting;
3. Balance problems or dizziness;
4. Double vision or changes in vision;
5. Sensitivity to light or sound/noise;
6. Feeling sluggish or foggy;
7. Difficulty with concentration and short term memory;
8. Sleep disturbance.

C. If a student-athlete sustains or is suspected of sustaining a concussion while engaged in practice or competition, the student-athlete must be immediately removed from practice or competition. Before returning to competition and practice, the student-athlete must follow the protocol:

1. School personnel (athletic trainer, school nurse, coach, etc.) should make contact with the student-athlete's parent/guardian and inform them of the suspected sports related concussion or head injury;
2. School personnel (athletic trainer, school nurse, coach, etc.) shall provide the student-athlete with approved information/medical checklist to provide to their parent/guardian and physician or other licensed healthcare professional;
3. The student-athlete must receive written clearance from their physician trained in the evaluation and management of concussions that the student is asymptomatic and may begin the graduated return-to-play protocol below. School personnel (athletic trainer, school nurse, coach, etc.) may consult with the school/team physician after written clearance is given from the student-athlete's physician.

Graduated Return to Competition and Practice Protocol

A. After written medical clearance is given stating that the student-athlete is eligibility to return and asymptomatic, the student-athlete may begin a graduated individualized return-to-play protocol that is in accordance with the Six-Step Return to Play Progression developed by the CDC:

SPORTS RELATED CONCUSSION AND HEAD INJURY (continued)

Step 1: Back to regular activities such as school;

Step 2: Light aerobic exercise, which includes walking, swimming, or stationary cycling, keeping the intensity less than 70% maximum percentage heart rate: no resistance training. The objective of this step is increased heart rate;

Step 3: Sport-specific exercise including skating, and/or running; no head impact activities. The objective of this step is to add movement;

Step 4: Non-contact training drills (e.g. passing drills). The student-athlete may initiate progressive resistance training;

Step 5: Following medical clearance (consultation between school personnel and student athletes physician), participation in normal training activities. The objective of this step is to restore confidence and assess functional skills by the coaching staff;

Step 6: Return to play involving normal exertion or game activity.

- B. Symptom checklists, baseline testing and balance testing may be utilized;
- C. If the student-athlete exhibits a re-emergence of any post concussion signs or symptoms once he or she returns-to-play, they will be removed from exertional activities and returned to their school/team physician or primary care physician;
- D. If concussion symptoms reoccur during the graduated return-to-play protocol, the student-athlete will return to the previous level of activity that caused no symptoms.

Temporary Accommodations for Student Athlete with Sports Related Head Injuries

- A. Consideration of the cognitive effects in returning to the classroom is also an important part of the treatment of sports related concussions and head injuries;
- B. Mental exertion increases the symptoms from concussions, and affects recovery;
- C. To recover, cognitive rest is just as important as physical rest. Reading, studying, testing, texting -- even watching movies if a student is sensitive to light -- can slow down a student's recovery;
- D. In accordance with the CDC toolkit on managing concussions, the board of education may look to address the students' cognitive needs. Students who return to school after a concussion may need to:
 1. Take rest breaks as needed, including physical education;
 2. Spend fewer hours at school;
 3. Be given more time to take tests or complete assignments;
 4. Receive help with schoolwork;
 5. Reduce time spent on the computer, reading, and writing;
 6. Be granted early dismissal from classes to avoid crowded hallways.

SPORTS RELATED CONCUSSION AND HEAD INJURY (continued)Annual Review

This policy shall be reviewed annually, and updated as necessary to ensure that it reflects the most current information available on the prevention, risk, and treatment of sports-related concussions and other head injuries.

Date: June 30, 2011
 First Reading: June 9, 2011
 Second Reading: June 30, 2011
 Revised: March 19, 2015
 First Reading: February 26, 2015
 Second Reading: March 19, 2015
 NJSBA Review/Update: December 2018
 Readopted: June 13, 2019
Revised: September 19, 2024
 First Reading: August 22, 2024
 Second Reading: **September 19, 2024**

Legal References: N.J.S.A. 18A:16-6, -6.1 Indemnity of officers and employees against civil actions
N.J.S.A. 18A:35-4.6 et seq. Parents Right to Conscience Act of 1979
N.J.S.A. 18A:40-1 Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
N.J.S.A. 18A:40-3 Lectures to teachers
N.J.S.A. 18A:40-5 Method of examination; notice to parent or guardian
N.J.S.A. 18A:40-6 In general
N.J.S.A. 18A:40-7, -8, -10, -11 Exclusion of students who are ill
N.J.S.A. 18A:40-23 et seq. Nursing Services for Nonpublic School Students
N.J.S.A. 18A:40-41.3 and 3a Requirement for written policy
N.J.S.A. 18A:40-41.4 Removal of student athlete or cheerleader from competition, practice; return
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
See particularly:
N.J.A.C. 6A:16-1.1, -1.3, -2.1, -2.3, -2.4
N.J.A.C. 6A:26-12.1 et seq. Operation and Maintenance of School Facilities
See particularly:
N.J.A.C. 6A:26-12.3

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

Possible

Cross References: *1410 Local units
 1420 County and intermediate units
 *3510 Operation and maintenance of plant
 *3516 Safety
 *4131/4131.1 Staff development; inservice education/visitations/conferences

SPORTS RELATED CONCUSSION AND HEAD INJURY (continued)

4151.2/4251.2	Family illness/quarantine
*5125	Student records
*5141	Health
*5141.1	Accidents
*5141.2	Illness
*5141.3	Health examinations and immunizations
*5141.21	Administering medication
*5142	Student safety
*5200	Nonpublic school students
*6142.4	Physical education and health

FACE COVERINGS

Any face covering requirement shall comport with the mandates of any executive order of the Governor, administrative order of the State Director of Emergency Management, or order of a state, county or local health department having jurisdiction over the school district with the goal of protecting the health and safety of students, staff, and visitors on district premises.

The board acknowledges the extraordinary circumstances arising from the global COVID-19 pandemic and that the response to those circumstances warranted unprecedented actions by federal, state, and local authorities. On March 6, 2021 the Governor of New Jersey issued Executive Order 251 which mandated the maintenance of a policy regarding the mandatory use of face coverings by staff, students, and visitors in the indoor portions of school district premises, which mandate expired on March 7, 2022. The board further acknowledges that the Centers for Disease Control and Prevention (CDC), New Jersey Department of Health and the New Jersey Department of Education have issued guidance which inform this policy. As such, the scope of this policy is intended to address those circumstances and, if necessary, similar future events. Accordingly, the board hereby directs the chief school administrator to:

Remain informed of CDC, New Jersey Department of Health (NJDOH) guidance regarding mitigation strategies and recommendations;

Monitor local COVID-19 conditions through the local or county health department;

Consult with local health officials regarding the need to reimplement mitigation strategies;

Report to board when changing conditions indicate that there may be a risk of an outbreak in any of the district schools; and

Report to the board before district conditions require reimplementation of universal face covering or other social distancing measures.

Date Adopted:	October 28, 2021
First Reading:	September 30, 2021
Second Reading:	October 28, 2021
Revised:	April 28, 2022
First Reading:	March 24, 2022
Second Reading:	April 28, 2022

Face Coverings (continued)

Key Words

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

Resources:

The CDC recently issued updated guidance regarding considerations for wearing face coverings and how it can help slow the spread of COVID-19. Schools should refer to this guidance as it includes details regarding who should and should not wear a face covering:

Guidance for COVID-19 Prevention in K-12 Schools | CDC

Centers for Disease Control and Prevention “Your Guide to Masks” at: Your Guide to Masks |CDC

NJDOE School Reopening Frequently Asked Questions at:

<https://www.nj.gov/education/reopening/faqs/#sd>

NJDOE Update to Conditions of Learning, Health and Safety, “Critical Area of Operation #5: Screening, PPE, and Response to Students and Staff Presenting Symptoms” and “Critical Area of Operation #3: Transportation

<https://nj.gov/education/reopening/updates/docs/RestartUpdateFacecoverings080320.pdf>

“Physical Distancing, face coverings, and eye protection to prevent person-to-person transmission of SARS-CoV-2 and COVID-19: a systematic review and meta-analysis,” September 21, 2020. D.K. Chu, S. Duda, K. Solo, S. Yaacoub, and H. Schunemann.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7503118/>

Legal References: N.J.S.A. 18A:35-4.6

through -4.8

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

N.J.S.A. 18A:40-4.4

N.J.S.A. 18A:40-4.5

N.J.S.A. 18A:40-5

N.J.S.A. 18A:40-6

N.J.S.A. 18A:40-7, -8,
-10, -11

N.J.S.A. 18A:40-12.37

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

N.J.S.A. 26:1A-9.1

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

N.J.A.C. 6A:14-3.4

N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development

Parents Right to Conscience Act of 1979

Examination for physical defects and screening of hearing of pupils; health records

Exemption

Immunity from action of any kind due to provisions of act

Method of examination; notice to parent or guardian

In general

Exclusion of pupils who are ill

Release to share medical information

Immunization at public expense

Exemption of pupils from mandatory immunizations

Prohibiting attendance of teachers or pupils

Evaluation

Face Coverings (continued)

See particularly:

N.J.A.C. 6A:16-1.1, -1.3,
-2.1, -2.2, -2.3, -2.4

<u>N.J.A.C.</u> 8:57-4.3	Medical exemptions
<u>N.J.A.C.</u> 8:57-4.4	Religious exemptions
<u>N.J.A.C.</u> 8:57-4.5	Provisional admission
<u>N.J.A.C.</u> 8:57-4.7	Records required
<u>N.J.A.C.</u> 8:57-4.8	Reports to be sent to the State Department of Health
<u>N.J.A.C.</u> 8:57-4.9	Records available for inspection
<u>N.J.A.C.</u> 8:57-4.22	Emergency power of the Commissioner, Department of Health and Senior

20 U.S.C.A. 1232h Protection of Pupil Rights Amendment

**Requirement for Persons to Wear Masks While on Conveyances and at Transportation Hubs.* Order Under Section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 Code of Federal Regulations 70.2, 71.31(b), 71.32(b)

Executive Order No. 251, Governor Philip D. Murphy, August 6, 2021.

The NJDOE Guidance: *The Road Back: Restart and Recovery* at:
<https://www.nj.gov/education/reopening/>

2021-
The NJDOE Guidance: *The Road Forward: Health and Safety Guidance for the
2022 School Year* at: [The Road Forward \(nj.gov\)](https://www.nj.gov/education/reopening/)

Possible

Cross References:

*1410	Local units
*3541.33	Transportation Safety
*4123	Classroom aides
*5111	Admission
*5113	Absences and excuses
*5131.1	Harassment, Intimidation and Bullying
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141	Health
*5141.21	Administering medication
*5200	Nonpublic school pupils
*6142.4	Physical education and health
*6145.1/6145.2	Intramural competition; interscholastic competition
*6162.5	Research
*6164.4	Child study team
*6171.4	Special education

FACE COVERINGS

Any face covering requirement shall comport with the mandates of any Federal directive, executive order of the Governor, administrative order of the State Director of Emergency Management, or order of a state, county or local health department having jurisdiction over the school district.

The chief school administrator, in consultation with the school nurse and the school medical inspector may at his/her discretion reinstate the face covering requirement and require staff, students and visitors to use face coverings in the indoor portion of the school district premises. Face covering requirements may be reinstated school-wide or in certain classes or school areas where social distancing cannot be implemented. The chief school administrator shall inform the board president prior to reinstating the face covering requirement.

The board prohibits bullying in accordance with law and board policy 5131.1 Harassment, Intimidation and Bullying of students who choose to wear personal protective equipment (PPE), including face coverings. Any student or staff member who is found to have harassed, intimidated or bullied a student for wearing personal protective equipment shall be disciplined in accordance with the code of student conduct and board policy 5131.1 Harassment, Intimidation and Bullying.

The chief school administrator, after consultation with the school nurse and the school medical inspector may at his/her discretion reinstate the face covering requirement and require staff, students and visitors to use face coverings in the indoor portion of the school district premises. Face covering requirements may be reinstated school-wide or in certain classes or school areas where social distancing cannot be implemented. The chief school administrator shall inform the board president prior to reinstating any universal face covering requirement. The chief school administrator may require staff and students to wear face coverings when:

- A. Recommended by the Centers for Disease Control and Prevention (CDC) and/or the New Jersey Department of Health (DOH) including the local DOH;
- B. Recommended by the New Jersey Department of Education;
- C. Local conditions indicate an escalation of infection in the schools or the towns sending students to the district;
- D. Social distancing cannot be implemented in a classroom or other school areas, including school assemblies and performances;
- E. Exposure to COVID-19 or any variant of the virus would be potentially life-threatening to a student or staff member with an underlying medical condition;
- F. Other reasons deemed appropriate by the board in consultation with the chief school administrator and school nurse.

FACE COVERINGS (regulation continued)Face Coverings

A. When staff, students, and visitors are required to wear face coverings the following exceptions to the requirement shall apply:

1. When wearing a face covering would inhibit the individual's health, such as when the individual is exposed to extreme heat indoors;
2. When the individual has trouble breathing, is unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
3. When a student's documented medical condition or disability, as reflected in an Individualized Education Program (IEP) or Educational Plan pursuant to Section 504 of the Rehabilitation Act of 1973, precludes use of a face covering;
4. When the individual is under two (2) years of age;
5. When the individual is engaged in activity that cannot physically be performed while wearing a face covering, such as eating or drinking, or playing a musical instrument that would be obstructed by a face covering;
6. When the individual is engaged in high-intensity aerobic or anaerobic activity;
7. When a student is participating in high-intensity physical activities during a physical education class in a well-ventilated location and able to maintain a physical distance of six feet from all other individuals; or
8. When wearing a face covering creates an unsafe condition in which to operate equipment or execute a task;

B. Individuals shall be frequently reminded not to touch the face covering and to wash their hands frequently;

C. Information shall be provided to staff, students, and students' families on proper use, removal, and washing of face coverings;

D. Currently, the CDC does not recommend use of face shields as a substitute for face coverings. Therefore, they may not be used to satisfy the face covering requirement detailed above. However, they may be an option for students with medical or other challenges that preclude the use of face coverings. If face shields are used without a face covering, they should wrap around the sides of the wearer's face and extend to below the chin;

E. Students and educators that rely on facial cues may consider the use of clear face coverings where available. This might include students who are deaf or hard of hearing, students receiving speech/language services, young students in early education programs, and English-language learners;

F. Researchers have identified "frequent discomfort" as a potential challenge associated with implementing use of face covering requirements. Students and staff shall be provided face covering breaks throughout the day. Face covering breaks should only occur when social distancing can be maintained and ideally outside or with windows open ("Physical Distancing, face coverings, and eye protection to prevent person-to-person transmission of SARS-CoV-2 and COVID-19: a systematic review and meta-analysis");

FACE COVERINGS (regulation continued)

- G. Face coverings shall be provided by the student's family/guardian and may be included as part of the back to school supplies list provided to families/guardians prior to the start of the school year. The district shall strive to provide extra disposable face coverings for students who need them, and shall provide face coverings for students that are experiencing financial hardship and are unable to afford them to the greatest extent possible.

Social Distancing During a Pandemic

The district shall ensure that social distancing within the schools, classrooms and buses is maintained to the maximum extent practicable. This will be achieved by ensuring students are seated at least six feet apart. When conditions such as space in the classroom or other areas of the school make a physical distance of six feet difficult or impossible to maintain, additional modifications may be implemented. These include but are not limited to requiring face coverings to be worn, using physical barriers between desks and turning desks to face the same direction (rather than facing each other) or having students sit on only one side of the table, spaced apart.

Any modifications that are made to school district facilities shall be in coordination with local code officials and Department county offices to ensure that alterations adhere to school safety requirements.

Screening

When local conditions indicate an escalation of infection in the schools or the towns sending students to the district, screening procedures may be implemented for staff students and visitors entering the schools according to the following guidelines:

A. Screening and Personal Protective Equipment (PPE)

1. Adequate amount of personal protective equipment (PPE) shall be available, accessible, and provided for use by staff and students. Staff and students may be required to wear face coverings when being admitted to the school and may be screened for entry;
2. The principal or his or her designee shall develop a school entry plan that includes:
 - a. Staff assigned to do the screening;
 - b. Designated entrances that will be used to admit students;
 - c. The assignment of classes and grades to designated entrances and/or designated entrance times;
3. Staff must visually check students for symptoms upon arrival (which may include temperature checks) and/or confirm with families that students are free of COVID-19 symptoms;
4. Health checks must be conducted safely and respectfully, and in accordance with any applicable privacy laws and regulations;
5. Results must be documented when signs/symptoms of COVID-19 are observed;
6. Screening procedures shall take into account students with disabilities and accommodations

FACE COVERINGS (regulation continued)

that may be needed in the screening process for those students;

B. Procedures for symptomatic staff and students:

1. The school principal shall establish an isolation space;
2. Students and staff with symptoms related to COVID-19 shall be safely and respectfully isolated from others. Students should remain in isolation with continued supervision and care until picked up by an authorized adult;
3. The [current Communicable Disease Service](#) guidance for illness reporting shall be followed;
4. If a staff member becomes aware that an individual who has spent time in a district facility tests positive for COVID-19, the staff members shall notify the principal and the school nurse. The school nurse shall immediately notify local health officials, staff, and families of a confirmed case while maintaining confidentiality;

C. Preparations for when someone tests positive for COVID-19:

1. The school principal shall establish an isolation space;
2. Students and staff with symptoms related to COVID-19 shall be safely and respectfully taken to the designated isolation space and isolated from others. Students should remain in isolation with continued supervision and care until picked up by an authorized adult;
3. The [current Communicable Disease Service](#) guidance for illness reporting shall be followed;
4. Readmittance to school shall be consistent with [Department of Health guidance and information for schools](#) and Department of Health/Communicable Disease Service's [Quick Reference Guidance on Discontinuation of Transmission-Based Precautions and Home Isolation for Persons Diagnosed with COVID-19](#);
5. Contact tracing shall be initiated including records of groups/cohorts, assigned staff, and daily attendance.

D. Protocols to address a positive case:

Students and employees may be asked to leave or not come into school if they test positive for COVID-19 or exhibit one or more of the symptoms of COVID-19, based on CDC guidance, that is not otherwise explained:

1. A fever of 100° F or greater;
2. Cough;
3. Shortness of breath or difficulty breathing;
4. Chills;
5. Repeated shaking with chills;
6. Muscle pain;
7. Headache;
8. Sore throat;
9. New loss of taste or smell;
10. Fatigue;
11. Congestion or runny nose;
12. Nausea or vomiting;
13. Diarrhea.

FACE COVERINGS (regulation continued)

Adopted: April 28, 2022
First Reading: March 24, 2022
Second Reading: April 28, 2022

VACCINATION AND TESTING

The board believes that preventing the transmission of COVID-19 is critical to keeping schools open for in-person instruction. The board requires that all eligible teachers, educational staff, contracted employees, vendors, volunteers, providers and any other individuals working in the schools where regular visits to the schools are part of the individual's job duties, be fully vaccinated. Unvaccinated eligible teachers, educational staff, contracted employees, vendors, volunteers, providers and any other individuals working in the schools shall be subject to routine COVID-19 testing.

Executive Order 253 declares that "the State has experienced significant upticks in critical COVID-19 metrics over the past few months, including COVID-19 positive cases, the rate of transmission, spot positivity, and new hospitalizations, that warrant additional precautions in certain settings, especially those with a substantial number of unvaccinated individuals. The Centers for Disease Control (CDC) has emphasized that vaccination is a critical means to prevent spread of COVID-19 and to avoid infection of those individuals that cannot be vaccinated because their age precludes them from receiving one... The majority of the student population remains ineligible for vaccination at this time." Therefore, the CDC has strongly recommended vaccination of all eligible teachers and educational staff.

Executive Order 253 also declares that as of October 18, 2021, all staff members who are eligible to be vaccinated against COVID-19 must receive the vaccine or be subject to routine COVID-19 testing. Executive Order 253 also applies to contracted employees, vendors, providers and any other individuals working in the schools where regular visits to the schools are part of the individual's job duties, including volunteers.

According to N.J.S.A. 26:13-3, the Governor of the State has the authority to declare a public health emergency. According to N.J.S.A. App.A:9-33, the purpose of the Civilian Defense and Disaster Control Act is to "provide for the health, safety and welfare of the people of the State of New Jersey and to aid in the prevention of damage to and the destruction of property during any emergency ... by prescribing a course of conduct for the civilian population..." According to N.J.S.A. App.A:9-40, public officials are required to fully cooperate with the Governor in all matters affecting any declared emergency. Furthermore, Executive Order 253 expressly forbids state entities from taking any action that conflicts with or impedes its implementation.

Definitions

"Covered settings" are all public, private, and parochial preschool programs, and elementary and secondary schools, including charter and renaissance schools.

"Covered workers" shall include all individuals employed by the covered setting, both full and part-time, including, but not limited to, administrators, teachers, educational support professionals, individuals providing food, custodial, and administrative support services, substitute teachers, whether employed directly by a covered setting or otherwise contracted, contractors, providers, and

VACCINATION AND TESTING (continued)

any other individuals performing work in covered settings whose job duties require them to make regular visits to such covered settings, including volunteers. Covered workers do not include individuals who visit the covered setting only to provide one-time or limited duration repairs, services, or construction.

“Fully vaccinated” for COVID-19 is two weeks or more after an individual has received the second dose in a two-dose series or two weeks or more after they have received a single-dose vaccine. Individuals will only be considered fully vaccinated where they have received a COVID-19 vaccine that is currently authorized for emergency use by the Food and Drug Administration (FDA) or the World Health Organization (WHO), or that are approved for use by the same. Workers who are not fully vaccinated, or for whom vaccination status is unknown or who have not provided sufficient proof of documentation, shall be considered unvaccinated.

Vaccination and Testing

The board requires all covered workers to either provide adequate proof that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly. This requirement shall take effect on October 18, 2021, at which time any covered workers that have not provided adequate proof that they are fully vaccinated must submit to a minimum of weekly or twice weekly testing on an ongoing basis until fully vaccinated.

Covered workers may demonstrate proof of full vaccination status by presenting the following documents if they list COVID-19 vaccines currently authorized by the Food and Drug Administration (FDA) Emergency Use Authorization (EUA) in the United States and/or the World Health Organization (WHO), along with an administration date for each dose:

- A. The CDC COVID-19 Vaccination Card issued to the vaccine recipient by the vaccination site, or an electronic or physical copy of the same;
- B. Official record from the New Jersey Immunization Information System (NJIS) or other State immunization registry;
- C. A record from a health care provider’s portal/medical record system on official letterhead signed by a licensed physician, nurse practitioner, physician’s assistant, registered nurse or pharmacist;
- D. A military immunization or health record from the United States Armed Forces; or
- E. Docket mobile phone application record or any state specific application that produces a digital health record.

