

**QUINTON TOWNSHIP BOARD OF EDUCATION**  
Quinton, New Jersey

**FILE CODE: 5020**

<input type="checkbox"/>	Monitored
<input checked="" type="checkbox"/>	Mandated
<input type="checkbox"/>	Other Reasons

**Policy**

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**ROLE OF PARENTS/GUARDIANS**

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

Adopted: April 3, 1995  
Revised: October 23, 2008  
NJSBA Review/Update: June 2022  
Readopted:

**Key Words**

Role of Parents/Guardians, Parents/Guardians

<u><b>Legal References:</b></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**

<u><b>Cross References:</b></u>	*1220	<u>Ad hoc</u> advisory committees
	*1230	School-connected organizations
	*1250	Visitors
	*5113	Absences and excuses
	*5114	Suspension and expulsion
	*5120	Assessment of individual needs
	*5124	Reporting to parents/guardians

ROLE OF PARENTS/GUARDIANS (continued)

*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
*6147.1	Evaluation of individual student performance
*6162.4	Community resources
*6171.1	Remedial instruction
*6171.3	At-risk and Title 1
*6171.4	Special education

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

**QUINTON TOWNSHIP BOARD OF EDUCATION**  
Quinton, New Jersey

**FILE CODE: 5111**

**Policy**

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

**ADMISSION**

**Eligibility**

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

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

**Proof of Eligibility**

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

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

**Kindergarten**

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

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

ADMISSION (continued)

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

Grade One

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

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

Transfers Into Grades Two through 8

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.

Within the time prescribed by law, the superintendent 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 children and youths of this district. Homeless children and youths shall also have access to the education and other services that

**ADMISSION (continued)**

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

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

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

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

Adopted: June 11, 1985  
 Revised: April 12, 1994, September 8, 1994, October 23, 2008,  
 September 25, 2014, November 17, 2016  
 NJSBA Review/Update: June 2022  
 Readopted:

**Key Words**

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

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:7B-12	District of residence; determination
	<u>N.J.S.A.</u> 18A:7B-12.1	Homeless child; responsibility for education; determination of placement; payment of costs
	<u>N.J.S.A.</u> 18A:7C	Proficiency standards and assessment
	<u>N.J.S.A.</u> 18A:7C-12	Juvenile detention centers, transfer of credit
	<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and identification
	<u>N.J.S.A.</u> 18A:36-25.1	Proof of child's identity required for enrollment; transfer of record between districts
	<u>N.J.S.A.</u> 18A:38 <u>et seq.</u>	School attendance
	<u>N.J.S.A.</u> 18A:38-1	Attendance at school free of charge
	<u>N.J.S.A.</u> 18A:38-2	Free attendance at school by nonresidents placed in district under court order
	<u>N.J.S.A.</u> 18A:38-3	Admission for nonresidents; parent active duty
	<u>N.J.S.A.</u> 18A:38-4	Free attendance to persons over age
	<u>N.J.S.A.</u> 18A:38-5	Admission of students under age
	<u>N.J.S.A.</u> 18A:38-5.1	No child to be excluded from school because of race, etc.
	<u>N.J.S.A.</u> 18A:38-6	Time of admission of 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 admission
	<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

ADMISSION (continued)

<u>N.J.A.C. 6A:12-3.1</u>	Choice district application procedures
<u>N.J.A.C. 6A:14-1.1 et seq.</u>	Special Education
<u>N.J.A.C. 6A:16-2.2</u>	Required health services
<u>N.J.A.C. 6A:16-2.4</u>	Required student health records
<u>N.J.A.C. 6A:17-1.1 et seq.</u>	Students at Risk of Not Receiving a Public Education
<u>N.J.A.C. 6A:22-1.1 et seq.</u>	Entitlement to Attend School Based on Domicile or Student Residency
<u>See particularly:</u>	
<u>N.J.A.C. 6A:22-2.1, -3.1, 3.2, 3.3, 3.4</u>	
<u>N.J.A.C. 6A:23A-19.2, -19.3</u>	Method of determining the district of residence
<u>N.J.A.C. 6A:32-8.2</u>	School enrollment
<u>N.J.A.C. 8:57</u>	Communicable diseases
<u>See particularly:</u>	
<u>N.J.A.C. 8:57-2</u>	
<u>N.J.A.C. 8:61-1.1</u>	Attendance at school by students or adults infected by Human Immuno-Deficiency Virus (HIV)

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

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

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

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

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

Possible

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

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

**QUINTON TOWNSHIP BOARD OF EDUCATION**  
Quinton, New Jersey

**FILE CODE: 5113**

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

**Policy**

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**ATTENDANCE, ABSENCES, AND EXCUSES**

The Quinton Township 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 superintendent shall oversee the development of effective strategies that maximize student attendance at all scheduled periods of actual instruction or supervised study activities and strive to:

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

**Attendance**

A day in session for purposes of 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);
- 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.