Covered settings collecting vaccination information from covered workers must comport with all federal and State laws, including but not limited to the Americans with Disabilities Act, that regulate the collection and storage of that information.

Testing

The covered worker shall undergo screening testing at a minimum of one to two times each week. The unvaccinated covered worker shall submit proof of a COVID-19 test to the chief school

VACCINATION AND TESTING (continued)

administrator or his or her designee. The district shall provide the unvaccinated covered worker with on-site access to an antigen or molecular COVID-19 test.

If the covered worker is not working on-site during a week where testing would otherwise be required, the worker is still required to submit to testing for that week. This testing requirement is in addition to any other diagnostic testing of symptomatic workers or screening testing of vaccinated workers.

Tracking and Records

The chief school administrator shall assign a staff member who is responsible for tracking test results and reporting such results to local public health departments.

The collection of and storage of test results, examination results and proof of vaccination documentation shall comport with board policies and all federal and State laws, including but not limited to the Americans with Disabilities Act, that regulate the collection and storage of that information. Employee records and documentation shall be kept in the employee's confidential health record that shall be maintained separately from other personnel files (see board policy 4112.6/4212.6 Personnel Records). The custodian of records shall maintain test results, examination results and proof of vaccination records and documentation for all other covered workers in a locked and secure location to ensure confidentiality (see board policy 3570 District Records and Reports).

Adopted:	December 16, 2021
First Reading:	November 23, 2021
Second Reading:	December 16, 2021

Resources:

The CDC recently issued updated guidance regarding considerations for wearing face coverings and how it can help slow the spread of COVID-19. Schools should refer to this guidance as it includes details regarding who should and should not wear a face covering:

[Guidance for COVID-19 Prevention in K-12 Schools | CDC](#)

Centers for Disease Control and Prevention “Your Guide to Masks” at: [Your Guide to Masks | CDC](#)

NJDOE School Reopening Frequently Asked Questions at: <https://www.nj.gov/education/reopening/faqs/#sd>

NJDOE Update to Conditions of Learning, Health and Safety, “Critical Area of Operation #5: Screening, PPE, and Response to Students and Staff Presenting Symptoms” and “Critical Area of Operation #3: Transportation”
<https://nj.gov/education/reopening/updates/docs/RestartUpdateFacecoverings080320.pdf>

“Physical Distancing, face coverings, and eye protection to prevent person-to-person transmission of SARS-CoV-2 and COVID-19: a systematic review and meta-analysis;” September 21, 2020. D.K. Chu, S. Duda, K. Solo, S. Yaacoub, and H. Schunemann.

VACCINATION AND TESTING (continued)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7503118/>

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:35-4.6 through -4.8	<u>Parents Right to Conscience Act of 1979</u>
	<u>N.J.S.A.</u> 18A:40-4	Examination for physical defects and screening of hearing of pupils; health records
	<u>N.J.S.A.</u> 18A:40-4.4	Exemption
	<u>N.J.S.A.</u> 18A:40-4.5	Immunity from action of any kind due to provisions of act
	<u>N.J.S.A.</u> 18A:40-5	Method of examination; notice to parent or guardian
	<u>N.J.S.A.</u> 18A:40-6	In general
	<u>N.J.S.A.</u> 18A:40-7, -8, -10, -11	Exclusion of pupils who are ill
	<u>N.J.S.A.</u> 18A:40-12.37	Release to share medical information
	<u>N.J.S.A.</u> 18A:40-20	Immunization at public expense
	<u>N.J.S.A.</u> 26:1A-9.1	Exemption of pupils from mandatory immunizations
	<u>N.J.S.A.</u> 26:4-6	Prohibiting attendance of teachers or pupils
	<u>N.J.A.C.</u> 6A:14-3.4	Evaluation
	<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
	See particularly:	
	<u>N.J.A.C.</u> 6A:16-1.1, -1.3, -2.1, -2.2, -2.3, -2.4	
	<u>N.J.A.C.</u> 8:57-4.3	Medical exemptions
	<u>N.J.A.C.</u> 8:57-4.4	Religious exemptions
	<u>N.J.A.C.</u> 8:57-4.5	Provisional admission
	<u>N.J.A.C.</u> 8:57-4.7	Records required
	<u>N.J.A.C.</u> 8:57-4.8	Reports to be sent to the State Department of Health
	<u>N.J.A.C.</u> 8:57-4.9	Records available for inspection
	<u>N.J.A.C.</u> 8:57-4.22	Emergency power of the Commissioner, Department of Health and Senior Services
	20 <u>U.S.C.A.</u> 1232h	Protection of Pupil Rights Amendment
	Executive Order No. 251, Governor Philip D. Murphy, August 6, 2021.	
	Executive Order No. 253, Governor Philip D. Murphy, August 23, 2021.	
	The NJDOE Guidance: <i>The Road Back: Restart and Recovery</i> at: https://www.nj.gov/education/reopening/	
	The NJDOE Guidance: <i>The Road Forward: Health and Safety Guidance for the 2021-2022 School Year</i> at: The Road Forward (nj.gov)	

Possible

<u>Cross References:</u>	*1410	Local units
	*4123	Classroom aides
	*5111	Admission
	*5113	Absences and excuses
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5141	Health
	*5141.21	Administering medication
	*5200	Nonpublic school pupils

LIFE THREATENING FOOD ALLERGIES

Food allergy is 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. The board of education acknowledges that an individual's food allergy can cause a life threatening anaphylactic reaction. Anaphylaxis is a serious allergic reaction that is rapid in onset and may cause death¹.

The risk of accidental exposure to foods can only be reduced in the school setting if the school works with students, parents, school staff, school nurses and physicians to minimize risks and provide a safe educational environment for food-allergic students. The district shall take reasonable steps to identify students who may be at risk of life-threatening food allergies and to prevent the likelihood of an allergic reaction.

The board acknowledges that there is no way to eliminate completely the risk of accidental exposure to allergens in the school environment. Therefore the board directs the chief school administrator to:

- A. Implement strategies 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 and field trips, in the classrooms, cafeteria, on the school bus or wherever food is present;
- B. Implement procedures developed by school medical inspector and school nurse to identify students with food allergies, prevent exposure to the identified allergens, to respond to medical emergencies and provide treatment in the event of anaphylaxis;
- C. Provide the necessary training opportunities for teaching staff, bus drivers, custodial staff and other staff as necessary in risk reduction strategies related to the student and to reduce exposure in the educational environment
- D. Notify staff, parents/guardians and others as appropriate when a class has a student with a potentially life-threatening allergy and provide guidelines and instructions to reduce the risk of exposure to the allergens in the classroom environment.

Medical Management of Life-Threatening Food Allergies

Parents/guardians are responsible to notify the school of the student's allergies by filling out the required medical form. The school nurse shall evaluate all medical and other documentation provided by the parent/guardian and work with the parent/guardian in developing a plan for the safe maintenance of the student in school. For each student identified as having a potentially life-threatening food allergy the school nurse shall:

¹ *Summary Report of the Second National Institute of Allergy and Infectious Disease/Food Allergy and Anaphylaxis Network symposium on the definition and management of anaphylaxis, Journal of Allergy and Clinical Immunology, February 2006*

LIFE-THREATENING FOOD ALLERGIES (continued)

- A. Develop and implement an individualized healthcare plan (IHP) that details accommodations and/or nursing services to be provided to a student because of the student's medical condition based on medical orders written by a health care provider in the student's medical home;
- B. Develop and implement an individualized emergency healthcare plan (IEHP) that specifies the delivery of accommodations and services needed by a student in the event of an emergency.
- C. Ensure the placement and accessibility of epinephrine according to board policy 5141.21 Administering Medication and law (N.J.S.A. 18A:40-12.5);
- D. Maintain records, manage and verify plans for student self-administration of medication including prescribed epinephrine as authorized by the student's parents/guardians and physician according to board policy 5141.21 Administering Medication and law (N.J.S.A. 18A:40-12.3);
- E. Annually, review student health records and obtain medical authorization form for epi-pen or other pre-filled auto-injector and/or Benadryl, and diet prescription from physician, and health history from family;
- F. Oversee the recruitment and training of designees who volunteer to administer epinephrine during school and school-sponsored functions when the school nurse is not available (N.J.S.A. 18A:40-12.6); and
- G. Oversee the education of all school staff to understand the school's general emergency procedures and steps to take should a life-threatening allergic reaction occur.

Reporting Procedures

All procedures detailed in the individualized emergency healthcare plan (IEHP) including the emergency administration of epinephrine where appropriate, shall be followed when a student has an anaphylactic reaction. In addition:

- A. The school nurse shall be notified immediately and in his or her absence the school principal;
- B. The school nurse or the school principal shall notify emergency medical services (EMS) to respond to the emergency;
- C. The parent/guardians shall be notified that the student had an allergic reaction and that EMS was summoned;
- D. The student shall be supervised at all times by a school staff member until the parent/guardian is available to take custody of the student.

School Climate and Culture

School staff shall be sensitive to the privacy and feelings of students with identified allergies and promote respect and tolerance in the school environment. A food-allergic student shall not be harassed, intimidated or bullied because his/her condition. Any incident of harassment, intimidation or bullying shall be reported and investigated according to board policy 5131.1 Harassment,

LIFE-THREATENING FOOD ALLERGIES (continued)

Intimidation and Bullying and law (N.J.S.A. 18A:37-15 et seq., N.J.A.C. 6A:16-7.7). The chief school administrator or his or her designee shall:

- A. Remind students and staff that bullying or teasing food-allergic students 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 students;
- C. Discourage needless labeling of food-allergic students in front of others. A food-allergic student should not be referred to as “the peanut kid,” “the bee kid” or any other name related to the student’s condition.

Family's Responsibility

The parents/guardians of any student known to have a food allergy shall:

- A. Notify the school of the child's allergies;
- B. Work with the school team to develop an individualized emergency health care plan (IEHP) that promotes food allergy management and accommodates the child's needs throughout the school including the classroom, in the cafeteria, in after-care programs, during school-sponsored activities, and on the school bus, as well as a defined emergency allergic reaction plan.
- 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. Replace medications after use or upon expiration;
- E. Educate the child in the self-management of their food allergy including:
 - 1. Safe and unsafe foods;
 - 2. Strategies for avoiding exposure to unsafe foods;
 - 3. Symptoms of allergic reactions;
 - 4. How and when to tell an adult they may be having an allergy-related problem;
 - 5. How to read food labels (age appropriate);
 - 6. Review policies/procedures with the school staff, the child's physician, and the child (if age appropriate) after a reaction has occurred.
- 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.

School's Responsibility

- A. Review the health records submitted by parents and physicians;

LIFE-THREATENING FOOD ALLERGIES (continued)

- B. Identify a core team including but not limited to, school nurse, teacher, principal, school food service and nutrition manager/director, and counselor (if available) to work with parents and the student (age appropriate) to establish a IEHP. Changes to the IEHP to promote food allergy management should be made with core team participation;
- C. Assure that all staff who interact with the student 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 student's meals, educational tools, arts and crafts projects, or incentives;
- D. Coordinate with the school nurse to ensure medications are appropriately stored, and ensure sure that 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. Students who are permitted to self-administer should be permitted to carry their own epinephrine, in accordance with state regulations and district and nonpublic school policies;
- F. Designate school personnel who volunteer to administer epinephrine in an emergency;
- G. Be prepared to handle a reaction and ensure that 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, parents/guardians, student (age appropriate), and physician after a reaction has occurred;
- I. Work with the transportation administrator to:
 - 1. Ensure that school bus drivers receive training that includes symptom awareness and what to do if a reaction occurs; and
 - 2. Assess the means by which 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 student;
- L. Take threats or harassment against an allergic child seriously.

Student's Responsibility

- A. Students should not trade food with others;
- B. Students should not eat anything with unknown ingredients or known to contain any allergen;
- C. Students should be proactive in the care and management of their food allergies and reactions

LIFE-THREATENING FOOD ALLERGIES (continued)

based on their developmental level;

- D. Students should notify an adult immediately if they eat something they believe may contain the food to which they are allergic.

Emergency Administration of Epinephrine for First Time Allergic Reactions at School

The school nurse or trained designee shall be permitted to administer epinephrine via a pre-filled auto-injector mechanism to any student without a known history of anaphylaxis. This includes students whose parents/guardians have not submitted prior written permission or obtained prescribed medication as indicated in the rules above. Epinephrine may be administered to any student without a known history of anaphylaxis when the nurse or trained designee in good faith believes that the student is having an anaphylactic reaction.

The district shall maintain a supply of epinephrine auto-injectors that is prescribed under a standing protocol from a licensed physician or an advanced practice nurse in a secure but unlocked and easily accessible location. The supply of epinephrine auto-injectors shall be accessible to the school nurse and trained designees for administration to a student having an anaphylactic reaction.

Liability

No school employee, including a school nurse, or any other officer or agent of a board, or a physician or an advanced practice nurse providing a prescription under a standing protocol for school epinephrine shall be held liable for any good faith act or omission consistent with the provisions of law for the administration of epinephrine (N.J.S.A. 18A:40-12.5 et seq.). No action shall be taken before the New Jersey State Board of Nursing against a school nurse for any such action taken by a person designated in good faith by the school nurse to administer epinephrine according to law (N.J.S.A. 18A:40-12.6). Good faith shall not include willful misconduct, gross negligence or recklessness.

Implementation

The chief school administrator shall ensure that policies and procedures on life-threatening food allergies shall be disseminated to the school community annually through the staff and student handbooks, posting on the school or district website or other means deemed appropriate by the chief school administrator.

NJSBA Review/Update: December 2018

Adopted: June 13, 2019

<u>Legal References:</u>	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:37-15 et seq</u>	Anti-Bullying Bill of Rights
	<u>N.J.S.A. 18A:40-3.2 et seq.</u>	Medical and nursing personnel
	<u>N.J.S.A. 18A:40-12.3</u> through -12.4	Self-administration of medication by student; conditions
	<u>N.J.S.A. 18A:40-12.5</u>	Policy for emergency administration of epinephrine to public school students
	<u>N.J.S.A. 18A:40-12.6</u>	Administration of epinephrine; primary responsibility;

LIFE-THREATENING FOOD ALLERGIES (continued)

	parental consent
<u>N.J.S.A.</u> 18A:40-12.6a	Guidelines for schools for management of food allergies, administration of epinephrine
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:16-1.1et seq.	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:-2.1, -2.2, -2.3	
<u>N.J.A.C.</u> 6A:16-7.7	Intimidation, harassment and bullying

Possible**Cross References:**

*3516	Safety
*3542	Food service
*4112.4/4212.4	Employee health
*4131/4131.1	Staff development; inservice education/visitations/conferences
*4231/4231.1	Staff development; inservice education/visitations/conferences
*5125	Student records
*5141	Student health
*5141.1	Accidents
*5141.2	Illness
*5141.3	Health examinations and immunizations
*5141.4	Child abuse and neglect
*5141.21	Administering medication
*5142	Student safety
*5200	Nonpublic school students
*6142.4	Physical education and health

ADMINISTERING MEDICATION

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

For purposes of this policy, “medication” shall include all medicines prescribed by a physician for the particular student or medications prescribed by the district physician on standing orders. Medications shall include emergency medication in the event of bee stings, medication for asthma, diabetes, adrenal insufficiency or other medical diagnosis requiring medication during the school day, opioid antidote, and all non-prescription “over the counter” medication (see policy 5141 Health).

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

- A. The name of the student
- B. The name and purpose of the medication;
- C. The route to deliver the medication;
- D. The dosage;
- E. The time at which or the special circumstances under which medication shall be administered;
- F. The length of time for which medication is prescribed;
- G. The possible side effects of the medication.

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

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

- A. All medications, whether prescribed or “over the counter”, shall be administered by the medical inspector, school nurse or substitute school nurse, the parent/guardian or the student

ADMINISTERING MEDICATION (continued)

himself/herself where the parent/guardian so permits and with the school nurse present;

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

Nebulizers

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

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

Student Self-Administration of Medication

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

ADMINISTERING MEDICATION (continued)

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

A student who is permitted to self-administer medication shall be permitted to carry an inhaler or prescribed medication for allergic reactions, including a pre-filled auto-injector mechanism, or prescribed medication for adrenal insufficiency at all times, provided that the student does not endanger himself or other persons through misuse.

The board shall:

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

The chief school administrator shall confer with the school physician and school nurse prior to recommending termination of a student's permission to self-medicate and shall also consult with the student, the student's parents/guardians, and the student's physician.

Upon written request of the parent or guardian and as provided in the individualized health care plan, the student shall be allowed to attend to the management and care of his/her diabetes in the classroom or on school grounds, if evaluated and determined to be capable of doing so consistent with the plan, and N.J.S.A. 18A:40-12.15 and board policy 5141 Health for specific rules regarding diabetes management.

Emergency Administration of Epinephrine

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

ADMINISTERING MEDICATION (continued)

designees who are employees of the board may do so.

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

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

Parents/guardians shall provide the board with the following:

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

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

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

Pursuant to N.J.S.A. 18A:40-12.6, school policy requires:

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

Emergency Administration of Epinephrine for First Time Allergic Reactions at School

ADMINISTERING MEDICATION (continued)

The school nurse or trained designee shall be permitted to administer epinephrine via a pre-filled auto-injector mechanism to any student without a known history of anaphylaxis. This includes students whose parents/guardians have not submitted prior written permission or obtained prescribed medication as indicated in the rules above. Epinephrine may be administer to any student without a known history of anaphylaxis when the nurse or trained designee in good faith believes that the student is having an anaphylactic reaction

The district shall maintain a supply of epinephrine auto-injectors that is prescribed under a standing protocol from a licensed physician or an advanced practice nurse in a secure but unlocked and easily accessible location. The supply of epinephrine auto-injectors shall be accessible to the school nurse and trained designees for administration to a student having an anaphylactic reaction.

Liability

No school employee, including a school nurse, or any other officer or agent of a board, or a physician or an advanced practice nurse providing a prescription under a standing protocol for school epinephrine shall be held liable for any good faith act or omission consistent with the provisions of law for the administration of epinephrine (N.J.S.A. 18A:40-12.5 et seq.). No action shall be taken before the New Jersey State Board of Nursing against a school nurse for any such action taken by a person designated in good faith by the school nurse to administer epinephrine according to law (N.J.S.A. 18A:40-12.6). Good faith shall not include willful misconduct, gross negligence or recklessness.

Emergency Administration of Hydrocortisone Sodium Succinate for Adrenal Insufficiency

In the event of an emergency, hydrocortisone sodium succinate shall be administered through an appropriate delivery device and equipment to a student for adrenal insufficiency provided that:

- A. The parents/guardians of the student provide to the board written authorization for the administration of hydrocortisone sodium succinate;
- B. The parents/guardians of the student provide to the board written orders from the physician or advanced practice nurse that the student requires the administration of hydrocortisone sodium succinate for adrenal insufficiency;
- C. The board informs the parents/guardians of the student in writing that the district and its employees or agents shall have no liability as a result of any injury arising from the administration of hydrocortisone sodium succinate; and
- D. The parents/guardians sign a statement acknowledging that the district shall incur no liability as a result of any injury arising from the administration of hydrocortisone sodium succinate to the student and that the parents/guardians shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the administration of hydrocortisone sodium succinate.

ADMINISTERING MEDICATION (continued)

The permission is effective for the school year for which it is granted and is renewed for each subsequent school year.

Placement and Availability of Hydrocortisone Sodium Succinate, and Transportation to Hospital

The school nurse shall oversee the following school policy requirements for compliance with law (N.J.S.A. 18A:40-12.3):

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

Nothing in this policy shall be construed to prohibit the emergency administration of hydrocortisone sodium succinate to a student for adrenal insufficiency by the school nurse or other employees designated when the student is authorized to self-administer hydrocortisone sodium succinate.

Designee Training to Administer Hydrocortisone Sodium Succinate

The school nurse shall have the primary responsibility for the emergency administration of hydrocortisone sodium succinate. The school nurse shall designate, in consultation with the board, additional employees or volunteers to administer hydrocortisone sodium succinate to a student for adrenal insufficiency when the nurse is not physically present at the scene. The school nurse shall recruit and train, in consultation with the board of education, volunteer designees who are determined acceptable candidates by the school nurse within each school building, as deemed necessary by the nursing service plan.

The school nurse shall determine that:

- A. The designees have been properly trained in the administration of hydrocortisone sodium succinate using standardized training protocols established by the Department of Education in consultation with the Department of Health;
- B. The parents/guardians of the student consent in writing to the administration of hydrocortisone sodium succinate by the designees (in addition to the school nurse); and
- C. The parents/guardians of the student have received a written statement that the district and its

ADMINISTERING MEDICATION (continued)

employees or agents shall have no liability as a result of any injury arising from the administration of hydrocortisone sodium succinate to the student, and that the parents/guardians have signed a statement acknowledging that the district shall incur no liability as a result of any injury arising from the self-administration of medication by the student and that the parents/guardians shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the self-administration of medication by the student.

The permission is effective for the school year for which it is granted and is renewed for each subsequent school year upon fulfillment of the above-listed requirements in this section.

Emergency Administration of Opioid Antidote

“Opioid antidote” means any drug, regardless of dosage amount or method of administration, which has been approved by the United States Food and Drug Administration (FDA) for the treatment of an opioid overdose. Opioid antidote includes, but is not limited to, naloxone hydrochloride, in any dosage amount, which is administered through nasal spray or any other FDA-approved means or methods.

“Opioid overdose” means an acute condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid drug or another substance with which an opioid drug was combined, and that a layperson would reasonably believe to require medical assistance.

The school physician shall include an opioid antidote in the prescribed standing order for the schools of the district that include any of the grades nine through twelve. The chief school administrator, in consultation with the building principal of any school other than those including grades nine through twelve, shall determine whether the school physician shall include an opioid antidote in the prescribed standing order for such schools and shall report that determination to the board. The opioid antidote may be administered to any student, school personnel or other person reasonably believed to be experiencing an opioid overdose. The opioid antidotes shall be accessible in the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building. The chief school administrator, in consultation with each building principal regardless of grade, shall determine whether to make opioid antidotes accessible during school-sponsored functions that take place off school grounds and shall report each school’s determination to the board.

The opioid antidote shall be stored in a secure but unlocked and easily accessible location, and according to the manufacturer’s directions. To the extent that is safe and practical, the opioid antidote shall be stored at a reasonable proximity of an automated external defibrillator (AED). The school nurse shall be responsible for monitoring the on-site inventory of the opioid antidote, arranging for the replacement of the opioid antidote supply and ensuring the appropriate and safe disposal of administered and expired opioid antidote applicators.

Any student suspected of being under the influence of drugs or alcohol including students suspected of an opioid overdose shall be subject to board policy 5131.6 Drugs, Alcohol, Steroids and Tobacco and applicable law (including but not limited to N.J.A.C. 6A:16-3) regarding prevention, identification, examination, treatment, intervention and referral for substance abuse.

ADMINISTERING MEDICATION (continued)

The school nurse shall be primarily responsible for the assessment of any student suspected of being under the influence of drugs or alcohol including, but not limited to, any student suspected of an opioid or other drug overdose. The board shall designate additional district employees (“designated employees”) who volunteer to administer an opioid antidote in the event a person experiences an opioid overdose when the nurse is not physically present at the scene. Such designated employees shall receive training in administration of the opioid antidote in accordance with applicable law. The school nurse or designated employee who believes in good faith that a person is experiencing an opioid overdose, may administer the opioid antidote.

The school nurse or his or her designee or designated employee shall immediately call 911 upon suspecting an overdose, and notify the parents/guardians as soon as practicable. The school nurse or designee and any designated employee responding to a suspected overdose shall notify the building principal of any suspected overdose and all actions taken including the administration of opioid antidote and the notification of emergency medical services.

If the school nurse or a designated employee are not immediately available and a district employee observes a person overdosing, the employee may contact emergency services. The employee who has contacted emergency services regarding a person suspected to have overdosed shall notify the building principal of any suspected overdose and all actions taken including the administration of opioid antidote and the notification of emergency medical services.

An overdose victim shall be transported by emergency services personnel to the nearest hospital emergency room, including where the victim’s symptoms appear to have resolved. The principal shall designate a member of the school staff to accompany the student to the hospital. The principal shall notify the chief school administrator whenever an opioid antidote is administered.

The school nurse shall document the incident including but not limited to:

- A. Date, time and location of the incident;
- B. Names of any staff members or students reporting the incident;
- C. A description of the incident;
- D. Description of the evaluation conducted;
- E. The administration of opioid antidote including the form and dosage;
- F. All actions taken, including, when 911 was called, when emergency services arrived, staff assigned to accompany the student.

The documentation shall be in the same manner as the documentation of administration of other medications under a non-patient specific order.

A school may enter into a shared services agreement for the provision of opioid antidotes pursuant to applicable law if the arrangement will result in cost savings.

ADMINISTERING MEDICATION (continued)Training

The school nurse shall have the primary responsibility for the emergency administration of an opioid antidote. As described above, the board shall designate additional employees (“designated employees”) to administer the opioid antidote who shall be authorized to administer the antidote only after receiving training in accordance with applicable law. The school nurse shall not be solely responsible to train designated employees.

Parent Notification

Written notification of the board opioid overdose policy shall be distributed annually to parent’s/guardian’s and adult students. The notification shall inform parents/guardians and adult students that the board authorizes the certified school nurse and/or other appropriately licensed school health professionals as well as designated employees, to administer the opioid antidote. The school nurse, in consultation with the chief school administrator, shall be responsible for the development and regular review of policies and procedures regarding administration of opioid antidote. The policies and procedures for the use of opioid antidote shall be included in district emergency response procedures.

Liability for the Administration of Opioid Antidote

No school employee, including a school nurse, or any other officer or agent of a board of education, charter school, or nonpublic school, or a prescriber of opioid antidotes for a school through a standing order, shall be held liable for any good faith act or omission consistent with the provisions of applicable law. Good faith shall not include willful misconduct, gross negligence, or recklessness.

Implementation

The board may adopt additional regulations on all aspects of the administration of medication. When implementing school policy and N.J.S.A. 18A:40-12.6, staff will consult these New Jersey Department of Education guidance documents:

- A. Training Protocols for the Emergency Administration of Epinephrine (9/08);
- B. Guidelines for the Management of Life-Threatening Food Allergies in Schools (9/08).

Any person who acts in good faith in accordance with law and board policy shall be immune from any civil or criminal liability arising from actions performed pursuant to law and this board policy.

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ADMINISTERING MEDICATION (continued)

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 NJSBA Review/Update: December 2018
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 First Reading: December 12, 2019
 Second Reading: January 16, 2020

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:40-1	Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
	<u>N.J.S.A.</u> 18A:40-3.2 <u>et seq.</u>	Medical and Nursing Personnel
	<u>N.J.S.A.</u> 18A:40-4	Examination for physical defects and screening of hearing of students
	<u>N.J.S.A.</u> 18A:40-12.3	Self-administration of medication by student; conditions
	through -12.4	
	<u>N.J.S.A.</u> 18A:40-12.5	Policy for emergency administration of epinephrine to public school students
	<u>N.J.S.A.</u> 18A:40-12.6	Administration of epinephrine; primary
	responsibility; through -12.6d	parental consent
	<u>N.J.S.A.</u> 18A:40-12.7	Nebulizer
	<u>N.J.S.A.</u> 18A:40-12.8	Administration of asthma medication by school nurse through nebulizer; training; student asthma treatment plan
	<u>N.J.S.A.</u> 18A:40-12.11	Children with diabetes
	<u>N.J.S.A.</u> 18A:40-12.12	Definitions
	<u>N.J.S.A.</u> 18A:40-12.13	Health care plans for children with diabetes
	<u>N.J.S.A.</u> 18A:40-12.14	Employees authorized to administer glucagon
	<u>N.J.S.A.</u> 18A:40-12.15	Management by student permitted
	<u>N.J.S.A.</u> 18A:40-12.16	Notice to bus driver
	<u>N.J.S.A.</u> 18A;40-12.17	Posting of reference sheet
	<u>N.J.S.A.</u> 18A:40-12.18	Medical information release
	<u>N.J.S.A.</u> 18A:40-12.19	Immunity
	<u>N.J.S.A.</u> 18A:40-12.20	Authorized possession of syringe
	<u>N.J.S.A.</u> 18A:40-12.21	School choice not restricted
	<u>N.J.S.A.</u> 18A:40-12.22	Administration of medical marijuana
	<u>N.J.S.A.</u> 18A:40-12.23	Emergency administration of opioid antidotes through <u>N.J.S.A.</u> 18A:40-12.28
	<u>N.J.S.A.</u> 18A:40-21.1	Required Hepatitis B vaccination
	<u>N.J.S.A.</u> 18A:40-21.2	Meningitis fact sheet
	<u>N.J.S.A.</u> 18A:40-23	Findings and Declarations
	<u>N.J.A.C.</u> 18A:40-24	Definitions
	<u>N.J.A.C.</u> 18A:40-25	Nursing services to students in non-public schools

ADMINISTERING MEDICATION (continued)

<u>N.J.S.A.</u> 18A:40-26	Medical services to non-public school students
<u>N.J.S.A.</u> 18A:40-27.1	Nursing services to non-public preschool students
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 45:11-23	Definitions
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-1.3	Definitions
<u>N.J.A.C.</u> 6A:16-2.1	Health services policy and procedural requirements
<u>N.J.A.C.</u> 6A:16-2.2	Required health services
<u>N.J.A.C.</u> 6A:16-2.3	Health services personnel
<u>N.J.A.C.</u> 6A:16-2.4	Required student health records
<u>N.J.A.C.</u> 6A:16-2.5	School health services to nonpublic schools
<u>N.J.A.C.</u> 6A:16-4.1	Policies and procedures for the prevention of drug and alcohol abuse
<u>N.J.A.C.</u> 6A:23A-5.3(e)	Failure to maximize SEMI Aid
<u>N.J.A.C.</u> 6A:32-6.3	Requirements of physical examinations

P.L. 2018. C.106 (A542, S1830), an act concerning the emergency administration of opioid 1 antidotes in schools, supplementing chapter 40 of Title 18A of 2 the New Jersey Statutes, and amending P.L.2013, c.46

P.L. 2019, c. 118, an act concerning the self-administration and emergency administration of hydrocortisone sodium succinate for adrenal insufficiency

Overdose Prevention Act, P.L. 2013, c. 46

Bernards Township Education Association v. Bernards Township Board of Education, 1981 S.L.D. (9/29/81), aff'd State Board, 1982 S.L.D. 4/7/82, aff'd App. Div., unpublished opinion (A-4211-81T3, 5/18/83)

Communications Workers of America, Local 1033, On behalf of Karen Norton, Barbara Woolston, Mary Ellen Schoen et al. v. New Jersey State Department of Education, Marie H. Katzenbach School for the Deaf, State Board Docket #52-91

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

For training for the administration of naloxone see:
<http://www.state.nj.us/humanservices/dmhas/initiatives/naloxone.html>

Possible**Cross References:**

*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141	Health
*5141.1	Accidents
*5141.2	Illness
*5141.3	Health examinations and immunizations
*5141.8	Sports related concussion and head injury
*6153	Field trips

ADMINISTERING MEDICATION

GENERAL STATEMENT

The administration of medication to students during the school day or at a school function or activity shall be governed by board policy and regulations and allowed only when the student's attendance is contingent on such arrangement. The regulations apply to both prescription and nonprescription medicines, including, but not limited to, aspirin, hay fever tablets, and cough preparations.

All medicines shall be kept by the school nurse, except in specific, required and approved instances of self-medication.

STAFF RESPONSIBLE

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

Position	Summary of Main Responsibilities
Chief school administrator	<ul style="list-style-type: none">• General policy procedure oversight within the district
Building principal	<ul style="list-style-type: none">• General procedure oversight within the school
School Nurse	<ul style="list-style-type: none">• Oversight of the student's physical wellbeing• Receive and maintain all parent and physician authorization documentation and verify annually• Administer medication• Ensure the safe storage of medication• Ensured the safe disposal of medication• Maintain the school health records• Appoint and train designees to administer epinephrine in an emergency
Designated Teaching and support staff	<ul style="list-style-type: none">• Receive training from the school nurse and/or another entity/entities as needed for the safe supervision of students with potentially life threatening conditions

DEFINITIONS

"Individualized health care plan" means a document developed by the school nurse, in consultation with the parent or guardian of a student and other appropriate medical professionals setting out the health services needed by the student at school and is signed by the parent or guardian and the

ADMINISTERING MEDICATION (regulation continued)

school nurse.

“Individualized emergency health care plan” means a document, developed by the school nurse in consultation with the parents, which is consistent with the recommendations of the student's health care providers and which outlines a set of procedural guidelines that provide specific directions about what to do in a particular emergency situation and is signed by the parent and school nurse.

“Asthma treatment plan” means a form approved by the Commissioner and completed by the medical home that is specifically designed to indicate differentiated symptoms and appropriate action to be taken by school staff to manage the care of a student who suffers from asthma-related illnesses. The asthma treatment plan shall serve as an accompaniment to the student’s Individualized Healthcare Plan.

"Medication" means a drug approved by the Federal Food and Drug Administration for preventing, caring for, and assisting in the cure of disease and injury that has a written order from a physician licensed in medicine, dentistry or osteopathy, or from an advanced practice nurse. Medication does not include herbal remedies.

"Parent" means the natural parent(s), adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a student. When parents are separated or divorced, "parent" means the person or agency that has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided parental rights have not been terminated by a court of appropriate jurisdiction.

“School grounds” means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider. School grounds also includes school buses, school-sponsored functions, structures that support the buildings, such as school district wastewater treatment facilities; generating facilities; and other central service facilities including, but not limited to, kitchens and maintenance shops. School grounds also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and recreational places owned by municipalities, private entities or other individuals during times when the school district has exclusive use of a portion of the land.

“School function” means any activity, event or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized, supported and approved by the school building principal and the board of education.

“Standing orders” means directives and protocols written by the school physician to carry out medical procedures for all students and staff.

“Written order” means a directive and protocol written by the student’s medical home to address a healthcare need or provide a medical service for a specific student.

PROCEDURES

Administration of Medication - Generally

- A. Except as otherwise authorized by state statute, state code, board policy or regulation, the school nurse shall oversee the administration of epinephrine, hydrocortisone sodium succinate

ADMINISTERING MEDICATION (regulation continued)

for adrenal insufficiency and other medication in the schools or at a school function. Authority for any person other than the school nurse to administer medication to a student in school or at a school function shall only be granted in compliance with this policy 5141.21, Administering Medication, and this regulation. The administration of medication to students at school or a school function is authorized for the following individuals:

1. School physician;
 2. Certified school nurse;
 3. Noncertified nurse under the supervision of the certified school nurse;
 4. Substitute school nurse employed by the school district;
 5. Parent of the student;
 6. Student approved to self-administer medication;
 7. School employees who volunteer to be trained to administer epinephrine in an emergency;
 8. School employees who volunteer to be trained to administer glucagon; and
 9. School employees who volunteer to be trained to administer hydrocortisone sodium succinate for adrenal insufficiency.
- B. The school nurse may, in compliance with state statute, regulation, and professional nursing practice standards, delegate the administration of medication to individuals who are properly licensed and/or certified to administer medication. In all cases of delegation, the school nurse shall direct and supervise the health services activities of any school staff to whom the certified school nurse has delegated a nursing task;
- C. In consultation with the board of education, the school nurse shall designate additional employees who volunteer to administer epinephrine, via a pre-filled auto-injector mechanism, to a student for anaphylaxis when the school nurse is not physically present at the scene or in the event of an emergency. In all cases, the school nurse shall document the administration of epinephrine and any other medication, including obtaining all necessary signatures, regardless of the individual who actually administered the medication. In the event that a licensed athletic trainer volunteers to administer epinephrine, it shall not constitute a violation of the "Athletic Training Licensure Act;"
- D. In consultation with the board of education, the school nurse shall designate additional employees who volunteer to administer hydrocortisone sodium succinate to a student for adrenal insufficiency when the school nurse is not physically present at the scene. In all cases, the school nurse shall document the administration of hydrocortisone sodium succinate and any other medication, including obtaining all necessary signatures, regardless of the individual who actually administered the medication. In the event that a licensed athletic trainer volunteers to administer hydrocortisone sodium succinate, it shall not constitute a violation of the "Athletic Training Licensure Act;"
- E. The board shall designate employees ("designated employee" or "designated employees") to administer the opioid antidote, naloxone hydrochloride, who shall be authorized to administer the antidote only after receiving training on standardized protocols for the administration of the opioid antidote and information regarding overdose prevention pursuant to the Overdose Prevention Act. (P.L.2013, c. 46);

ADMINISTERING MEDICATION (regulation continued)

F. In all cases of staff volunteering to administer epinephrine, the school nurse shall:

1. Ensure the designees have been properly trained in the administration of the epinephrine via a pre-filled auto-injector mechanism using standardized training protocols established by the Department of Education in consultation with the Department of Health and maintain appropriate documentation of such training;
2. Obtain written parental consent to the administration of the epinephrine via a pre-filled auto-injector mechanism by the designees;
3. Inform the parents, in writing, that the district and its employees or agents or the nonpublic school and its employees and agents shall have no liability as a result of any injury arising from the administration of the epinephrine to the student;
4. Obtain written acknowledgment from the parents confirming their understanding that the district or nonpublic school shall have no liability as a result of any injury arising from the administration of the epinephrine via a pre-filled auto-injector mechanism to the student and that the parents or guardians shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the administration of the epinephrine via a pre-filled auto-injector mechanism to the student;
5. Inform the parents, in writing, that consent is valid and effective only for the school year (including any extended school year program) in which it is granted, and must be renewed for each successive school year;
6. In the event of an emergency, the lack of parental consent shall not be deemed to prohibit the administration of epinephrine via a pre-filled auto-injector mechanism to a student for anaphylaxis by the school nurse or other designated employees when the student is authorized to self-administer epinephrine, or when there is a coexisting diagnosis of asthma, or when a prescription is received from a licensed health care professional for epinephrine coupled with another form of medication.

G. In all cases of staff volunteering to administer hydrocortisone sodium succinate for adrenal insufficiency to a student, the school nurse shall:

1. Ensure the designees have been properly trained in the administration of hydrocortisone sodium succinate using standardized training protocols established by the Department of Education in consultation with the Department of Health;
2. Obtain written parental consent to the administration of hydrocortisone sodium succinate by the designees;
3. Inform the parents, in writing, that the district and its employees or agents shall have no liability as a result of any injury arising from the administration of hydrocortisone sodium succinate to the student;
4. Obtain written acknowledgment from the parents confirming their understanding that the district shall have no liability as a result of any injury arising from the administration of hydrocortisone sodium succinate to the student for adrenal insufficiency and that the parents or guardians shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the administration of hydrocortisone sodium succinate to the student; and
5. Inform the parents, in writing, that consent is valid and effective only for the school year (including any extended school year program) in which it is granted, and must be renewed

ADMINISTERING MEDICATION (regulation continued)

for each successive school year in accordance with requirements 1-4 in this section.

Nothing in this section shall be construed to prohibit the emergency administration of hydrocortisone sodium succinate to a student for adrenal insufficiency by the school nurse or other employees designated when the student is authorized to self-administer hydrocortisone sodium succinate.

H. In all cases of staff volunteering to the opioid antidote naloxone hydrochloride to a student, the school nurse shall:

1. Ensure that the designated employees or volunteers receive training on standardized protocols for the administration of the opioid antidote and information regarding overdose prevention pursuant to the Overdose Prevention Act. (P.L.2013, c. 46). The policy guidelines developed by the New Jersey Department of Education in consultation with the New Jersey Department of Human Services shall specify an appropriate entity or entities to provide the training;
2. Ensure written notification of the board opioid overdose policy shall be distributed annually to parents/guardians and adult students. The notification shall inform parents/guardians and adult students that the board authorizes the certified school nurse or other appropriately licensed school health professionals as well as designed employees to administer the opioid antidote;

I. In the absence of an emergency, in order for the school nurse to administer medication to a student at school or during a school function, a parent must both submit a request and provide authorization to the district. The school nurse shall maintain appropriate confidentiality of all documentation related to any request to administer medication. A parent's request and authorization for administration of medication during the school day or during a school function shall be made in writing to the school nurse. The request/authorization must be signed and dated by the parent. The request shall include a written statement by the student's physician certifying the need for the administration of the medication and including the following:

1. Name of student;
2. Date;
3. Name of the medication;
4. Dosage;
5. Diagnosis;
6. Purpose of medication;
7. Time medication should be administered and dosage;
8. Duration of medication administration;
9. Possible side effects;
10. Statement that medication must be administered during school day or during school activity or function in order for student to be able to attend or benefit from the instruction or services being provided by the school district (see Exhibit 1, Physician Authorization Form).

J. Where the parent request and authorization for administration of medication has been reviewed and approved by the nurse, it must then be submitted to the building principal for

ADMINISTERING MEDICATION (regulation continued)

his/her written approval prior to the initial administration of the medication;

- K. In the event of a school function which the school nurse or appropriately certified and authorized employee cannot attend, a student's parent shall be notified reasonably in advance of the activity and may be permitted to attend and administer the medication if the student will require medication that is not subject to the self-administration provisions of these regulations. If a parent is unavailable to attend, the district shall not exclude the student from the activity solely due to the student's medication needs and shall obtain consent from the parent to arrange for a suitable accommodation. In seeking to arrange a suitable accommodation, parental consent is required prior to speaking to the student's physician or any other healthcare provider;
- L. In the event of an emergency requiring an unscheduled administration of the student's medication, the school nurse shall implement procedures from the student's individual emergency health care plan, as applicable;
- M. The school nurse shall maintain complete and accurate records of all parent and physician requests and authorization documentation;
- N. The school nurse shall maintain complete and accurate records regarding all instances of administration of medication to students. Such records shall include all requests, authorizations and certifications referred to in these regulations; all necessary approvals for administration; a record of all instances of administration of medication and reported side effects; and the precise circumstances of disposal of unused medication;
- O. No school employee, officer, or other agent of the board of education, who administers a prescription under a standing protocol for school epinephrine, in compliance with all applicable standards, shall be held liable for any good faith act or omission, nor shall an action before the New Jersey State Board of Nursing lie against a school nurse for any such action taken by a person designated in good faith by the school nurse. Good faith shall not include willful misconduct, gross negligence or recklessness.

Administration of Medication by Student

- A. Self-administration of medication by a student may only be permitted for asthma, a life-threatening allergic reaction, or potentially life-threatening illnesses, or adrenal insufficiency. A parent's/guardian's request to allow a student to self-administer medication, during the school day or during a school function or activity, must be made in writing in accordance with the rules for administration as listed above. In addition, the written request must include the following:
 - 1. For minor students, Authorization by the parent for the self-administration of medication; and
 - 2. Written certification from the student's physician that the student has asthma, a life-threatening allergic reaction, or potentially life-threatening illnesses, or adrenal insufficiency and is capable of, and has been instructed in, the proper method of self-administration of medication;
 - 3. The requesting parent shall be advised that:

ADMINISTERING MEDICATION (regulation continued)

- a. The district and its employees or agents shall incur no liability as a result of any injury arising from the student's self-administration of medication; and
 - b. That the parents shall indemnify and hold harmless the district, its employees or agents against any claims arising out of the student's self-administration of medication.
 - c. The school nurse shall obtain written confirmation of parental receipt of the aforementioned notice (see Exhibit 2, Self-Administration of Medication Release Form).
- B. Permission to self-administer medication shall be effective only for the school year for which it is granted and may only be renewed for each subsequent year upon fulfillment of the district's requirements set forth above;
- C. No student may possess medication for self-administration without having the written permission of the parent and the authorization of their physician to self-administer. A copy of such permission and authorization shall be maintained in the school nurse's office;
- D. Students who have permission to self-administer medication shall keep the medication, in its original container, in their possession. The student must secure the medication in a manner which ensures it will not be available to others and must properly dispose of spoiled or partially dispensed portions of the medication and the tools or instruments used to dispense same;
- E. If reasonably possible, the student shall self-administer medication in the nurse's presence. The student must promptly make a report of such administration and any side effects to the teaching staff member who is supervising the school activity. It shall be that individual's duty to promptly report the self-administration and any side effects to the school nurse;
- F. The chief school administrator after consultation with the school physician, school nurse, the student, and, for a minor student, the student's parent/guardian, may revoke medication self-administration authorization should the student be observed to improperly use or dispose of said medication(s) or otherwise violate this regulation, policy 5141.21 Administering Medication, or other tenets of the agreement to self-medicate. The school nurse shall advise the student, parent/guardian and prescribing physician of such revocation.
- G. The possession and use of syringes consistent with the purposes of this policy and regulation shall not be considered a violation of applicable code of student conduct provisions that may otherwise restrict or prohibit such possession and use.
- H. A student's school choice shall not be restricted because that student has diabetes.

Nebulizers

- A. There will be a nebulizer in the main office of the school, the nurse's office or similar accessible location, in accordance with the school physician's standing orders;
- B. Each school nurse shall be authorized to administer asthma medication through the nebulizer upon receipt of written authorization of the parent and physician certification authorizing the use, prescribing the dosage, time intervals and duration of use of nebulizer;
- C. Each school nurse shall have training in airway management and in the use of nebulizers and

ADMINISTERING MEDICATION (regulation continued)

inhalers in accordance with national standards including, but not limited to, those of the National Institutes of Health and the American Academy of Allergy, Asthma and Immunology;

- D. The school nurse shall ensure that each student authorized to use asthma medication through a nebulizer shall:
 - 1. Meet all the requirements enumerated in the Administration of Medication section of this regulation;
 - 2. Have an asthma treatment plan developed by the student's physician or medical home that identifies the student's asthma triggers and the course of treatment. The asthma treatment plan must be submitted to the certified school who shall retain such plan in the student's medical records.
 - 3. Have an individualized health care plan developed by the school nurse that meets the student's medical needs while at school or a school function. The treatment plan shall also be included in the student's individualized emergency healthcare plan;
- E. The school nurse shall ensure that each student authorized to self-administer asthma medication through a nebulizer shall:
 - 1. Meet all the requirements enumerated in the Self-Administration of Medication section of this regulation;
 - 2. Have an asthma treatment plan developed by the student's physician that identifies the student's asthma triggers.
 - 3. Have an individualized health care plan developed and annually updated, by the school nurse that meets the student's medical needs while at school or a school sponsored event. The school nurse shall also update appropriate school staff as needed.
 - 4. Have an individualized emergency health care plan, developed and annually updated by the school nurse, that meets the student's medical needs while at school or a school function. The school nurse shall also update school staff who have supervisory authority over the student as needed.

Diabetes

- A. Each school nurse shall develop an individual health care plan and an individualized emergency health care plan for students whose parents inform the school nurse of the student's need for diabetic care while at school or a school function.
- B. The school nurse is authorized to administer medication to student with diabetes upon annual receipt of written authorization of the parent and the certification from the student's physician authorizing the use, prescribing the dosage, time intervals and duration of the medications administration;
- C. The school nurse shall ensure that each student who has been parentally authorized to use medication for diabetes:
 - 1. Has a written parental request;
 - 2. Meet all the requirements enumerated in the Administration of Medication section of this regulation;

ADMINISTERING MEDICATION (regulation continued)

3. Has an individualized healthcare plan and an individualized emergency health care plan developed by the school nurse and have written authorization for the provision of diabetes care as outlined in those plans, including authorization for the emergency administration of glucagon;
- D. The school nurse shall ensure that each student authorized to self-administer insulin through the insulin delivery system set forth in the student's individualized healthcare plan for diabetes shall:
1. Meet all the requirements enumerated in the Self-Administration of Medication section of this procedure;
 2. Have written parental authorization for the student's self-management and care of his or her diabetes;
 3. Have an individualized healthcare plan and an individualized emergency health care plan developed by the school nurse and updated annually, and have written authorization for the provision of diabetes care as outlined in the plans, including authorization for the emergency administration of glucagon. These plans shall be updated prior to the beginning of each school year.
- E. The individualized health care plan and an individualized emergency health care plan may have elements specified in board policy and in N.J.S.A. 18A:40-12.13, including but not limited to:
1. The symptoms of hypoglycemia for that particular student and the recommended treatment;
 2. The symptoms of hyperglycemia for that particular student and the recommended treatment;
 3. The frequency of blood glucose testing;
 4. Written orders from the student's physician or advanced practice nurse outlining the dosage and indications for insulin administration and the administration of glucagon, if needed;
 5. Times of meals and snacks and indications for additional snacks for exercise;
 6. Full participation in exercise and sports, and any contraindications to exercise, or accommodations that must be made for that particular student;
 7. Accommodations for school trips, after-school activities, class parties, and other school-related activities;
 8. Education of all school personnel who may have supervisory authority over the student about diabetes, how to recognize and treat hypoglycemia, how to recognize hyperglycemia, and when to call for assistance;
 9. Medical and treatment issues that may affect the educational process of the student with diabetes; and
 10. How to maintain communications with the student, the student's parent or guardian and healthcare team, the school nurse, and the educational staff.
- F. The school nurse assigned to a particular school shall coordinate the provision of diabetes care at that school and ensure that appropriate staff are trained in the care of students with diabetes, including staff working with school-sponsored programs outside of the regular school day, as provided in the individualized health care plan and the individualized emergency health care plan;
- G. The school nurse shall have the primary responsibility for the emergency administration of glucagon to a student with diabetes who is experiencing severe hypoglycemia. The school

ADMINISTERING MEDICATION (regulation continued)

nurse shall designate, in consultation with the board of education, additional employees of the school district who volunteer to administer glucagon to a student with diabetes who is experiencing severe hypoglycemia:

1. The designated employees shall only be authorized to administer glucagon, following training by the school nurse or other qualified health care professional, when a school nurse is not physically present at the scene;
2. Pursuant to N.J.S.A. 18A:40-12.14, the emergency administration of glucagon shall not constitute the practice of nursing and shall be exempted from all applicable statutory or regulatory provisions that restrict the activities that may be delegated to a person who is not a licensed health care professional;
3. In the event that a licensed athletic trainer volunteers to administer glucagon to a student with diabetes in accordance with this regulation, it shall not constitute a violation of the Athletic Training Licensure Act;
4. The school nurse shall also notify the student's school bus driver of the student's condition, how to treat hypoglycemia, who to contact in an emergency, and parent contact information.

G. The school nurse shall also ensure that designated areas of the school building shall have posted, in plain view, a reference sheet identifying signs and symptoms of hypoglycemia in students with diabetes:

1. Main office;
2. Nurse's office;
3. Other designated location(s) as appropriate _____.

H. The school nurse shall obtain a written release from the parent of a diabetic student authorizing the sharing of medical information between the student's physician or advanced practice nurse and other health care providers. The release shall also authorize the school nurse to share medical information with other staff members of the school district as necessary (see Exhibit 3, HIPPA Exchange of Information Form).

Emergency Administration of Epinephrine via a Pre-Filled Auto-Injector Mechanism

A. The school nurse shall have the primary responsibility for the emergency administration of epinephrine via a pre-filled auto-injector mechanism to students suffering from anaphylaxis. The school nurse may designate, in consultation with the board, employee(s) to administer the epinephrine via a pre-filled auto-injector mechanism when the nurse is not physically present at the scene. Such individuals shall be properly trained in the administration of epinephrine via a pre-filled auto-injector mechanism using standardized training protocols established by the Department of Education in consultation with the Department of Health.

Epinephrine via a pre-filled auto-injector mechanism may be administered to students provided that the parent provides the following to the school nurse:

1. Written authorization for administration of a pre-filled auto-injector mechanism by the school nurse and by a designated employee(s) when the school nurse is not present at the scene;

ADMINISTERING MEDICATION (regulation continued)

2. Written orders from the student's physician or advanced practical nurse that the student requires the administration of epinephrine for anaphylaxis;
 3. Written notice to the parent advising that the district and its employees or agents or the nonpublic school and its employees or agents shall have no liability as a result of any injury arising from the administration of the epinephrine via a pre-filled auto-injector mechanism;
 4. A signed statement acknowledging the parent's understanding that the district and its employees shall have no liability as a result of any injury arising from the administration of a pre-filled auto-injector mechanism to the student and that the parents shall indemnify and hold harmless the district, its employees or agents, against any claims arising out of administration of the a pre-filled auto-injector mechanism (see Exhibit 4, Emergency Administration of Epinephrine Form).
- B. Permission for administration of epinephrine is effective for the school year for which it is granted and may only be renewed for each subsequent year upon fulfillment of the district's requirements set forth in this section.
- C. The pre-filled auto injector for the emergency administration of epinephrine shall be maintained in a secure, but unlocked location, easily accessible to the school nurse and designees in the event of an emergency at school or a school function. The location of the epinephrine shall be indicated on the student's emergency care plan. Back-up epinephrine via a pre-filled auto-injector mechanism shall also be available in the nurse's office if needed.
- D. The school nurse/designee shall be promptly available at school and at school functions in the event of an allergic reaction in order to administer epinephrine via a pre-filled auto-injector mechanism to a student.
- E. The nurse shall ensure that each student how has been administered epinephrine is promptly transported the a hospital emergency room by emergency services personnel after the administration of epinephrine, even if the student's symptoms appear to have resolved.
- F. Nothing in this section shall be construed to prohibit the emergency administration of epinephrine via a pre-filled auto-injector mechanism to a student for anaphylaxis by the school nurse or other employees designated pursuant to this section when the student is authorized to self-administer epinephrine pursuant to N.J.S.A. 18A:10-12.3, or when there is a co-existing diagnosis of asthma, or when a prescription is received from licensed health care professional for epinephrine coupled with another form of medication.

Emergency Administration of Epinephrine for First Time Allergic Reactions at School

- A. The school nurse or the nurse's trained designee shall be permitted to administer epinephrine via a pre-filled auto-injector mechanism to any student, without a known history of anaphylaxis or parent authorization for the administration of medication, when the school nurse/designee in good faith believes that the student is having an anaphylactic reaction;
- B. The district shall maintain a supply of epinephrine auto-injectors that is prescribed under a standing protocol from a licensed physician or an advanced practice nurse in a secure but unlocked and easily accessible location. The following locations are designated (***note: district should designate locations below that are accurate to each school**):

ADMINISTERING MEDICATION (regulation continued)

1. The nurse's office;
2. The cafeteria office;
3. (*designate a location*)
4. (*designate a location*)

Delivery, Storage and Disposal of Student Medication

- A. All medication (in its original container with the prescription information attached) must be delivered by the parent to the school nurse;
- B. Except for medication to be self-administered by the student, the school nurse shall maintain all medication in a secure, locked cabinet. . No student shall have access to the cabinet under any circumstances. Medication that has been approved for self-administration, may be carried by the student so long as the student presents no danger to himself or others through misuse;
- C. Student prescribed epinephrine shall be maintained in a secure but unlocked location easily accessible by the school nurse and designees to ensure prompt availability in the event of an allergic reaction at school or at a school-sponsored function. The location of the epinephrine shall be indicated on the students' emergency health care plans;
- D. Parents shall be notified by the school nurse when additional medication is needed. The parents must deliver that medication to the nurse immediately;
- E. The school nurse shall maintain a system by which parents are informed of their obligation to retrieve unused medication. If unused medication is not retrieved within two (2) weeks of notice, the nurse shall dispose of the medication in accordance with proper medical controls, unless otherwise specified in the student's individualized health care plan or individualized emergency health care plan.
- F. Annually, the school nurse shall oversee and ensure the distribution of the Commissioner's educational fact sheet regarding meningococcal meningitis to parents of students in the sixth grade (see Primary Resource 1, Meningococcal Factsheet).

Emergency Administration of Hydrocortisone Sodium Succinate

- A. The school nurse shall have the primary responsibility for the emergency administration of hydrocortisone sodium succinate. The school nurse shall designate, in consultation with the board, employee(s) who volunteer to administer the hydrocortisone sodium succinate to students for adrenal insufficiency when the nurse is not physically present at the scene. Such individuals shall be properly trained in the administration of hydrocortisone sodium succinate using standardized training protocols established by the Department of Education in consultation with the Department of Health, or such other protocols as may be required by applicable law.

Hydrocortisone sodium succinate may be administered to students provided that the parent/guardian provides the following to the school nurse:

ADMINISTERING MEDICATION (regulation continued)

1. Written authorization for administration of hydrocortisone sodium succinate by the school nurse and by a designated employee(s) when the school nurse is not present at the scene;
 2. Written orders from the student's physician or advanced practical nurse that the student requires the administration of hydrocortisone sodium succinate for adrenal insufficiency;
 3. Written notice to the parent advising that the district and its employees or agents shall have no liability as a result of any injury arising from the administration of the hydrocortisone sodium succinate to students for adrenal insufficiency; and
 4. A signed statement acknowledging the parent/guardian's understanding that the district and its employees shall have no liability as a result of any injury arising from the administration of hydrocortisone sodium succinate to a student for adrenal insufficiency and that the parents shall indemnify and hold harmless the district, its employees or agents, against any claims arising out of administration of the hydrocortisone sodium succinate to the student.
- B. Permission for administration of hydrocortisone sodium succinate to students for adrenal insufficiency is effective for the school year for which it is granted and may only be renewed for each subsequent year upon fulfillment of the district's requirements set forth in this section.
- C. The hydrocortisone sodium succinate shall be maintained in a secure, but unlocked location, easily accessible to the school nurse and designees in the event of an emergency at school or a school function. The location of the hydrocortisone sodium succinate shall be indicated on the student's emergency care plan. Back-up hydrocortisone sodium succinate, provided by the parent/guardian shall also be available in the nurse's office if needed.
- D. The school nurse/designee shall be promptly available at school and at school functions in the event of an allergic reaction in order to administer hydrocortisone sodium succinate to a student.
- E. The nurse shall ensure that each student how has been administered epinephrine is promptly transported the a hospital emergency room by emergency services personnel after the administration of hydrocortisone sodium succinate, even if the student's symptoms appear to have resolved.
- F. Nothing in this section shall be construed to prohibit the emergency administration of hydrocortisone sodium succinate to a student for adrenal insufficiency by the school nurse or other employees designated when the student is authorized to self-administer hydrocortisone sodium succinate.

Emergency Administration of Opioid Antidote, Naloxone Hydrochloride

- A. The school physician shall include an opioid antidote in the prescribed standing order for the schools of the district that include any of the grades nine through twelve;
- B. The chief school administrator, in consultation with the building principal of any school other than those including grades nine through twelve, shall determine whether the school physician shall include an opioid antidote in the prescribed standing order for such schools and shall report that determination to the board;
- C. The opioid antidotes shall be accessible in the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the

ADMINISTERING MEDICATION (regulation continued)

school building;

- D. When appropriate as determined by the chief school administrator in consultation with the building principal, the opioid antidotes shall be accessible during school-sponsored functions that take place off school grounds. The chief school administrator shall report each school's determination to the board;
- E. The opioid antidote shall be stored in a secure but unlocked and easily accessible location, and according to the manufacturer's directions. To the extent that is safe and practical, the opioid antidote shall be stored at a reasonable proximity of an automated external defibrillator (AED);
- F. The school nurse shall be responsible for monitoring the on-site inventory of the opioid antidote, arranging for the replacement of the opioid antidote supply and ensuring the appropriate and safe disposal of administered and expired opioid antidote applicators;
- G. The school nurse shall be primarily responsible for the assessment of any student suspected of being under the influence of drugs or alcohol including any student suspected of an opioid or other drug overdose. The board shall designate additional district employees ("designated employees") who volunteer to administer an opioid antidote in the event a person experiences an opioid overdose when the nurse is not physically present at the scene. Such designated employees shall receive training in administration of the opioid antidote in accordance with applicable law. The school nurse or designated employee who believes in good faith that a person is experiencing an opioid overdose may administer the opioid antidote;
- H. The school nurse or his or her designee shall immediately call 911 upon suspecting an overdose, and notify the parents/guardians as soon as practicable. The school nurse or his or her designee, shall notify the building principal of any suspected overdose and all actions taken including the administration of opioid antidote and the notification of emergency medical services;
- I. A designated employee shall immediately call 911 upon suspecting an overdose, and notify the parents/guardians as soon as practicable. The designated employee shall notify the building principal of any suspected overdose and all actions taken including the administration of opioid antidote and the notification of emergency medical services;
- J. If the school nurse or a designated employee are not immediately available and a district employee observes a person overdosing, the employee may contact emergency services (call 911) in accordance with district policy and procedures. The employee who has contacted emergency services regarding a person suspected to have overdosed shall notify the building principal of any suspected overdose and all actions taken including the administration of opioid antidote and the notification of emergency medical services;
- K. An overdose victim shall be transported by emergency services personnel to the nearest hospital emergency room, including where the victim's symptoms appear to have resolved. The principal shall designate a member of the school staff to accompany the student to the hospital. The principal shall notify the chief school administrator whenever an opioid antidote is administered;
- L. The school nurse shall document the incident including but not limited to:

ADMINISTERING MEDICATION (regulation continued)

1. Date, time and location of the incident;
2. Names of any staff members or students reporting the incident;
3. A description of the incident;
4. Description of the evaluation conducted;
5. The administration of naloxone including the form and dosage;
6. All actions taken, including, when 911 was called, when emergency services arrived, and staff member(s) assigned to accompany the student.

The documentation shall be in the same manner as the documentation of administration of other medications under a non-patient specific order.

REGULATION HISTORY

Date:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
Revised:	May 12, 2015
First Reading:	April 16, 2015
Second Reading:	May 12, 2015
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019
Revised:	January 16, 2020
First Reading:	December 12, 2019
Second Reading:	January 16, 2020

CROSS REFERENCES

6153	Field Trips
5141	Health
5141.1	Accidents
5141.2	Illness

EXHIBITS

Exhibit 1	Consent Form for the Nurse to Administer Medication
Exhibit 2	Consent Form for Self-Administration of Medication
Exhibit 3	HIPAA (Health Insurance Portability and Accountability Act) Exchange of Information Form
Exhibit 4	Consent Form for the Emergency Administration of Epinephrine

PRIMARY RESOURCE

PR 1	Meningococcal Factsheet
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Form

EMERGENCY ADMINISTRATION OF NALOXONE FOR DRUG OVERDOSE

Dear _____,
Parent/Guardian

Time is of the essence when a drug overdose is occurring or is believed to be occurring. Administering an opioid antidote (defined as naloxone hydrochloride or any other similarly acting drug approved by the United States Food and Drug Administration) blocks effects of opioids and can reverse a potentially life threatening overdose.

In accordance with the New Jersey Law (*P.L. 2013, c. 46*), the “Overdose Prevention Act” the school physician annually prescribes an opioid antidote including naloxone hydrochloride as part of the district’s physician standing order. The opioid antidote shall be administered in an emergency to any student, school personnel or other person during school hours or during on-site school-sponsored activities believed to be experiencing a opioid overdose. The board authorizes the drug to be administered by the school doctor, the school nurse, other appropriately designated individuals deemed, by a health care professional, capable of administering the opioid antidote, where the individual has been trained through a Department of Human Services (DHS) endorsed program to administer the opioid antidote.

The _____ Board of Education hereby informs you that where board-approved policy and procedures are followed, the district, its employees, and designated individuals shall incur no liability whatsoever for any and all claims, damages, losses and expenses of any kind as a result of any injury arising from the good faith emergency administration of the opioid antidote.

Attach board policy and regulation: 5141.21 Administration of Epinephrine

Exhibit 2 - Sample Form

SELF-MEDICATION RELEASE FORM

I, _____ give permission for my child, _____

to self-medicate with _____ as prescribed by _____
(medication) (physician's name)

in emergency situations where the nurse or parent/guardian is not present on-site, off-site, or at an after-school activity.

- I agree to provide an identical copy of any inhaler/s, epi-pen or other auto-injector, or glucagon which will be stored in a locked cabinet in the original container in the nurse's office.
- A note from the prescribing physician is attached which includes the dosage and timing of medication and a notation of each instance of administration, as well as certification that the student is capable of self-medication and has been instructed on the proper administration of his/her medication.
- In the event that my child, _____, self-administers medication according to _____ Board of Education policy 5141.21 Administering Medication, I release the school district of any and all liability.
- I have received and reviewed the provisions of policy 5141.21 Administering Medication.

Parent/guardian signature: _____

Date: _____

Exhibit 1 - Sample Form

AUTHORIZATION AND CONSENT TO ADMINISTER MEDICATION

Student's Name: _____ Grade: _____

Address: _____ Teacher: _____

Telephone: _____ Cell Phone: _____

I (we) request authorization and consent to have the school nurse or an appointed faculty member administer medication as prescribed by our private physician to my child while in school. I (we) also hereby release the board of education, the school physician, school nurse and all of their employees from any liability connected therewith.

Date: _____ Parent/Guardian Signature: _____

Parent/Guardian Signature: _____

Witness Signature: _____

TO BE FILLED OUT BY THE PHYSICIAN

Please administer the following medication: _____

Name of student: _____

Name of medication: _____

Prescribed dosage: _____

Side effects that may be expected: _____

How long do you expect this student to be on the medication? _____

Comments or suggestions: _____

Physician's Signature: _____

Address: _____ Telephone Number: _____

APPROVAL OF SCHOOL PHYSICIAN

I have reviewed the above request and authorize the school nurse or (faculty member) to administer the prescribed medication as ordered to (Name of Student) during school hours.

Physician's Signature: _____

(CONFIDENTIAL INFORMATION)

Exhibit 3

HIPAA-Compliant Authorization for Exchange of Health & Education Information

Patient/Student Name: _____ Date of Birth: _____

I hereby authorize _____ [insert health care provider name & title]

and _____ [insert name & title of school official] to exchange health and education information/records for the purpose listed below.

_____ [insert address & telephone of school/school district]

Description:

The health information to be disclosed consists of:

The education information to be disclosed consists of:

Purpose: This information will be used for the following purpose(s):

1. Educational evaluation and program planning
2. Health assessment and planning for health care services and treatment in school
3. Medical evaluation and treatment

4. Other: _____

Authorization

This authorization is valid for one calendar year. It will expire on _____ [insert date]. I understand that I may revoke this authorization at any time by submitting written notice of the withdrawal of my consent. I recognize that health records, once received by the school district, may not be protected by the HIPAA Privacy Rule, but will become education records protected by the Family Educational Rights and Privacy Act. I also understand that if I refuse to sign, such refusal will not interfere with my child's ability to obtain health care.

Parent Signature Date

Student Signature* Date

*If a minor student is authorized to consent to health care without parental consent under federal or state law, only the student shall sign this authorization form.

Copies: Parent or student*

Physician or other health care provider releasing the protected health information

School official requesting/receiving the protected health information

Exhibit 4 - Sample Form

EMERGENCY ADMINISTRATION OF EPINEPHRINE

Dear _____,
Parent/Guardian

The _____ Board of Education hereby informs you that if board-approved procedures are followed, the district and its employees shall incur no liability whatsoever for any and all claims, damages, losses and expenses of any kind, including reasonable attorney's fees as a result of any injury arising from the emergency administration of epinephrine.

I, _____, hereby acknowledge that, if the district procedures are followed, the district shall incur no liability whatsoever for any and all claims, damages, losses and expenses of any kind, including reasonable attorney's fees as a result of any injury arising from the emergency administration of epinephrine.

I, _____, hereby indemnify and hold harmless the district and its employees, officers or agents against any and all claims arising from the emergency administration of epinephrine.

I, _____, hereby acknowledge that if epinephrine is administered to my child, district policy and procedure require that he/she receive immediate medical care following the administration of epinephrine.

I, _____, hereby further agree to assume full financial responsibility for any and all costs in connection with the medical care provided to my child, including but not limited to, transportation expenses to and from a medical facility.

Parent/Guardian

Date

Board policy and regulation: 5141.21 Administration of Epinephrine

MEDICAL MARIJUANA

The Elizabeth Board of Education recognizes that physical discomfort associated with certain debilitating medical conditions can negatively impact a student's ability to benefit from educational services provided by the school district. The board of education also recognizes that a student diagnosed with a debilitating medical condition may, through the legally prescribed use of medical marijuana, alleviate physical symptoms associated with the debilitating condition that occur during school hours, potentially increasing the student's availability to receive instruction. Therefore in accordance with law (P.L. 2015, c.158), a student who is legally prescribed medical marijuana and who possesses a current registry identification card from the New Jersey Department of Health (NJDOH), may be administered prescribed marijuana by a NJDOH registered primary caregiver.

The New Jersey Compassionate Use Medical Marijuana Act (N.J.S.A. 24:6I-3) provides that medical marijuana may be prescribed for the following debilitating medical conditions:

- A. Seizure disorder, including epilepsy; intractable skeletal muscular spasticity; or glaucoma if any of these conditions are resistant to conventional medical therapy;
- B. Positive status for human immunodeficiency virus; acquired immune deficiency syndrome; or cancer; if any treatment of these conditions cause severe or chronic pain, severe nausea or vomiting, cachexia, or wasting syndrome;
- C. Amyotrophic lateral sclerosis, multiple sclerosis, terminal cancer, muscular dystrophy, or inflammatory bowel disease, including Crohn's disease;
- D. Terminal illness, if the student's physician has determined a prognosis of less than 12 months of life; or
- E. Any other medical condition or its treatment that is approved by the NJDOH by regulation.

New Jersey Department of Health Medical Marijuana Program Authorization

Students authorized to use medical marijuana, including adult students, are not authorized by law to self-administer the medication on school grounds, on the school bus or at school sponsored activities. In all cases, a primary caregiver shall be required to assist with the administration of the prescribed medical marijuana on school grounds, on the school bus, or at school sponsored activities subject to law and this board policy.

In order for the prescribed medical marijuana to be legally administered, the student and primary caregiver shall possess a current registry identification card. The NJDOH shall issue a registry identification card only upon certification from a licensed physician in the State with whom a qualifying patient has a bona fide physician-patient relationship. The physician must be registered with the New Jersey Medical Marijuana Program to legally prescribe medical marijuana.

MEDICAL MARIJUANA (continued)

According to the Medical Marijuana Program the primary caregiver:

- A. Shall be a resident of New Jersey who is at least 18 years old;
- B. Has agreed to assist with a registered qualifying patient's medical use of marijuana, is not currently serving as primary caregiver for another qualifying patient, and is not the qualifying patient's physician;
- C. Has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after July 19, 2010 and was for a violation of federal law related to possession or sale of marijuana that is authorized under the Compassionate Use Medical Marijuana Act;
- D. Has registered with the NJDOH, and has satisfied the criminal history record background check requirement; and
- E. Has been designated as primary caregiver on the qualifying patient's application or renewal for a registry identification card or in other written notification to the NJDOH.

Verification of Registration Status

The chief school administrator shall submit a written request to the NJDOH Medical Marijuana Program seeking verification of the registration status of the student and the caregiver.

Verification of the registration status of the student and the caregiver shall be requested not less than annually. Documentation of the request made to the NJDOH and any response the district receives from the NJDOH shall be kept in the student's confidential medical records and maintained in the office of the school nurse.

Administration of the Prescribed Medical Marijuana

While on school grounds, the primary caregiver shall be permitted to administer the prescribed medical marijuana in the office of the school nurse. The school nurse may designate other locations on school grounds. When an alternate location on school grounds other than the nurse's office is requested or required for the administration of the prescribed medical marijuana, the school nurse shall document the designated location in the appropriate student record (i.e. confidential medical record, individualized health care plan).

No student shall be permitted to carry the prescribed marijuana medication on school grounds, on school buses or at school sponsored activities. The prescribed medical marijuana shall not be stored on school grounds. It shall be the sole responsibility of the primary caregiver to maintain and administer the medication.

A primary caregiver shall bring the medication to school to administer the medication in the school nurse's office and shall leave school grounds with any remaining medication. Any packaging, containers or other materials associated with the caregiver's administration of the prescribed medical marijuana to the student shall be disposed of in the appropriate receptacle for hazardous materials in

MEDICAL MARIJUANA (continued)

the nurse's office and at no other location on school property.

Any form of medical marijuana that is smoked is prohibited on school grounds, on school buses or at school sponsored events.

Liability

Any person in possession of prescribed medical marijuana or using prescribed medical marijuana and acting within the provisions of N.J.S.A. 2C:35-18 Exemption, Burden of Proof and in accordance with the Compassionate Use of Medical Marijuana Act (N.J.S.A. 24:6I-1) shall be immune from criminal liability and professional disciplinary action.

Possession of, or application for, a registry identification card shall not alone constitute probable cause to search the person or property of the person possessing or applying for the registry identification card, or otherwise subject the person or his/her property to inspection.

Date: July 21, 2016
 First Reading: June 16, 2016
 Second Reading: July 21, 2016
 NJSBA Review/Update: December 2018
Readopted: June 13, 2019

Legal References: N.J.S.A. 2C:35-18 Exemption, burden of proof
N.J.S.A. 24:6I-1 et seq. New Jersey Compassionate Use of Medical Marijuana Act
See particularly
N.J.S.A. 24:6I-4, -5
N.J.S.A. 26:3D-55 et seq. New Jersey Smoke-Free Air Act
N.J.A.C. 8:64-1.1 et seq. Medical Marijuana Program rules
See particularly
N.J.S.A. 8:64-1.1 Confidentiality P.L. 2015, c.158 concerning medical marijuana

Possible

Cross References: *5131.6 Drugs, alcohol, tobacco (substance abuse)
 *5141 Health
 *5141.1 Accidents
 *5141.2 Illness
 *5141.3 Health examinations and immunizations
 *5141.21 Administration of medication
 *6153 Field trips

MEDICAL MARIJUANA

CONSENT FOR RELEASE OF MEDICAL INFORMATION

New Jersey Department of Health, Medical Marijuana Program

P. O. Box 360

Trenton, New Jersey 08625-0360

Student Name: _____ Date of Birth _____
Address _____

I understand that as the parent/guardian of the above-named student, I am not obligated to authorize disclosure of any information provided to the New Jersey Department of Health and that refusal to authorize disclosure shall in no way affect my rights or the rights of the above-named student to use medicinal marijuana.

I authorize the New Jersey Department of Health Medicinal Marijuana Program to disclose, to the school district, information verifying the registration and authorization status of the above-named student to use medicinal marijuana for a qualifying medical condition(s) pursuant to the *Compassionate Use Act, N.J.S.A. 24:6I-1 et al.* I understand that the disclosure may contain confidential health information pertaining to the student's medical diagnosis and treatment.

This consent is granted for the sole purpose of verifying the registration status and ongoing authorization of the student according to *N.J.S.A. 24:6I-1 et al.* and for no other purpose.

Signature of student's parent/guardian _____

Relationship to Student _____

Date _____

Signature of the school nurse _____

Date _____

MEDICAL MARIJUANA (exhibit continued)MEDICAL MARIJUANA**PRIMARY CAREGIVER CONSENT FOR RELEASE OF INFORMATION****New Jersey Department of Health, Medical Marijuana Program**

P. O. Box 360

Trenton, New Jersey 08625-0360

Primary Caregiver Name: _____ Date of Birth _____

Address _____

Student Name: _____ Date of Birth _____

Address _____

I understand that as the primary caregiver of the above-named student, I am not obligated to authorize disclosure of any information provided to the New Jersey Department of Health and that refusal to authorize disclosure shall in no way affect my right to assist the above-named student in the use of medicinal marijuana.

I authorize the New Jersey Department of Health Medicinal Marijuana Program to disclose, to the school district, information verifying my registration and authorization status to assist in the above-named student's use of medicinal marijuana for a qualifying medical condition(s) pursuant to the *Compassionate Use Act, N.J.S.A. 24:6I-1 et al.*

This consent is granted for the sole purpose of verifying the registration status and ongoing authorization of the primary caregiver to assist in the use of medicinal marijuana according to *N.J.S.A.24:6I-1 et al.* and for no other purpose.

Signature of the primary caregiver**Relationship to Student****Date****Signature of the school nurse****Date**

Date:	July 21, 2016
First Reading:	June 16, 2016
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HEARING AIDS

In accordance with federal and state regulations, the Elizabeth Board of Education shall ensure that the hearing aids worn by classified and non-classified students are working properly.

Daily Maintenance

Daily maintenance checks to ensure proper' functioning of the hearing aids may be conducted by the school nurse, classroom teacher or speech/language specialist. Maintenance checks conducted must verify that:

- A. Aid/mold is clean;
- B. Battery is operating;
- C. Aid/mold is free of wax;
- D. Aid/mold is fitted properly;
- E. Feedback/whistling is not occurring.

Any problems regarding the above should be referred to the district audiologist.

Maintenance of Record

A record maintaining pertinent information about the student's amplification system must be kept by the school nurse, classroom teacher or speech/language specialist. The information should contain:

- A. Make, model, serial number, type (ITE, BTE, ITC);
- B. Ear(s) fitted, type of ear mold;
- C. Make, model and type of FM system, if used;
- D. Name and phone number of student's audiologist and hearing aid dealer

Parent/Guardian Notification

HEARING AIDS (continued)

A letter of notification shall be sent to the parents of deaf/hard of hearing students at the beginning of each school year advising them of the audiological services available which include a hearing aid check by the district audiologist annually.

Hearing Aid/F. M. Orientation

The district audiologist will be available to meet with the parents of children with hearing problems. The meeting will provide information and instruction concerning the operation, care and use of the amplification system their child uses. In addition, information will be provided concerning adjustment counseling and multisensory strategies that can be utilized to improve communication. Parents will also be made aware of other communication conveniences and assistive listening systems.

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<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:40-4	Health Records
	<u>N.J.A.C.</u> 6A:14-1 <u>et seq.</u>	Special Education
	<u>N.J.A.C.</u> 6A:14-3.3	Location, Referral and Identity
	<u>N.J.A.C.</u> 6A:16-2.1	Health Services policy and procedural requirements
	<u>N.J.A.C.</u> 6A:16-2.2	Required Health Services

Possible

<u>Cross References:</u>	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*5125	Student records
	*5131	Conduct/discipline
	*5141	Health
	*5141.3	Health examinations and immunizations
	*5142	Student safety
	*6171.4	Special education

Policy

STUDENT SAFETY

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

Facilities

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

Staff Education and Training

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

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

Student Supervision

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

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

The curriculum shall include courses in safety as required by state law. The chief school administrator shall oversee development and implementation of a vocational education safety

STUDENT SAFETY (continued)

program correlated with coursework. In development of courses, the safety of participating students shall be a primary consideration.

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

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

Supervision of Students During Dismissal

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

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

The board will review the dismissal procedures annually.

Supervision of Non-Bused Students at Dismissal

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

All documented arrangements will be considered permanent for the entire school year. Parents/Guardians may alter arrangements upon prior written notification to the chief school administrator or designee.

STUDENT SAFETY (continued)

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

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

Notification of Dismissal Protocols

The chief school administrator or his designee shall ensure that parents are notified of the following:

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

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

The chief school administrator will develop procedures:

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

STUDENT SAFETY (continued)

Voluntary Fingerprinting Program

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

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

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

Potentially Missing Children

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

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

Release to an Individual Impaired by Drugs/Alcohol Prohibited

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

Possessions

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

Megan's Law

Only law enforcement agencies in the community receive notification of the presence of Tier One offenders. The chief school administrator and principals in affected schools shall receive notification from the county prosecutor's office or local law enforcement officials when Tier Two or Tier Three sex offenders move into the district. Principals shall inform those employees/ volunteers whose

STUDENT SAFETY (continued)

duties regularly put them in a position to observe unauthorized persons on or near the property of the school. Principals shall determine who to notify on the basis of this definition, as well as on specific job duties carried out in their schools. If private vendors perform any of these functions, the chief school administrator shall inform the vendor. Notification may include, but is not limited to:

- A. Aides;
- B. Bus drivers;
- C. Coaches;
- D. Maintenance staff;
- E. Professional support staff;
- F. School level administrative staff;
- G. Security personnel;
- H. Teachers' aides;
- I. Teachers.

School personnel are notified only in their capacity as such and shall not disseminate information about an offender to anyone not specifically identified by the county prosecutor or Attorney General.

Any school employee who does so may be disciplined. If a school employee has reason to believe that an offender who has been the subject of a notification is a danger to someone outside the school environs, he/she shall immediately contact the local law enforcement agency or the county prosecutor.

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

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

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

In addition to the school personnel identified by the principal, students and parents/guardians shall be

STUDENT SAFETY (continued)

notified of the presence of Tier Three offenders. The prosecutor's office and local law enforcement shall supply the school with notices for them when a school is located in the area where a vulnerable population is likely to encounter a Tier Three offender. Dissemination of these notices shall be in accord with law and accomplished in cooperation with the county prosecutor's office.

Confidentiality shall be a prime consideration in all communications with students and parents/guardians, and all directives of the county prosecutor and Attorney General's offices shall be observed.

When a student has been identified as a sex offender, all procedures of notification shall apply.

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

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

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

School Violence Awareness Week and Annual Public Hearing

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

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

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Legal References: N.J.S.A. 2C:7-2 et seq.

N.J.S.A. 2C:39-5

N.J.S.A. 18A:6-2

N.J.S.A. 18A:16-2

Registration and Notification of Release of Certain Offenders

Unlawful possession of weapons

Instruction in accident and fire prevention

Physical examinations; requirement

STUDENT SAFETY (continued)

<u>N.J.S.A.</u> 18A:17-42, -43 and -45 through -48	Public School Safety Law
<u>N.J.S.A.</u> 18A:20-21	Supervisors and other employees
<u>N.J.S.A.</u> 18A:35-5	Maintenance of physical training courses; features
<u>N.J.S.A.</u> 18A:35-5.1 through -5.3	Lyme disease prevention; public school health curriculum
<u>N.J.S.A.</u> 18A:36-24 through -25	Missing children; legislative findings and declarations...
<u>N.J.S.A.</u> 18A:36-29 <u>et seq.</u>	Voluntary fingerprinting ...
<u>N.J.S.A.</u> 18A:40-12.1, -12.2	Protective eye devices required for teachers, students and visitors in certain cases ...
<u>N.J.S.A.</u> 18A:41-1 <u>et seq.</u>	Fire drills and fire protection
<u>N.J.S.A.</u> 30:5B-26 through -29	Child care before and after school hours ...
<u>N.J.S.A.</u> 34:5A-1 <u>et seq.</u>	<u>Worker and Community Right to Know Act</u>
<u>N.J.S.A.</u> 39:4-183.1a	Traffic control devices
<u>N.J.S.A.</u> 52:27D-123.9 <u>et seq.</u>	Definitions relative to playground safety
<u>N.J.A.C.</u> 5:23-11 to 11.4	Playground Safety Subcode
<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-2.1, -5.1, -5.2, -5.5, -5.6, -5.7, -6.1, -6.2, -6.3, -6.4, -6.5	
<u>N.J.A.C.</u> 6A:19-6.1 <u>et seq.</u>	Safety and Health Standards
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:19-6.5	
<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	Operation and Maintenance of Facilities
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:26-12.2, -12.5	
<u>N.J.A.C.</u> 6A:27-11.1 <u>et seq.</u>	Safety

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

Possible

<u>Cross References:</u>	*1250	Visitors
	*1410	Local units
	*3000/3010	Concepts and roles in business and noninstructional operations
	*3516	Safety
	3530	Insurance management
	*3541.33	Transportation safety
	*4112.4/4212.4	Employee health
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4231/4231.1	Staff development; inservice education/visitations/conferences
	*5020	Role of parents/guardians
	*5113	Absences and excuses
	*5124	Reporting to parents/guardians
	*5125	Student records

STUDENT SAFETY (continued)

*5131	Conduct/discipline
*5131.1	Harassment, intimidation and bullying
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
*5141.1	Accidents
*5141.2	Illness
*5141.4	Child abuse and neglect
*5141.8	Sports related concussion and head injury
*5141.21	Administering medication
*5145.12	Search and seizure
*6114	Emergencies and disaster preparedness
*6142.12	Career education

Regulation

SAFETY AND SECURITY

Keys

Teachers are responsible for all keys issued at the beginning of the school year. Under no circumstances are keys to be left in the care of students. Keys are to be placed in the key box, which is locked in the office safe, at the end of the school day. No one is allowed to take school keys home overnight.

Teachers must relinquish all keys prior to summer vacation. Audiovisual and television personnel must leave keys with the principal the last day of school.

Keys should never be left on top of the desk or in an open desk drawer. Keys are to be kept on the staff member's person or in a secure place during the school day.

Daily Closing of Buildings

At the end of the school day, teachers must lock all doors to their rooms. Teachers conducting after school activities must first have the approval of the building principal and the school business administrator/board secretary.

Procedure for Reporting Incidents Occurring in the Schools

The procedure for reporting incidents occurring in the schools is as follows:

- A. An immediate telephone call must be made to the office of the assistant superintendent for schools;
- B. If the principal or school staff member needs assistance in making a determination pertaining to any incident, he/she is directed to secure this information directly from the assistant superintendent for schools. In the absence of the assistant superintendent for schools, he/she should call the appropriate assistant superintendent or the chief school administrator;
- C. A written report of the incident listing all the specifics, addressed to the chief school administrator should be delivered to his/her office on the day the incident occurs;
- D. Examples of major incidents which must be reported as indicated above are:
 - 1. Altercations between students and teachers;
 - 2. Student disruptions;

STUDENT SAFETY (regulation continued)

3. False alarms;
4. Thefts;
5. Break-ins and/or entries;
6. Vandalism; or
7. Any major incident which requires medical attention, hospital treatment or attention of the Elizabeth police or fire departments.

Procedure for Reporting Illegal Entry

- A. Notify the Elizabeth police department;
- B. Determine extent of damage to physical facilities, equipment, furniture, instructional materials, etc.;
- C. Prepare a list of stolen items noting trade name, model, serial number, description, replacement cost, etc.;
- D. Send letter detailing pertinent information to chief school administrator or his/her designee;
- E. Send copies of this letter to: the school business administrator/board secretary; director of plant, property and equipment and department coordinator, if applicable;
- F. Requisition essential replacement equipment, etc., submit to appropriate director with a brief explanation.

Student Safety

Notification of Student Absences and Transfers

- A. Parents/guardians are requested to notify the school office whenever a student will be absent from a school;
- B. A parent/guardian who anticipates a student's future absence or anticipates that an absence will be prolonged is requested to notify the school;
- C. A parent/guardian who intends to withdraw a student from school shall be asked to designate the school or school district to which the student will be transferred.

Identification of Potentially Missing Student

- A. Teachers shall record and report attendance;
- B. Teaching staff members shall be alert to parental neglect of the responsibility for the enrollment and attendance of school age students. A teaching staff member or other staff member who

STUDENT SAFETY (regulation continued)

believes that a student has been removed from school by his or her parent or primary caretaker, however recent the removal, shall promptly report that belief to the principal.

Lost or Abducted Students

- A. School officials shall daily compile a list of absent students and compare that list to the students for whom parental notification of absence has been received;
- B. School officials shall attempt to reach by telephone the parent of an absent student for whom notification of absence has not been received. Telephone calls will be made to the student's home and to the parent's place of work as indicated on the emergency notification form submitted by the parent;
- C. If a parent cannot be reached by telephone, the principal shall promptly take reasonable, appropriate steps to locate the absent student, including but not limited to:
 - 1. Interviewing other students, staff members, and neighbors of the student; and
 - 2. Visiting the student's home;
- D. In the event school officials cannot reach the parent and cannot locate the student, they shall promptly inform the principal that the student may be missing;
- E. The principal shall consider the student's age, maturity, attendance record, and disciplinary history, academic record, and medical history and, if there is reason to suspect that the student may be lost or abducted, shall immediately notify the police department.

Truancy

- A. The principal shall report a student who has been unaccountably absent five consecutive school days to the chief school administrator.
- B. The chief school administrator shall designate a staff member who shall attempt to determine the reason for the absence of any student absent five consecutive days or more.
- C. When a student has been formally withdrawn from the school district but an official request for the student's records has not been received within five days of the withdrawal during the school year or within thirty days of the withdrawal at the end of the school year, the principal shall report the student to the chief school administrator.

Report to Law Enforcement Officials

- A. The chief school administrator shall report to the police department any incident of an unaccountably absent student or a withdrawn student who has not entered another school system. The report may include:

STUDENT SAFETY (regulation continued)

1. The student's name, age, gender, and physical description;
 2. The student and parent's/guardian's last known home address; and
 3. The parent's name and work place, if known;
- B. The chief school administrator shall record in the student's permanent record in this district the date on which a student was reported in accordance with this regulation and the information released to the police department;
- C. The principal and/or staff members having knowledge of the student shall cooperate fully with the police in their efforts to locate the student;
- D. In the event a student believed to be missing is located, the chief school administrator shall notify the police immediately.

Emergency Response

District staff members responsible for the direct supervision of students shall make every effort to ensure that students are accounted for and supervised adequately at all times. When staff are required to respond to an emergency the following procedure shall be followed:

- A. Teachers will not leave a class except in the case of an emergency situation that endangers or threatens to endanger the safety of a student or students. The principal must be notified immediately through the best feasible method;
- B. Teachers will be at assigned room when students are scheduled to arrive;
- C. Classrooms and special facilities (gymnasiums, home economics room, industrial arts room, science lab, etc.), must be locked when not occupied by a teacher or other responsible staff member so that students may not enter without supervision;
- D. Careful instructions must be given, and students satisfactorily trained before being allowed to use specialized equipment. This information should be posted in the classroom or kept in marked folders on the teacher's desk;
- E. Each teacher or other responsible staff member must maintain a standard of care for supervision control and protection of students commensurate with assigned duties and responsibilities;
- F. Staff members shall not voluntarily assume responsibility for duties he/she cannot reasonably perform;
- G. A teacher or other responsible staff member shall provide proper instruction in the safety matters presented in assigned curriculum grades;

STUDENT SAFETY (regulation continued)

- H. Each teacher or other staff member shall immediately report to the principal an accident or safety hazard he/she detects;
- I. Teachers or any other staff members shall not send students on any personal errands;
- J. Staff members shall not transport students in a personal vehicle unless approved by the chief school administrator according to board policy and regulation 3541.31 Privately Owned Vehicles;
- K. A student shall not be required to perform work or services that may be detrimental to his/her health;
- L. Pursuant to the law, each teacher or any other staff member of this district shall report to the principal immediately, any sign of suspected student abuse or drug abuse;
- M. Staff shall immediately contact the school nurse for injured students who require the administration of first aid. If the school nurse or other qualified health professional cannot be located to administer first aid, a qualified health professional must be called from a neighboring building.

Student Supervision After School Dismissal

The Elizabeth Board of Education adopts these procedures for the supervision of younger students after dismissal in keeping with the New Jersey Supreme Court ruling. The supervision provisions of board policy 5142 Student Safety are applicable to parents or legal guardians of students attending district-operated schools or programs in grades prekindergarten to grade 8.

Eligibility

Any parent/guardian of a student attending a district-operated school or program in grades pre-kindergarten to grade 8 where the student is not eligible for district-provided transportation or is eligible and elects not to use the district-provided transportation after dismissal may request the school or program not release the student to walk home after dismissal unless the student is released to the parent/guardian. The parent/guardian may designate up to three escorts.

Request for Supervision at Dismissal from School Form

Only those parents or legal guardians requesting the school or program not release their student to walk home after school dismissal unless the student is released to the parent/guardian or designated escort need to complete the request form. The form shall be made available:

- A. In the Main office of the school building or the location of the program;
- B. Upon request to the Principal, or designee, or the program administrator;

STUDENT SAFETY (regulation continued)

C. On the school district website.

Any parent/guardian of a student eligible for after school dismissal supervision may request the school or program not to release the student to walk home after dismissal unless the student is released to the parent/guardian or escort(s). Only those parents or legal guardians requesting the school or program not release their student to walk home after school dismissal need to complete the Request Form.

Parent/guardian may rescind their request by submitting a written request to the principal/vice-principal or program administrator indicating the date in which the parent/guardian no longer requests the school provide supervision of their student after school dismissal. The student will be dismissed in accordance with typical dismissal protocol effective the date indicated in the rescinding request.

Notice to Supervising Staff Members

The principal or designee upon receiving the request for supervision at dismissal from school form shall notify the appropriate school staff member(s) who has supervision of the student at dismissal time at the end of the school day of the parent's or legal guardian's request. The supervising staff member that receives such notice shall retain supervision of the student when other students are dismissed from school at the end of the school day.

Student Supervision After School Dismissal Plan

Each principal or designee will develop and implement a written student supervision after school dismissal plan for his/her school building or program location. The plan shall include the school building's procedures for students at the end of the school day to the designated area in the school building or program and the location of the designated area in the school building or program. The plan shall be based on the school's ability to provide supervision, the accessibility for the parent/guardian or designated escort to pick up the child without disrupting dismissal of the remaining school population, and other considerations unique to the school building or program location. The school's or program's student supervision after school dismissal plan shall be provided to all parent/guardian that have submitted a request form. In the event the parent/guardian or designated escort does not arrive to pick up their student after the dismissal time of school, the principal or designee will attempt to contact the parent/guardian using the district's emergency call procedures. The student shall be supervised by school staff in the designated area of the building and will only be released when the parent/guardian or designated escort arrives to pick up the pupil and signs the student out of school. If attempts to contact parent/guardian fail to get them at the school in thirty minutes, the school shall contact Division of Child Protection and Permanency (DCP&P) and the police.

In order to ensure the safety of other students being dismissed from school in accordance with typical school dismissal protocol, to limit interaction of parent/guardian or designated escorts with

STUDENT SAFETY (regulation continued)

other students within the building, and to avoid traffic and vehicular safety problems outside the school building, the principal or program administrator may prohibit the parent/guardian or designated escort from entering the school building until a time period after school has dismissed or until school buses and other vehicular traffic have cleared the school site. This determination shall be made by each principal or designee after considering the unique circumstances at the school building and the building's typical dismissal protocol. In the event of an emergency such that, when an unforeseen event prevents a parent or legal guardian or designated escort from arriving for the student at dismissal within the time period designated by the principal or designee, the student will be relocated to the main office in the school building and will remain in the Main Office supervised by the principal or designee until the parent/guardian or designated escort arrives and signs the student out of school. If the parent, legal guardian or designated escort does not pick up the student after thirty minutes past the close of the school day, Division of Child Protection and Permanency (DCP&P) and the police may be called to the school to take over the care of the student.

Duration

This board policy and procedures regarding dismissal (5142 Student Safety) shall be published on the district website and copies will be given to each student. In addition, the school district shall provide to parent/guardian in the beginning of the school year, the school's calendar to include the starting and dismissal times for full session, half-session, and early dismissal days due to weather or other emergencies. In addition, any changes to the school's calendar made during the school year shall also be provided to parent/guardian.

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SAFETY PATROLS

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

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

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

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

Date: November 13, 1986
Revised: June 25, 2009
First Reading: June 11, 2009
Second Reading: June 25, 2009
NJSBA Review/Update: December 2018
Readopted: June 13, 2019

Legal References: N.J.S.A. 18A:42-1 Safety patrol by students
 N.J.A.C. 6A:26-12.2(a)3 Policies and procedures

Possible

Cross References: *3516 Safety
 *3541.33 Transportation safety
 *4131/4131.1 Staff development; inservice education/visitations/conferences
 *4112.4/4212.4 Employee health
 *4231/4231.1 Staff development; inservice education/visitations/conferences
 *5020 Role of parents/guardians
 *5124 Reporting to parents/guardians
 *5125 Student records

*5131	Conduct/discipline
*5141.1	Accidents
*5141.2	Illness
*5142	Safety

Policy

☐ Monitored
☐ Mandated
☒ Other Reasons

REQUIRED STUDENT IDENTIFICATION (ID) CARDS

The board is committed to protecting the safety of the students, staff and the school community. The board believes that student identification cards (ID) aid the appropriate supervision of students, help distinguish visitors from students and facilitate tracking student attendance. Therefore, all students shall be required to carry an identification card (ID).

The school identification cards shall be carried and visible during the school day and at any school-sponsored, off-campus activity including, but not limited to, field trips or interscholastic sports programs. Students shall not be required to carry the school identification card while participating in an athletic contest or competition, an activity involving fine arts or performing arts, or any other extracurricular activity that the Commissioner of Education determines does not require the physical possession of a school identification card.

The information on the school ID card shall include at a minimum:

- A. The student's name;
- B. An up-to-date photograph; and
- C. The current school year.

The student identification card is not a government record.

Teaching staff members shall be required to compile a list of the names of students being transported by a school bus to a school-sponsored activity including, but not limited to, field trips or interscholastic sports programs. The list of students for each school bus compiled shall be submitted to the school principal or designee and maintained for use in the case of an emergency.

Adopted: June 13, 2019
First Reading: May 9, 2019
Second Reading: June 13, 2019

Legal References:	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:35-1 <u>et seq.</u>	School curriculum and courses
	<u>N.J.S.A.</u> 18A:36-24 through -25	Missing children; legislative findings and declarations
	<u>N.J.S.A.</u> 18A:39-1 <u>et seq.</u>	School transportation
	<u>N.J.A.C.</u> 6A:16-5.1	School safety and security plans
	<u>N.J.A.C.</u> 6A:27-11.1 <u>et seq.</u>	Safety

REQUIRED STUDENT IDENTIFICATION CARDS (continued)Jerkins v. Anderson, 191 N.J. 285 (June 14, 2007)PossibleCross References:

*1250	Visitors
*3516	Safety
3517	Security
*4112.6/4212.6	Personnel records
*4147/4247	Employee safety
*5113	Absences and excuses
*5125	Student records
*5131	Code of Student Conduct
*5131.1	Harassment, intimidation and bullying
*6114	Emergencies and disaster preparedness
*6153	Field trips

PHYSICAL RESTRAINT

The Elizabeth Board of Education promises to provide an innovative and personalized learning environment that ensures that every child achieves excellence in the least restrictive environment. On occasion, during an emergency, a situation may arise making it necessary to temporarily restrain or seclude a student with a disability in accordance with N.J.S.A. 18A:46-13.4 through 13.7.

For purposes of this policy:

“Physical restraint” means the use of a personal restriction that immobilizes or reduces the ability of a student to move all or a portion of his or her body.

“Mechanical Restraint” means The use of any device or equipment to restrict a student’s freedom of movement. This term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:

- Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
- Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
- Restraints for medical immobilization; or
- Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

“Seclusion technique” means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving, but does not include a timeout.

“Timeout” means a behavior management technique that involves the monitored separation of a student in a non-locked setting, and is implemented for the purpose of calming.

Physical Restraint

When utilizing physical restraint on students with disabilities, the district shall ensure that:

- A. Physical restraint is used only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;
- B. A student is not restrained in the prone position, unless the student’s primary care physician authorizes, in writing, the use of this restraint technique;

PHYSICAL RESTRAINT (continued)

- C. Staff members who are involved in the restraint of a student receive training in safe techniques for physical restraint from an entity determined by the board of education to be qualified to provide such training, and that the training is updated at least annually. This training shall be identified in the District's Professional Development Plan and considered for ongoing professional learning communities;
- D. The parent of a student is immediately notified when physical restraint or seclusion is used on that student. This notification may be by telephone or written electronic communication. A full written report of the incident of physical restraint shall be provided to the parent or guardian within 48 hours of the occurrence of the incident.
- E. Each incident in which physical restraint is used is carefully and continuously visually monitored to ensure it was used in accordance with established procedures set forth in this policy, developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and
- F. Each incident involving a student with disabilities in which physical restraint is used is documented in writing in sufficient detail to enable staff to use this information to develop or improve the behavior intervention plan at the next individualized education plan meeting.

The use of physical restraints shall be minimized through inclusion of positive behavior supports in the student's behavior intervention plans developed by the individualized education plan team.

Seclusion

When seclusion techniques are utilized on students with disabilities, the district shall ensure that:

- A. A seclusion technique is used on a student with disabilities only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;
- B. Each incident in which a seclusion technique is used is carefully and continuously visually monitored to ensure that it was used in accordance with established procedures as set forth in this policy, developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others and;
- C. Each incident in which a seclusion technique is used is documented in writing in sufficient detail to enable the staff to use this information to develop or improve the behavior intervention plan at the next individualized education plan meeting.
- D. Staff members who are involved in the seclusion of a student receive training in safe techniques for seclusion from an entity determined by the board of education to be qualified to provide such training, and that the training is updated at least annually. This training shall be identified in the District's Professional Development Plan and considered for ongoing professional learning communities.

PHYSICAL RESTRAINT (continued)

The use of seclusion techniques shall be minimized through inclusion of positive behavior supports in schools.

The New Jersey Department of Education shall establish guidelines for school districts, educational services commissions, and APSSDs to ensure that a review process is in place to examine the use of physical restraints or seclusion techniques in emergency situations, and for the repeated use of these methods for an individual child, within the same classroom, or by a single individual. The review process shall include educational, clinical, and administrative personnel. Pursuant to the review process the student's individualized education plan team may, as deemed appropriate, determine to revise the behavior intervention plan or classroom supports, and the district may determine to revise a staff member's professional development plan pursuant to N.J.S.A. 18A:4613.7.

Prohibitions on Use of a Physical Restraint

The use of a physical restraint as a means of punishment or as a response to the destruction of property, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, physical harm is expressly prohibited.

Safety Requirements

No restraints shall be administered in such a way that a student is prevented from breathing or speaking. During the administration of a restraint, school personnel shall continuously monitor the physical status of the student, including skin color and respiration. A restraint shall be immediately released upon a determination by the school personnel administering the restraint that the student is no longer at risk of causing imminent physical harm to himself, herself or others. Additionally, restraints shall be administered in such a way as to prevent or minimize physical harm.

If, at any time during a physical restraint the student demonstrates significant physical distress, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance. School personnel shall review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student. At any time during the administration of a physical restraint, school personnel may seek to contact the office of special education behavioral specialists, or the crisis intervention team, or take other steps to seek medical assistance if it appears that the student is demonstrating significant physical distress. Any time a physical restraint causes distress or leaves a mark, the school nurse must be notified immediately to check the child and make an injury report.

Training for School Personnel

All staff working directly with students with disabilities shall be trained on, at least, an annual basis on the policies and procedures adopted by the District with respect to restraint and seclusion. The training shall be identified in the District's professional development plan and shall be considered as a topic for ongoing professional learning communities (PLCs). All training shall emphasize the use of appropriate de-escalation techniques and the use of Positive Behavior Supports (PBS) as mechanisms to avoid the need for the use of restraint and seclusion.

PHYSICAL RESTRAINT (continued)

Teachers and other personnel shall be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion.

In addition to districtwide training and PLCs, the District shall also provided additional training for all staff who will be responsible for implementing the Individual Education Programs (IEPs) which include behavior intervention plans for students with disabilities. This training shall include a framework that emphasizes de-escalation techniques, identifying positive behavior supports, and behavioral strategies which support appropriate behavior in all school settings. Staff responsible for implementing the behavior intervention plans in student IEPs shall be trained on the use of continuous monitoring techniques and the collection of data which can be used to inform decision-making regarding the continued use of restraint and seclusion.

Training for school administrators shall include information on the effectiveness of schoolwide positive behavior programs, a tool for evaluating the effectiveness of the restraint and seclusion policies, and a tool for evaluating the effectiveness of the district trainings.

Complaint Procedures

A. Informal Resolution of Concern About Use of Physical Restraint

Before initiating a formal complaint procedure, a student or his/her parent/guardian who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by raising the issue with the principal of the school. The student and/or his/her parent/guardian should direct their concerns regarding a specific use of a physical restraint to the principal within ten (10) days of the parent/guardian's receipt of the written report from the school detailed above. The principal shall attempt, within his/her authority to work with the individual to resolve the complaint fairly and expeditiously.

If the student and/or his/her parent/guardian are not satisfied with the resolution, or if the student and/or his/her parent/guardian does not choose informal resolution, then the student and/or his/her parent/guardian may proceed with the formal complaint process.

B. Formal Resolution of Concern About Use of Physical Restraint

A student or his/her parent/guardian, who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by submitting a written complaint to the chief school administrator.

The student and/or his/her parent/guardian should submit this letter to the chief school administrator within twenty (20) days of the parent/guardian's receipt of the written report from the school detailed above. The written complaint shall include:

1. The name of the student;
2. The name of the school where the physical restraint allegedly occurred;

PHYSICAL RESTRAINT (continued)

3. The name of the individuals involved in the alleged physical restraint;
4. The basis of the complaint or concern; and
5. The corrective action being sought.

The chief school administrator or his or her designee shall conduct an investigation into the complaint promptly after receiving the complaint. In the course of its investigation, the chief school administrator or his or her designees shall contact those individuals that have been referred to as having pertinent information related to the complaint.

Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. The chief school administrator and/or his or her designees will make sure that the complaint is handled as quickly as is feasible. After completing the formal investigation, the Office of the Chief School Administrator shall contact the individual who filed the complaint regarding the outcome of its investigation and its determination as to whether any corrective action is warranted.

Elopement

The board is committed to the safety and welfare of all students. The board directs the chief school administrator to take appropriate measures to reduce the risk of student elopement and/or wandering when the students are within the custody and care of the school district. Elopement is defined as a student leaving an assigned area without permission from or knowledge of staff, often to escape and/or avoid a school-related situation or task. Wandering is defined as meandering which results in a student getting lost, leaving a safe environment or entering an inappropriate place, often due to the student's inattention or distractibility.

The chief school administrator or his or her designees shall establish procedures to prevent the occurrence of wandering and elopements and to direct actions to be taken when an elopement does occur.

Procedural Safeguards

Students with Disabilities are afforded the procedural safeguards guaranteed under the Individuals with Disabilities Education Act (IDEA) 20 U.S.C.A. 1400 *et. seq.* as implemented by N.J.S.A. 6A:14 *et. seq.* For more information please see the Elizabeth Board of Education Policy 6171.4.

First Reading: November 18, 2019

Second Reading: December 12, 2019

Adoption: December 12, 2019

<u>Legal References:</u>	<u>N.J.S.A.</u> 2C:12-1	Definition of assault
	<u>N.J.S.A.</u> 18A:6-1	Corporal punishment of pupils
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:25-2	Authority over pupils
	<u>N.J.S.A.</u> 18A:37-1 <i>et seq.</i>	Discipline of Pupils
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 18A:37-15	

PHYSICAL RESTRAINT (continued)

<u>N.J.S.A. 18A:40A-1 et seq.</u>	Substance Abuse
<u>N.J.S.A. 18A:46-1.1 et seq.</u>	Classes and facilities for handicapped children
<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsions
<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to Support Pupil Development

PossibleCross References:

*1410	Local units
*3510	Operation and maintenance of plant
*3516	Safety
*4112.4/4212.4	Employee health
*4131/4131.1	Staff development; inservice education/visitations/conferences
*5125	Pupil records
*5131	Conduct/discipline
*5131.1	Harassment, intimidation and bullying
*5131.6	Drugs, Alcohol, Steroids, Alcohol (Substance abuse)
*5131.7	Weapons and dangerous instruments
*5141	Health
*5141.1	Accidents
*5141.2	Illness
*5141.6	Suicide and Self destructive behavior
*5141.21	Administering medication
*5142	Pupil safety
*5145.11	Questioning and apprehension
*5145.12	Search and seizure
*6142.4	Physical education and health
*6171.4	Special education

Policy

PHYSICAL RESTRAINT – NON-DISABLED STUDENTS

The Elizabeth Board of Education promises to provide an innovative and personalized learning environment that ensures that every child achieves excellence. On occasion, during an emergency, a situation may arise making it necessary to temporarily restrain non-disabled students.

For purposes of this policy:

“Physical restraint” means the use of a personal restriction that immobilizes or reduces the ability of a student to move all or a portion of his or her body.

“Timeout” means a behavior management technique that involves the monitored separation of a student in a non-locked setting, and is implemented for the purpose of calming.

Physical Restraint

When utilizing physical restraint on the non-disabled, the district shall ensure that:

- A. Physical restraint is used only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;
- B. The parent of a student is immediately notified when physical restraint is used on that student. This notification may be by telephone or written communication.
- C. Each incident in which physical restraint is used is carefully and continuously visually monitored in order to protect the safety of the child and others; and
- D. Each incident involving a non-disabled student in which physical restraint is used is documented in writing in sufficient detail to enable staff to use this information to develop or improve the behavior intervention plan at the Preschool Intervention & Referral Team meeting or Intervention & Referral Support Services meeting.

The use of physical restraints shall be minimized through inclusion of positive behavior supports in schools.

Prohibitions on Use of a Physical Restraint

The use of a physical restraint as a means of punishment or as a response to the destruction of property, disruption of school order, a student’s refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, physical harm is expressly prohibited.

PHYSICAL RESTRAINT (continued)Safety Requirements

No restraints shall be administered in such a way that a student is prevented from breathing or speaking. During the administration of a restraint, school personnel shall continuously monitor the physical status of the student, including skin color and respiration. A restraint shall be immediately released upon a determination by the school personnel administering the restraint that the student is no longer at risk of causing imminent physical harm to himself, herself or others. Additionally, restraints shall be administered in such a way as to prevent or minimize physical harm.

If, at any time during a physical restraint the student demonstrates significant physical distress, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance. School personnel shall review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student. At any time during the administration of a physical restraint, school personnel may seek to contact the crisis intervention team or take other steps to seek medical assistance if it appears that the student is demonstrating significant physical distress. Any time a physical restraint causes distress or leaves a mark, the school nurse must be notified immediately to check the child and make an injury report.

Complaint Procedures

A. Informal Resolution of Concern About Use of Physical Restraint

Before initiating a formal complaint procedure, a student or his/her parent/guardian who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by raising the issue with the principal of the school. The student and/or his/her parent/guardian should direct their concerns regarding a specific use of a physical restraint to the principal within ten (10) days of the parent/guardian's receipt of the written report from the school detailed above. The principal shall attempt, within his/her authority to work with the individual to resolve the complaint fairly and expeditiously.

If the student and/or his/her parent/guardian are not satisfied with the resolution, or if the student and/or his/her parent/guardian does not choose informal resolution, then the student and/or his/her parent/guardian may proceed with the formal complaint process.

B. Formal Resolution of Concern About Use of Physical Restraint

A student or his/her parent/guardian, who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by submitting a written complaint to the chief school administrator.

The student and/or his/her parent/guardian should submit this letter to the chief school administrator within twenty (20) days of the parent/guardian's receipt of the written report from the school detailed above. The written complaint shall include:

1. The name of the student;

PHYSICAL RESTRAINT (continued)

2. The name of the school where the physical restraint allegedly occurred;
3. The name of the individuals involved in the alleged physical restraint;
4. The basis of the complaint or concern; and
5. The corrective action being sought.

The chief school administrator or his or her designee shall conduct an investigation into the complaint promptly after receiving the complaint. In the course of its investigation, the chief school administrator or his or her designees shall contact those individuals that have been referred to as having pertinent information related to the complaint.

Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. The chief school administrator and/or his or her designees will make sure that the complaint is handled as quickly as is feasible. After completing the formal investigation, the Office of the Chief School Administrator shall contact the individual who filed the complaint regarding the outcome of its investigation and its determination as to whether any corrective action is warranted.

Elopement

The board is committed to the safety and welfare of all students. The board directs the chief school administrator to take appropriate measures to reduce the risk of student elopement and/or wandering when the students are within the custody and care of the school district. Elopement is defined as a student leaving an assigned area without permission from or knowledge of staff, often to escape and/or avoid a school-related situation or task. Wandering is defined as meandering which results in a student getting lost, leaving a safe environment or entering an inappropriate place, often due to the student's inattention or distractibility.

The chief school administrator or his or her designees shall establish procedures to prevent the occurrence of wandering and elopements and to direct actions to be taken when an elopement does occur.

First Reading: November 18, 2019

Second Reading: December 12, 2019

Adoption: December 12, 2019

<u>Legal References:</u>	<u>N.J.S.A. 2C:12-1</u>	Definition of assault
	<u>N.J.S.A. 18A:6-1</u>	Corporal punishment of pupils
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:25-2</u>	Authority over pupils
	<u>N.J.S.A. 18A:37-1 et seq.</u>	Discipline of Pupils
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:37-15</u>	
	<u>N.J.S.A. 18A:40A-1 et seq.</u>	Substance Abuse
	<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsions
	<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to Support Pupil Development

Possible

<u>Cross References:</u>	*1410	Local units
	*3510	Operation and maintenance of plant
	*3516	Safety

PHYSICAL RESTRAINT (continued)

- *4112.4/4212.4 Employee health
- *4131/4131.1 Staff development; inservice education/visitations/conferences
- *5125 Pupil records
- *5131 Conduct/discipline
- *5131.1 Harassment, intimidation and bullying
- *5131.6 Drugs, Alcohol, Steroids, Alcohol (Substance abuse)
- *5131.7 Weapons and dangerous instruments
- *5141 Health
- *5141.1 Accidents
- *5141.2 Illness
- *5141.6 Suicide and Self destructive behavior
- *5141.21 Administering medication
- *5142 Pupil safety
- *5145.11 Questioning and apprehension
- *5145.12 Search and seizure
- *6142.4 Physical education and health

Policy

INSURANCE

The Elizabeth Public School District shall carry insurance to cover those accidents to a student in which the school or a school employee may be found liable. The board will provide parent/guardians the opportunity to purchase insurance coverage, at no cost to the board, for injury resulting from accidents sustained by students in school, on school grounds, at an activity sponsored by the school, while traveling between home and school.

Date: November 13, 1986
Revised: June 25, 2009
First Reading: June 11, 2009
Second Reading: June 25, 2009
NJSBA Review/Update: January 2018
Readopted: June 13, 2019

Legal References: N.J.S.A. 18A:43-1 Accident Insurance
through -3

Cross References: *5141.1 Accidents
*5142 Student Safety
*6145 Extracurricular Activities
*6145.1/6145.2 Intramural competition, interscholastic Competition

EQUAL EDUCATIONAL OPPORTUNITY

The Elizabeth Public School District shall provide equal and bias-free access for all students to all school facilities, courses, programs, activities and services and give them maximum opportunity to achieve their potential regardless of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, liability for service in the Armed Forces of the United States, nationality, place of residence within the district, socioeconomic status, disability, or pregnancy. Enforcement of other district affirmative action/equity policies (2224, 4111.1, 4211.1 and 6121) contribute to this legally required equality of educational opportunity.

Staff members shall maintain professional relationships with students at all times and develop wholesome and constructive relationships with them. Staff members shall be expected to regard each student as an individual and to accord each student the rights and respect that are his/her due.

Staff members shall promote a learning environment that encourages fulfillment of each student's potential in regard to his/her program, consistent with district goals and with optimal opportunities for students. This goal may be reached by adapting instruction to individual needs, by:

- A. Insisting on reasonable standards of scholastic accomplishment for all students;
- B. Creating a positive atmosphere in and out of the classroom;
- C. Extending the same courtesy and respect that is expected of students;
- D. Treating all students with consistent fairness.

The board of education guarantees all students equal access to all academic programs within the learning environment.

Students shall respect the rights of other students to receive an education in an environment that is conducive to learning and personal growth. No student shall have the right to abridge another student's right to privacy or right to hold personal beliefs which are different from those of the mainstream.

Service Animals

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the school facilities where members of the community, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

Harassment

EQUAL EDUCATIONAL OPPORTUNITY (continued)

The district's affirmative action program is part of each academic program regarding all students. No one, including students, staff members, vendors, volunteers, or visitors--shall commit an act of harassment/ discrimination of any kind against any member of the school community on any of the grounds prohibited by law.

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

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

All reported incidents of harassment, intimidation or bullying shall be handled according to law and board policy 5131.1 Harassment, Intimidation and Bullying. Harassment may be claimed by a third party. That is, individuals who are not directly involved in the behavior may experience a hostile environment. They shall have the same legal rights to act under this policy as those directly victimized.

Any member of the student body may file a formal grievance related to harassment. The school anti-bullying specialist will receive all complaints and initiate a thorough investigation and will protect the rights of both the student making the complaint and the alleged harasser. If the victim is from a protected class, the affirmative action officer will be included in the investigation. Filing of a grievance or otherwise reporting harassment of any kind will not reflect upon the student's status nor affect future grades or class assignments.

The administration will inform all students that sexual harassment is prohibited in the educational setting. Specifically, no person employed by the district or by a vendor, or acting in a voluntary capacity, shall threaten or insinuate, either directly or indirectly, that a student's refusal to submit to sexual advances will adversely affect the students standing in the school setting. Students are forbidden to harass other students or staff members or vendors or volunteers through conduct or communications of a sexual nature within the school setting.

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

Equity in School

The board of education shall maintain an academic environment that is free from harassment and

EQUAL EDUCATIONAL OPPORTUNITY (continued)

provide equal and bias free access for all students to all school facilities, courses, programs activities and services, regardless of race, creed, color, national origin, ancestry, age marital status, affectional or sexual orientation, gender identity or expression, religion, disability, nationality or socioeconomic status. The board shall ensure that:

- A. School classrooms and facilities will be barrier free;
- B. Attention will be directed at attaining minority representation within each school that approximates the district's overall minority representation. Exact appointment is not required. The ultimate goal shall be to achieve the greatest degree of racial balance that is feasible and consistent with sound educational values and procedures;
- C. Utilizing on an annual basis a State-approved English language proficiency measure for determining the special needs of English language learners and their progress in learning English;
- D. Utilizing bias-free multiple measures for determining the special needs of students with disabilities;
- E. The district curriculum will be aligned with the New Jersey Student Learning Standards and address the elimination of discrimination by narrowing the achievement gap by:
 - 1. Providing equity in educational programs and by providing opportunities for students to interact with others proactively regardless of status;
 - 2. Ensuring there are no differential requirements for completion of course offerings or programs of study solely on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status;
 - 3. Ensuring courses shall not be offered separately on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status;
 - 4. Reducing or preventing the underrepresentation of minority, female, and male students in all classes and programs, including gifted and talented, accelerated, and advanced classes;
 - 5. Ensuring schools demonstrate the inclusion of a multicultural curriculum in its instructional content, materials, and methods, and ensuring students understand the basic tenets of multiculturalism;
 - 6. Ensuring African-American history, as well as the history of other cultures, is infused into the curriculum and taught as part of U.S. history;
 - 7. Ensuring instruction on the Holocaust and other acts of genocide is included in the curriculum of all elementary and secondary schools, as developmentally appropriate; and
 - 8. Ensuring that students are not discriminated against because of a medical condition.
- F. All students shall have support services, including intervention and referral services, school health services and counseling services; and
- G. Physical education program and athletic programs shall be equitable and co-educational and do

EQUAL EDUCATIONAL OPPORTUNITY (continued)

not discriminate based on protected class status.

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

Bias-Related Incidents

An employee of the board who becomes aware in the course of his/her employment that a student or other staff person has committed a bias-related act (hate crime) or is about to commit one shall immediately inform the building principal and chief school administrator. All incidents of bias-related acts shall be reported whether they occur during school hours on school grounds or otherwise. The principal or his or her designee shall promptly notify the local police department and the bias investigation officer for the county prosecutor's office.

The principal or his or her designee shall immediately notify the local police department and the bias investigation officer for the county prosecutor's office where there is reason to believe a bias-related act that involves an act of violence has been or is about to be physically committed against a student, or there is otherwise reason to believe a life has been or will be threatened.

All incidents shall be reported utilizing the Student Safety Data System (SSDS) according to board policy 5131.5 Violence and Vandalism.

Appeals

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

Implementation

The chief school administrator shall direct development of procedures regarding the implementation of this policy to include sanctions, protection of individual rights to confidentiality and due process, and notification procedures. The chief school administrator shall ensure that, annually, all staff and all students (in means and terms that are age-appropriate) be thoroughly informed of this policy, their right to file grievances under this policy and the law and the procedures relative to filing. Further, all staff and students shall be informed annually of the identity of the district's affirmative action officer and how he/she may be contacted.

The chief school administrator shall also ensure that staff and students participate in educational programs relating to this policy and the maintenance of a safe and nurturing educational environment.

The chief school administrator shall use all customary methods of information dissemination to

EQUAL EDUCATIONAL OPPORTUNITY (continued)

ensure that the community is informed of its policies on educational equity.

Date: November 13, 1986
 Revised: July 14, 1988
 Revised: June 25, 2009
 First Reading: June 11, 2009
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 Revised: June 30, 2011
 First Reading: June 9, 2011
 Second Reading: June 30, 2011
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 Second Reading: June 12, 2014
 Revised: November 17, 2016
 First Reading: September 22, 2016
 Second Reading: November 17, 2016
 Revised: May 10, 2018
 First Reading: April 19, 2018
 Second Reading: May 10, 2018
 NJSBA Review/Update: December 2018
Readopted: June 13, 2019

Legal References: N.J.S.A. 2C:16-1 Bias Intimidation
N.J.S.A. 2C:33-4 Harassment
N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:36-20 Discrimination; prohibition
N.J.S.A. 18A:37-14 Electronic communication, harassment, intimidation or bullying defined
N.J.S.A. 18A:38-5.1 No child to be excluded from school because of race, etc.
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
See particularly:
N.J.A.C. 6A:7-1.4,-1.7
N.J.A.C. 6A:16-6.3(e) Reporting students or staff members to law enforcement Authorities
N.J.A.C. 6A:17-1.1 et seq. Education of Homeless Children and Students in State Facilities
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
State v. Mortimer, 135 N.J. 517 (1994)
 20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972
 20 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

EQUAL EDUCATIONAL OPPORTUNITY (continued)

20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act (formerly Education for All Handicapped Children Act) -Part B

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

28 C.F.R. 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services (covers service animals)

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

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

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

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

Comprehensive Equity Plan, New Jersey State Department of Education

Possible**Cross References:**

*2224	Nondiscrimination/affirmative action
*4111.1/4211.1	Nondiscrimination/affirmative action
*5131.1	Harassment, intimidation and bullying
*5134	Married/pregnant students
*6121	Nondiscrimination/affirmative action
*6141	Curriculum design/development
*6145	Extracurricular activities
*6161.1	Guidelines for evaluation and selection of instructional materials
*6171.4	Special education

PHOTOGRAPHS OF STUDENTS

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

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

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

Pictures of children with educational disabilities shall not be disseminated in any way unless permission is granted by parents/guardians. Photographs of children placed in the district by the New Jersey Division of Child Protection and Permanency (DCP&P) shall not be published without permission of the division case worker.

Photographs on the District Web Site

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

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

Date:	November 13, 1986
Revised:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
Revised:	March 21, 2013
First Reading:	February 21, 2013
Second Reading:	March 21, 2013
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
 N.J.S.A. 18A:36-35 Disclosure of certain student information on internet prohibited

PHOTOGRAPHS OF STUDENTS (continued)

without parental consent
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Possible

Cross References: *1100 Communicating with the public
*1110 Media
*1120 Board of education meetings
*1140 Distribution of materials by students and staff
*1250 Visitors
1320 Participation in out-of-school community activities
*5125 Student records
*5141.4 Child abuse and neglect
*5145.12 Search and seizure
6142.10 Technology
6145.3 Publications
6145.4 Public performances and exhibitions
*6171.4 Special education

Policy

STUDENT GRIEVANCE PROCEDURE

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

Date: November 13, 1986
Revised: June 25, 2009
First Reading: June 11, 2009
Second Reading: June 25, 2009
NJSBA Review/Update: December 2018
Readopted: June 13, 2019

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:16-7.1 Code of student conduct

Possible

Cross References: 1251 Loitering or causing disturbance
*1312 Community complaints and inquiries
*5113 Absences and excuses
*5114 Suspension and expulsion
*5131 Conduct/discipline
*5131.1 Harassment, intimidation and bullying
5131.4 Campus disturbances
*5145.4 Equal educational opportunity

Regulation

STUDENT GRIEVANCE PROCEDURE

Complaints involving harassment, intimidation and bullying shall be addressed according to board policy 5131.1 Harassment, Intimidation and Bullying. Incidents shall be reported to the principal and investigated by the school anti-bullying specialist.

The following steps may be taken to address other student grievances:

- A. A student should first make the grievance known to the staff member most closely involved or with a school guidance counselor and both shall attempt to resolve the matter informally and directly;
- B. If the grievance is not resolved the student and/or parents/guardians may discuss the grievance with the principal to try to resolve the matter informally. A grievance that is not resolved through informal discussion with the teacher or principal may then be submitted in writing to the building principal. The written grievance should include:
 - 1. The student's name;
 - 2. The names of other individuals who are the subject of the grievance, as appropriate;
 - 3. A reason for the grievance and the facts that gave rise to it; and
 - 4. The remedy sought.
- C. The written grievance may be submitted to the building principal and the chief school administrator, in that order and within a suitable period of time not to exceed ten (10) days allowed at each level for the hearing of the grievance and the preparation of a response;
- D. In grievances related to alleged discrimination and sexual harassment, the student may submit the written grievance to the affirmative action officer according to board policy and regulation 2224 Nondiscrimination/Affirmative Action;
- E. At each step beyond the first, the school authority hearing the grievance may request to meet with the parent/guardian of a grievant who is not an adult. The grievant may include his or her parent/guardian at any step.
- F. If the grievant is not satisfied with the outcome of his or her petition to the principal and supervision, the grievance may be submitted to the board;
- G. The board will review the grievance and the action taken and may hear the grievance if the board disagrees with the disposition of grievance by the chief school administrators, or required to hear the case by law (includes: bullying, long-term suspension or expulsion, removal for violence and/or weapons, and other required hearings related to special education);

STUDENT GRIEVANCE (regulation continued)

- H. The parent/guardian, student and/or adult student shall be informed of the board decision to uphold the chief school administrator's disposition of the grievance with the reason for the decision;
- I. The parent/guardian, student and/or adult student shall be informed of the board decision to hear the grievance and assigned a date and time to meet with the board, or board committee to present the grievance;
- J. The decision of the board shall be final and the parent/guardian, student and/or adult student shall be informed of the board decision in writing;
- K. The parent/guardian, student and/or adult student will be informed of the right to appeal the board's decision to the Commissioner of Education.
- L. Retaliation or reprisal against a student who files a grievance is prohibited and will result in disciplinary consequences.

Student petitions to the administration shall be free of obscenities, libelous statements, personal attacks, and in compliance with the district behavioral expectations and code of student conduct (see board policy 5131 Conduct and Discipline and the Student Handbook).

The chief school administrator shall direct all staff members to respect the rights of students to seek redress of grievances by lawful procedures without fear of reprisal.

Other Appeals

Where applicable, the complainant will be informed of his or her right to appeal the board's decision to the:

Commissioner of Education
 Division of Controversies and Disputes
 New Jersey State Department of Education
 225 West State Street
 Trenton, New Jersey 08625

New Jersey Division on Civil Rights
 1100 Raymond Boulevard
 Newark, New Jersey 07102

Records

The records of any complaint shall be maintained by the chief school administrator or his or her designee.

Date:	June 25, 2009
First Reading:	June 11, 2009
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GENDER IDENTITY AND EXPRESSION

The board of education believes that a school culture that supports student achievement, respects the values of all students and fosters understanding of gender identity and expression within the school community is a safe learning environment. New Jersey law and district policy require that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, gender identity or gender expression. Therefore, in keeping with these mandates the board is committed to creating a safe learning environment for all students and to ensuring that every student has equal access to all school programs and activities.

The board believes that fostering this understanding successfully requires cooperation and good communication between the parents/guardians, school administration, school staff and the school community. The chief school administrator shall ensure that students with gender identity or expression concerns and their parents/guardians shall be given the opportunity to discuss these issues and participate in the educational planning and programming for their student. The chief school administrator may consult the experiences and expertise of qualified school staff as well as external resources where appropriate.

To proactively plan for a safe learning environment free of discrimination and harassment, students and parents/guardians of students with gender identity and expression concerns are encouraged to alert the school district and schedule a meeting with the chief school administrator. Upon request, the chief school administrator shall schedule a meeting with the parent/guardian and the student for the purpose of evaluating the needs of the student and planning any accommodations that may be considered to facilitate a respectful and comfortable school program that supports the student's achievement.

Definitions:

- A. "Gender identity" is a person's internal, deeply held sense of gender. All people have a gender identity, not just transgender people. For transgender people, the individual's internal gender identity is not the same as the gender assigned at birth.
- B. "Transgender" is a term which describes an individual whose gender identity and/or gender expression differs from those typically associated with the sex and gender assigned at birth.
- C. "Gender expression" means external manifestations of gender, expressed through a person's name, pronouns, clothing, haircut, behavior, voice, and/or body characteristics. Society identifies these cues as masculine and feminine, although what is considered masculine or feminine changes over time and varies by culture.
- D. "Assigned sex at birth (ASAB)" refers to the biological sex designation recorded on a person's birth certificate upon the initial issuance of that certificate, should such a record be provided at birth.

GENDER IDENTITY OR EXPRESSION (continued)

- E. “Gender assigned at birth” refers to the gender a child is assigned at birth or assumed to be, based on their biological sex assigned at birth.
- F. “Sexual orientation” describes a person's enduring physical, romantic, and/or emotional attraction to another person. Gender identity and sexual orientation are not the same. A transgender person may be straight, lesbian, gay, bisexual, or asexual. For example, a person who transitions from male to female and is attracted solely to men may identify as a straight woman.
- G. “Gender non-conforming” describes a person whose gender expression does not conform to the gender expectations of their family or community. Gender nonconformity is not necessarily an indication that a youth is transgender; many non-transgender youth do not conform to stereotypical expectations.
- H. “Transition” is the process by which a transgender person recognizes that their authentic gender identity is not the same as the gender assigned at birth, and develops a more affirming gender expression that feels authentic. Some individuals socially transition, for example, through dress, use of names and/or pronouns. Some individuals may undergo a physical transition, which might include hormone treatments and surgery. School district personnel should avoid the phrase “sex change,” as it is an inaccurate description of the transition process; the process is more accurately described as “gender-confirming.”
- I. “LGBTQ” is an acronym for “lesbian, gay, bisexual, transgender, and queer/questioning.”
- J. “Gender expansive/gender diverse/gender fluid/gender non-binary/agender/gender queer” are terms that convey a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. For example, students who identify as gender queer or gender fluid might not identify as boys or girls; for these students, the non-binary gender identity functions as the student’s gender identity.
- K. “Cisgender” refers to individuals whose gender identity, expression, or behavior conforms with those typically associated with their sex assigned at birth.

Harassment, Intimidation and Bullying

The board shall make every effort to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation, and/or bullying and free from discrimination on account of actual or perceived race, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, nationality, atypical hereditary cellular or blood trait of any individual, genetic information, or refusal to submit to a genetic test or make the results of a genetic test known, disabilities, social or economic status, pregnancy, childbirth, pregnancy-related disabilities, actual or potential parenthood, family status or other distinguishing characteristic.

Complaints alleging discrimination shall be reported to the school affirmative action officer according to board policies (2224, 4111.1/4211.1 and 6121 Nondiscrimination/Affirmative Action).

GENDER IDENTITY OR EXPRESSION (continued)

Any student experiencing or observing harassment, intimidation and bullying is encouraged to report the incident to a member of school staff. Any staff member observing or receiving a report of harassment, intimidation or bullying shall report the incident to the principal the same day the incident is observed or the report received according to board policy 5131.1 Harassment, Intimidation and Bullying. All reported incidents of discrimination, harassment, intimidation, and bullying shall be promptly investigated and resolved according to law and board policy.

During a harassment, intimidation, or bullying investigation the district is obligated to implement procedures, pursuant to law (N.J.A.C. 6A:16-7.7(a)2viii) to report, verbally and in writing, an act of harassment, intimidation, and bullying (HIB) committed by an adult or youth against a student. The anti-bullying specialist shall inform the student of the school's obligation to report the findings of the HIB investigation pursuant to law (N.J.S.A. 18A:37-15(d)) and board policy 5131.1 Harassment, Intimidation and Bullying. In accordance with law and board policy the parents or guardians of the students who are parties to the investigation are permitted to receive information about the investigation limited to the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether disciplinary action was imposed or services provided to address the incident of harassment, intimidation, or bullying.

The anti-bullying specialist shall take into account the circumstances of the incident when providing notification to parents or guardians of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense, pursuant to law (N.J.A.C. 6A:16-7.7(a)2viii(2)).

Confidentiality and Privacy

School personnel may not disclose information that may reveal a student's transgender or gender non-conforming status, except as allowed by law. Under the Family Education Rights and Privacy Act (FERPA), only those school employees with a legitimate educational need may have access to a student's records or the information contained within those records. Disclosing confidential student information to other employees, students, parents, or other third parties may violate privacy laws, including but not limited to FERPA. Transgender students have the ability, as do all students, to discuss and express their gender identity and expression openly and decide when, with whom, and how much of their private information to share with others. The school counselor shall work with the student to create an appropriate confidentiality plan regarding the student's transgender or transitioning status.

The board shall not be responsible for the disclosure of information that may reveal a student's transgender or gender non-conforming status made by community members or any other party that are not under the employment or direction of the board. The board directs the counseling staff to address the limitations of confidentiality with the student as it pertains to community members and other parties that are not under the employment or direction of the board.

Due to a specific and compelling need, such as the health and safety of a student or an incident of bias-related crime, a school district may be obligated to disclose a student's status. The school district should inform the student that the school intends to disclose the student's transgender status for the student's protection and well-being. Prior to disclosure, the student should be given the opportunity to personally disclose that information. School districts should make every effort to ensure that any disclosure is made in a way that reduces or eliminates the risk of re-disclosure and

GENDER IDENTITY OR EXPRESSION (continued)

protects the transgender student from further harassment. Those measures may include the facilitation of counseling for the student and the student's family to facilitate the family's acceptance and support of the student's transgender status.

School personnel shall keep confidential a current, new, or prospective student's transgender status. When a student uses a chosen name, the student's birth name shall be kept confidential by school and district staff.

Students who do not want their parents/guardians to know about their transgender status shall be addressed on a case-by-case basis. In some cases, notifying parents/guardians carries risks for the student, such as being kicked out of the home. Prior to notification of any parent or guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the parents/guardians will be involved in the process and must consider the health, well-being, and safety of the transitioning student. The school counselor shall balance the rights of the student needing support and the requirement that parents/guardians be kept informed about their child. In accordance with law, parents/guardians and/or the appropriate local officials shall be informed when there is any suspicion of injury or harm to the student or other students.

Coordination of School Accommodations

In planning appropriate accommodations for a student who is transitioning, the chief school administrator, parents/guardians and the student and other qualified staff or consultants as necessary shall meet to discuss actions that the district and school personnel may take to create safe learning environment, including:

A. Names/Pronouns

School staff shall be directed to address the student by the name and pronoun corresponding to their gender identity that is consistently asserted at school. Students are not required to obtain a court ordered name and/or gender change or to change their student personnel records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity. To the extent possible and consistent with these guidelines, school personnel shall make efforts to maintain the confidentiality of the student's transgender status.

School documentation such as student IDs shall be issued in the name that reflects a student's gender identity that is consistently asserted at school.

B. Sports and Physical Education

Transgender students shall be provided the same opportunities to participate in physical education as are all other students. Generally, students may be permitted to participate in physical education and sports in accordance with the student's gender identity that is consistently asserted at school. Participation in competitive interscholastic athletic activities will be resolved on a case-by-case basis and according to the standards established by the New Jersey State Interscholastic Athletic Association (NJSIAA).

C. Restroom and Locker Room Accessibility

GENDER IDENTITY OR EXPRESSION (continued)

The district aims to support transgender students while also ensuring the safety and comfort of all students. The chief school administrator together with the parents/guardians, student and other qualified staff or consultants shall evaluate options for the use of restrooms and locker rooms by the transgender students and consider the following factors, including, but not limited to:

1. The transgender student's preference;
2. Protecting student privacy;
3. Maximizing social integration of the transgender student;
4. Minimizing stigmatization of the student;
5. Ensuring equal opportunity to participate;
6. The student's age; and
7. Protecting the safety of the students involved.

Generally students may have access to the restroom or locker room that corresponds to the gender identity or expression that they consistently assert at school and no student shall be forced to accept an accommodation with which he/she disagrees. A transgender or transitioning student who expresses a need or desire for increased privacy may be provided with reasonable alternative arrangements. Reasonable alternative arrangements may include the use of a private area, or a separate changing schedule, or use of a single stall, gender neutral restroom. Any alternative arrangement shall be provided to the extent possible in a way that protects the student's ability to keep his or her transgender status confidential.

A transgender student should not be required to use a locker room or restroom that conflicts with the student's gender identity or expression consistently asserted at school.

D. Gender Segregation in Other Areas

As a general rule, in any other circumstances where students are separated by gender in school activities (i.e. overnight field trips), students may be permitted to participate in accordance with the gender identity or expression consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis considering the factors set forth above.

E. Dress Code

Students have the right to dress in accordance with their gender identity or expression that is consistently asserted at school, within the constraints of the school policy for student dress (5132 Student Dress). School staff shall not enforce a school's dress code more strictly against transgender and gender nonconforming students than other students.

F. Privacy

The chief school administrator and/or his or her designees are expected to work closely with the student and his or her parents/guardians in formulating an appropriate plan regarding the confidentiality of the student's transgender or transitioning status that works for both the student and the school. Privacy considerations may also vary with the age of the student.

GENDER IDENTITY OR EXPRESSION (continued)

Where the transgender or transitioning student feels more supported and safe when other students are aware that they are transgender or transitioning, school staff shall be given guidance and training appropriate for facilitating a respectful school climate. School personnel may be directed to work closely with the student, parents/guardians, other family members and other staff members on a plan to inform and educate the student's peers. It may also be appropriate to engage external resources to assist with educational efforts.

Resources for Transgender or Transitioning Students

If a school staff member observes that a gender identity issue is creating challenges for a student at school or if a student indicates an intention to transition, the staff member shall alert the school counselor and encourage the student to meet with the school counselor if appropriate. School staff shall make every effort to support the student and encourage the support and respect of student peers and staff during school.

When a student indicates an intention to transition, the school counselor, as appropriate, shall offer assistance and provide the student, and/or their parents/guardians as appropriate, with information, resources and referral services regarding the issues associated with gender identity and expression and/or formal gender transition. The school counselor shall also provide information regarding gender transition planning at school. The counselor shall coordinate the measures planned and taken at school for supporting the student and creating a sensitive supportive environment at school. These measures may include:

- A. Making resources available to parents/guardians who have additional questions or concerns;
- B. Developing age-appropriate lessons for students about gender diversity and acceptance; and
- C. Staff training surrounding vigilance to prevent possible harassment, intimidation and bullying issues that may arise for transgender or transitioning students.

Reports of harassment, intimidation and bullying shall be promptly investigated and resolved according to board policy 5131.1 Harassment, Intimidation and Bullying.

Official Records

When a student has expressed a preference to be called by a name other than their birth name, the permanent student records containing the student's birth name shall be kept in a separate, confidential file. This file shall only be shared with appropriate school staff after consultation with a student. A separate file containing records bearing the student's chosen name may also be kept.

If the student has previously been known at school or in school records by a birth name, the principal shall direct school personnel to use the student's chosen name and not the student's birth name. To ensure consistency among teachers, school administrators, substitute teachers and other staff, every effort shall be made to immediately update student education records (for example, attendance records, transcripts, individualized education programs, etc.) with the student's chosen name and gender pronouns, consistent with the student's gender identity and expression, and not circulate records with the student's birth name, unless directed by the student:

GENDER IDENTITY OR EXPRESSION (continued)

- A. The district shall report to the New Jersey Department of Education through NJ SMART a student's name or gender based upon that student's chosen name and corresponding gender identity. Changing the name or gender identity from what was reported in previous years will not affect the reliability of the data reported;
- B. If a district changes a student's name or gender identity, it must also maintain locally a separate record reflecting the student's legal name and sex assigned at birth until receipt of documentation of a legal change of name or gender.

The separate record reflecting the student's legal name and sex assigned at birth may be changed to reflect a change in legal name or gender only upon receipt of documentation that such legal name and/or gender have been changed pursuant to applicable law. The following documentation may be provided:

- A. A court order or birth certificate demonstrating the student's new name;
- B. For a legal change of gender, the student must provide a birth certificate indicating the student's legal gender, or a valid passport indicating the student's legal gender.

NJSBA Review/Update: December 2018
First Reading: August 22, 2019
Second Reading: September 12, 2019
Adoption: September 12, 2019

Legal References:

<u>N.J.S.A.</u> 2C:16-1	Bias intimidation
<u>N.J.S.A.</u> 2C:33-4	Harassment
<u>N.J.S.A.</u> 10:5-1 <u>et seq.</u>	Law Against Discrimination
<u>N.J.S.A.</u> 18A:6-5	Inquiry as to religion and religious tests prohibited
<u>N.J.S.A.</u> 18A:6-6	No sex discrimination
<u>N.J.S.A.</u> 18A:26-1	Citizenship of teachers, etc.
<u>N.J.S.A.</u> 18A:26-1.1	Residence requirements prohibited
<u>N.J.S.A.</u> 18A:29-2	Equality of compensation for male and female teachers
<u>N.J.S.A.</u> 18A:37-14 through -19	Harassment, intimidation, and bullying defined; definitions
<u>N.J.S.A.</u> 18A:36-20	Discrimination; prohibition
<u>N.J.S.A.</u> 18A:36-41	Development, distribution of guidelines concerning transgender students
<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>	Managing for Equality and Equity in Education
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Executive Order 11246 as amended

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

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

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

Comprehensive Equity Plan, New Jersey Department of Education

GENDER IDENTITY OR EXPRESSION (continued)

Doe v. Regional School Unit 26, No. 12-582 (Me. Jan. 30, 2014)

New Jersey Department of Education, Transgender Student Guidance for School Districts, September 2018.

<https://nj.gov/education/students/safety/sandp/transgender/Guidance.pdf>.

NJSIAA, Constitution, Bylaws, Rules and Regulations, Transgender Policy (pg. 75),
<http://www.njsiaa.org/resources/njsiaa-handbook>

Possible**Cross References:**

*2224	Nondiscrimination/affirmative action
*4111	Recruitment, selection and hiring
*4111.1	Nondiscrimination/affirmative action
*4131/4131.1	Staff development; inservice education/visitations/conferences
*4211.1	Nondiscrimination/affirmative action
*4231/4231.1	Staff development; inservice education/visitations/conferences
*5131	Conduct/discipline
*5131.1	Harassment, intimidation and bullying
*5145.4	Equal educational opportunity
*6121	Nondiscrimination/affirmative action
*6145	Extracurricular activities

QUESTIONING AND APPREHENSION

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

Law Enforcement Officers

- A. If a law enforcement officer has an arrest warrant, the principal shall ensure that all procedural safeguards as prescribed by law are observed. No student shall be taken from the school without the knowledge of the principal or other person in charge of the school. The principal shall make every reasonable effort to notify parents/guardians. The chief school administrator shall be informed whenever such apprehensions take place;
- B. If a law enforcement officer has a juvenile complaint or wants to question a student on school property, the principal shall request that the questioning be delayed if possible until the parents/guardians can be present. If the officer refuses and the principal is convinced that the situation justifies questioning, he/she must attempt to have the parents/guardians informed immediately and shall remain with the student during the questioning;
- C. If the law enforcement officer is an agent of the New Jersey Division of Child Protection and Permanency (DCP&P), the agent shall determine whether the presence of a parent/guardian or school employee is appropriate.

Private Persons

If a private person wishes to question a student on school property during the school day, generally parents/ guardians shall be notified of the request and give their permission before the principal will permit the private person to question the student. In cases involving possible harm to another student which might be prevented by early information, the principal may permit such questioning if the parent/guardian cannot be reached. The principal shall be present during the questioning.

Weapons and Substance Abuse Questioning by Staff

When questioning any student about possible possession, use, or distribution of proscribed substances, drug paraphernalia, alcohol, firearms or other deadly weapons, staff shall follow the procedures adopted by the board in compliance with administrative code.

Generally

The chief school administrator shall notify the board president when the police have sought to question a student in school, and the outcome of the incident. The district shall make every effort to

QUESTIONING AND APPREHENSION (continued)

establish close and cordial relationships with local law enforcement and other agencies, while ensuring that the parents/ guardians are informed and student rights protected.

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Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure

N.J.S.A. 2C:35-5 Comprehensive Drug Reform Act of 1986
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:16-4.1 Adoption of policies and procedures for the intervention of student alcohol and other drug abuse

N.J.A.C. 6A:16-5.1 et seq. School Safety
See particularly:
N.J.A.C. 6A:16-5.7
N.J.A.C. 6A:16-6.1 et seq. Law Enforcement Operations for Substances, Weapons, and Safety
See particularly:
N.J.A.C. 6A:16-6.1, -6.2, -6.3
N.J.A.C. 6A:32-7 et seq. Student records

New Jersey Constitution, Article I, paragraph 7

U.S. Constitution, Amendments IV, V, and XIV

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

In re Gault, 387 U.S. 1 (1967)

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

Possible

Cross References: *1410 Local units
 *5114 Suspension and expulsion
 *5131 Conduct/discipline
 *5131.6 Drugs, alcohol, tobacco (substance abuse)
 *5131.7 Weapons and dangerous instruments
 *5145.12 Search and seizure

Regulation

QUESTIONING AND APPREHENSION

When the police request permission to interrogate a student at school, the principal shall:

- A. Ensure that all procedural safeguards as prescribed by law are observed when a warrant is presented;
- B. Request that questioning be delayed if possible until the parents/guardians can be present and ascertain if possible the reason why such interrogation could not occur in the presence of the parent/guardian and/or at the student's home;
- C. Inform the chief school administrator;
- D. Request that any person conducting such interrogation be in plain clothes;
- E. Make every attempt to inform the student's parents/guardians;
- F. If the law enforcement officer is an agent of the Division of Child Protection and Permanency (DCP&P), the agent shall determine whether the presence of a parent/guardian or school employee is appropriate.

Whenever the chief school administrator or delegate has determined that the police have a legitimate purpose in interrogating a child within the confines of a school building, the principal or representative shall be present throughout the proceedings.

When the police request permission to arrest a student at school, the principal shall:

- A. Request that apprehension be delayed if possible until the parents/guardians can be present and ascertain if possible the reason why such interrogation could not occur in the presence of the parent/guardian and/or at the student's home;
- B. Inform the chief school administrator;
- C. Request that any person conducting such interrogation be in plain clothes;
- D. Make every attempt to inform the student's parents/guardians;

No child shall be released to police authorities without proper warrant or written parent/guardian permission, except in the event of an emergency or for the protection of life or property as determined by the principal.

Questioning By Individuals Other Than Law Enforcement

QUESTIONING AND APPREHENSION (regulation continued)

The principal shall interview every person who wishes to question a student on school property during the school day. The chief school administrator shall be informed of such incidents.

In general students may not be questioned on school property during the school day by private individuals not related to the function and operation of the school. In the case that the principal determines after interviewing a private individual, that the questioning is appropriate and necessary, the principal may authorize questioning only under the following limitations:

- A. Parents/guardians shall be notified of the request and give their permission before the principal will permit the private person to question the student;
- B. There is possible harm to another student which might be prevented by early information; the principal may permit such questioning if the parent/guardian cannot be reached;
- C. The principal shall be present during the questioning.

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SEARCH AND SEIZURE

School lockers remain the property of the district even when used by students. Lockers are subject to administrative search in the interests of school safety, sanitation, discipline, enforcement of school regulations and to search by law enforcement officials on presentation of a proper warrant. Students and their parents/guardians shall be informed of this policy when lockers are assigned.

A student's person and possessions may be searched by a school official provided that the official has reasonable grounds to suspect that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Under no circumstances shall a search be conducted based solely upon an anonymous tip and/or a rumor that contraband is present. The extent or scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. A physical search may only be conducted by a staff member of the same sex as the student. Before instituting such a search, except in cases of emergency, the principal shall try to inform the parents/guardians and request their presence.

School personnel shall not conduct strip searches or body cavity searches of any students under any circumstances.

Searches for Controlled Dangerous Substances/Drug Paraphernalia/Alcohol/Firearms/Other Deadly Weapons

Searches conducted by staff when there is suspicion that laws and policies on safe and drug free schools are being violated shall be based on the reasonable grounds required by this policy. The privacy interests of students are outweighed by the substantial interest of teachers and administrators in maintaining a drug-free environment in the classroom and on school grounds, and consequently, locker searches and vehicle searches on school grounds need satisfy only the "reasonable suspicion" standard adopted by the courts in T.L.O. and State v. Best. When law enforcement officials conduct the search, the more stringent grounds required by law must be applied (see policies 5131.6 Substance Abuse and 5131.7 Weapons and Other Dangerous Instruments).

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Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for

SEARCH AND SEIZURE (continued)

	disclosure
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:36-19.2	Student lockers or other storage facility; inspection; notice to students
<u>N.J.S.A.</u> 18A:37-6.1	Strip and body cavity searches prohibited
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:16-6.1 <u>et seq.</u>	Law Enforcement Operations for Substances, Weapons and Safety

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

Vernonia School District 47J v. Acton et ux., Guardians ad litem for Acton, 515 U.S. 646, 115 S.Ct. 2386 (1995)

Joye v. Hunterdon Central Regional High School Board of Education, Superior Court of New Jersey, Law Division Dkt. No. HNT-C-14031-00 (Jan. 4, 2001)

Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al., 536 U.S. 822 (2002)

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

State v. Best 403 N.J. Super 428 (App. Div. 2008) cert. granted 996 A. 2d 1078 (2009)
The privacy interests of students are outweighed by the substantial interest of teachers and administrators in maintaining a drug-free environment in the classroom and on school grounds. Vehicle searches on school grounds need satisfy only the “reasonable suspicion” standard adopted in T.L.O.

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

PossibleCross References:

- *1410 Local units
- *5114 Suspension and expulsion
- *5131 Conduct/discipline
- *5131.1 Harassment, intimidation and bullying
- *5131.6 Drugs, alcohol, tobacco (substance abuse)
- *5131.7 Weapons and dangerous instruments
- *5145.11 Questioning and apprehension

SEARCH AND SEIZURE

Search and Seizure

The principal shall inform students in writing at the beginning of each school year that inspections may occur. This may be accomplished through student handbooks, individual letters, or other appropriate means of written communication;

Regularly scheduled inspections of student lockers or storage facilities may be made. However, there is no requirement that students be notified when such inspections will be made or which lockers or other storage facilities will be subject to inspection;

These regulations deal only with regular inspections, not with searches that are made when an administrator or teacher has a reasonable belief that evidence of a crime or contraband is located in a locker or other student storage facility. When such a belief is reasonably held, an individualized search may be made pursuant to the laws of the State of New Jersey;

Locker Inspections

It is the policy of the high schools to inspect all student lockers for the specific purpose of enhancing the health, safety and well-being of all members of the high school community.

All students, teachers and parents will be notified, in writing, at the beginning of each school year of the locker inspection program.

At least two announced inspections will take place during the month of September. Students will receive prior notification of the date of each. Announced inspections will take place in each house and may include all lockers or some reduced number, depending on available resources. Students who turn over any item of contraband (drugs, alcohol, weapons, etc.) to house administrators will enjoy an amnesty; no disciplinary action will be taken.

The announced inspections will be followed by unannounced locker inspections, in all houses, conducted in a random fashion based on a neutral plan, and will continue throughout the school year. The administration reserves the right to inspect individual lockers as provided by law.

All staff members who may be involved in locker inspections will receive prior training by law enforcement personnel in the recognition and handling of contraband items and of the proper procedure for referring such items to the police.

The board policy 5145.12 Search and Seizure shall remain in full force and effect for the district's elementary and middle schools.

SEARCH AND SEIZURE (regulation continued)

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NONPUBLIC SCHOOL STUDENTS

New Jersey statute and regulations of the State Board of Education require the board of education to provide certain services and supplies to those New Jersey children whose parents/guardians enroll them in nonpublic schools within the confines of the district. Out-of-state students enrolled in nonpublic schools within the district are not included.

Nursing Services

The board of education shall, within the funding limitations as determined by the state's appropriations and nonpublic school enrollment, provide the mandated nursing services for students enrolled full-time in nonpublic schools located within the district. Specified nursing services include:

- A. Assistance with medical examinations including dental screening;
- B. Hearing screenings;
- C. Maintenance of student health records and notification of local or county health officials of improperly immunized students;
- D. Conducting of scoliosis examinations for students between the ages of 10 and 18.

The district shall extend to students enrolled full-time in nonpublic schools in the district who are injured or become ill at school or during participation on a school team or squad the emergency care provided to public school students up to the limit of state aid provided.

No district shall be required to make expenditures for purposes of this act in excess of the amount of state aid received for these purposes.

Federal Requirements

All requirements of federal law shall be obeyed; particularly those addressed in provision of Title 1 program services, and IDEA (see policies 6171.3 At-risk and Title 1 and 6171.4 Special Education).

Implementation

The chief school administrator shall develop rules, regulations and procedures for the efficient and economical delivery of such services and supplies as are mandated by law. Wherever possible, already existing means and procedures for delivering those same supplies and services to the students attending the district's public schools shall be utilized.

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NONPUBLIC SCHOOL STUDENTS (continued)

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Legal References: N.J.S.A. 18A:39-1 et seq. Transportation of students
N.J.S.A. 18A:40-3.2 et seq. Medical and Nursing Personnel
N.J.S.A. 18A:40-23 et seq. Nursing Services for Nonpublic School Students
N.J.S.A. 18A:40A-1 et seq. Substance Abuse
See particularly:
N.J.S.A. 18A:40A-5, -17(c)
N.J.S.A. 18A:46-19.1 et seq. Remedial services for handicapped children in nonpublic schools ...
N.J.S.A. 18A:46A-1 et seq. Auxiliary services (nonpublic school students)
N.J.S.A. 18A:58-37.3 Purchase and loan of textbooks
N.J.A.C. 6A:14-1.1 et seq. Special Education
See particularly:
N.J.A.C. 6A:14-6.1 et seq.
N.J.A.C. 6A:16-2.5 Nursing services to nonpublic school students
N.J.A.C. 6A:23A-20.1 Eligibility
N.J.A.C. 6A:23A-20.2 Responsibility of the district board of education
N.J.A.C. 6A:27-2.1 et seq. Nonpublic School Transportation
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act (formerly Education for All Handicapped Children Act) -Part B

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

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

Agostini v. Felton, 521 U.S. 203 (1997), overruling Aguilar v. Felton, 473 U.S. 402 (1985)

Mitchell v. Helms, No. 98-1648, 2000 U.S. Lexis 4485 (June 28, 2000) 530 U.S. 793 (2000)

Parents for Student Safety, Inc. v. Board of Education of the Morris School District, 1986 S.L.D. (February 5), St. Bd. rev'g 1984 S.L.D. (August 24)

Possible

Cross References: *1330 Use of school facilities
 *1600 Relations between other entities and the district
 *3541.1 Transportation routes and services
 *5131.6 Drugs, alcohol, tobacco (substance abuse)

NONPUBLIC SCHOOL STUDENTS (continued)

*5141.1	Accidents
*5141.2	Illness
*5141.3	Health examinations and immunizations
*6145.1/6145.2	Intramural competition; interscholastic competition
*6171.3	At-risk and Title 1
*6171.4	Special education
6174	Summer school

Regulation

SERVICES TO NONPUBLIC SCHOOL STUDENTS

- A. The Elizabeth Board of Education shall provide nursing services to students enrolled in nonpublic schools pursuant to N.J.S.A. 18A:40-23 et seq. and N.J.A.C. 6A:16-2.5:
1. The school district shall provide services to students who are enrolled full-time;
 2. Services shall be made available only to students of a nonpublic school that provided to the board a report of the type and number of services provided during the previous school year;
 3. The provision of nursing services shall include:
 - a. Assistance with medical examinations including dental screening;
 - b. Screening of hearing;
 - c. Maintenance of student health records and notification of local or county health officials of any student who has not been properly immunized; and
 - d. Scoliosis examinations of students between the ages of ten and eighteen.
- B. The board shall provide for the extension of emergency care provided to public school students and to full-time nonpublic school students who are injured or become ill at school or during participation on a school team or squad pursuant to N.J.A.C. 6A:16-2.1(a)4.
- C. The board may provide additional services to those required under A. above under the following conditions:
1. Additional medical services may be provided only when all basic nursing services required under A. and B. above have been or will be provided;
 2. Additional medical services may include the necessary equipment, materials, and services for immunizing from diseases for students who are enrolled full-time in the nonpublic school as required by N.J.A.C. 8:57-4;
 3. Equipment comparable to that used 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 N.J.A.C. 6A:16-2.5. However, such equipment shall remain the property of the board; and
 4. Costs of supplies comparable to that used in the school district and transportation costs may be charged to the funds allocated for each participating nonpublic school provided the costs are directly related to the required basic nursing services and the permitted additional medical services.
- D. Nursing services shall be provided by a registered nurse licensed in the State of New Jersey who is an employee of the school district, a third-party contractor, or an independent contractor.
- E. The nursing services provided to nonpublic school students shall not include instructional services.

HEALTH SERVICES TO NONPUBLIC SCHOOL STUDENTS (regulation continued)

- F. A nonpublic school may decline nursing services required or permitted under N.J.A.C. 6A:16-2.5 by submitting to the board notification signed by the superintendent of the nonpublic school pursuant to N.J.S.A. 18A:40-29.
- G. A student who is enrolled in a nonpublic school and whose parent objects to the student receiving any service provided under N.J.A.C. 6A:16-2.5 shall not be compelled to receive the service except for a physical or medical examination to determine whether the student is ill or infected with a communicable disease pursuant to N.J.S.A. 18A:40-30.
- H. The board 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 student of a nonpublic school that provided to the board a report of the type and number of services provided during the previous school year; and
 3. The funds expended by the board 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 it by the Department of Education or otherwise made available by the school district for the provision of health services for full-time students enrolled in the nonpublic school;
 2. To agree on the basic health services that shall be provided and the additional medical services that may be provided as set forth in N.J.S.A. 18A:40-23 et seq.;
 3. If 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 that receives nursing services has a copy of N.J.S.A. 18A:40-23 through 31 and N.J.A.C. 6A:16-2; and
 5. To assure that 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 shall submit to the Executive County Superintendent on or before October 1 annually the following information and shall provide a copy to the superintendent of each nonpublic school 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 services, if applicable, and approved minutes of the board meeting approving the contract that describes the methods by which the health services will be provided to nonpublic school students 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 Commissioner of Education approved form.

HEALTH SERVICES TO NONPUBLIC SCHOOL STUDENTS (regulation continued)

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