ATTENDANCE, ABSENCES AND EXCUSES (continued)

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 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."



ATTENDANCE, ABSENCES AND EXCUSES (continued)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:

- 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 161 or more school days in order to be considered to have successfully completed the instructional program requirements of the grade/course to which he/she is assigned.

A waiver of these attendance requirements may be granted for good cause by the school principal upon recommendation of a review committee, appointed by him/her, and consisting of representative staff, including 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 19 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 early in the day when a child will be absent and for informing the school in writing of the reason for the absence.

Procedures for Unexcused Absences

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

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.

Procedures for Persistent Absences

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 identified 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:
  - 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.

ATTENDANCE, ABSENCES AND EXCUSES (continued)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.

Truancy

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

- A. Make a determination regarding the need for a court referral for the truancy;
- B. Make a reasonable attempt to notify the student's parents of the 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;

ATTENDANCE, ABSENCES AND EXCUSES (continued)

6. A parent, guardian or other person having charge and control of a child between the ages of 6 and 16 years, who shall fail to comply with any of the provisions of this article relating to his duties, shall be deemed to be a disorderly person and shall be subject to a fine of not more than \$ 25.00 for a first offense and not more than \$ 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:

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

Regulations

ATTENDANCE, ABSENCES AND EXCUSES (continued)

The superintendent 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;
  - 2. Cumulative absences of between five and nine;
  - 3. Cumulative unexcused absences of 10 or more; and
  - 4. Referral to court.

Dissemination and Implementation

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

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

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

Adopted: September 10, 1985, October 23, 2008  
 Revised: April 10, 1990, August 6, 1991, October 22, 2009,  
 August 25, 2016, January 5, 2017  
 NJSBA Review/Update: June 2022  
 Readopted:

Key Words

Student Attendance, Attendance, Absences and Excuses, Student Attendance

<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:35-4.9	Student promotion and remediation; policies and procedures
	<u>N.J.S.A.</u> 18A:36-13.2	Excused absence for certain students 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	Students 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>	

ATTENDANCE, ABSENCES AND EXCUSES (continued)

<u>N.J.S.A. 18A:38-31</u>	Violations of article by parents or guardians; penalties
<u>N.J.S.A. 18A:38-32</u>	District and county vocational school attendance officers
<u>N.J.S.A. 18A:40-7</u>	Exclusion of students who are ill
<u>N.J.S.A. 18A:40-8</u>	Exclusion of students whose presence is detrimental to health and cleanliness
<u>N.J.S.A. 18A:40-9</u>	Failure of parent to remove cause for exclusion; penalty
<u>N.J.S.A. 18A:40-10</u>	Exclusion of teachers and students exposed to disease
<u>N.J.S.A. 18A:40-11</u>	Exclusion of students having communicable tuberculosis
<u>N.J.S.A. 18A:40-12</u>	Closing schools during epidemic
<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
<u>N.J.S.A. 52:17B-9.8a</u>	
through -9.8c	Marking of missing child's school record
<u>N.J.A.C. 6A:8-5.1</u>	Graduation requirements
<u>N.J.A.C. 6A:14-1 et seq.</u>	Special education
See particularly:	
<u>N.J.A.C. 6A:14-4.1(c)</u>	General requirements
<u>N.J.A.C. 6A:16-1 et seq.</u>	Programs to support student development
See particularly:	
<u>N.J.A.C. 6A:16-7.6</u>	Attendance
<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C. 6A:32-8.1 et seq.</u>	Student Attendance and Accounting
<u>N.J.A.C. 6A:32-8.3</u>	Student attendance
<u>N.J.A.C. 8:61-2.1</u>	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](http://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)

Possible

<u>Cross References:</u>	*5020	Role of parents/guardians
	*5111	Admission
	*5114	Suspension and expulsion
	*5124	Reporting to parents/guardians
	*5125	Student records

ATTENDANCE, ABSENCES AND EXCUSES (continued)

- \*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

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



**QUINTON TOWNSHIP BOARD OF EDUCATION**  
Quinton, New Jersey

**FILE CODE: 5114**

**Policy**

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

**SUSPENSION AND EXPULSION**

While the Quinton Township 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;
- 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.

SUSPENSION AND EXPULSION (continued)

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 superintendent may modify this suspension on a case-by-case basis. Each student so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the board. The hearing shall take place no later than 30 days following the day the student is removed from the regular education program and shall be closed to the public.

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

The superintendent shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with 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.

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 superintendent. Any student under suspension who enters the school buildings or grounds without the permission of the superintendent may have the period of his/her suspension extended. The right to continue the suspension or to expel is reserved to the board of education, acting upon the recommendation of the administration.

Serious violations of school regulations which create a dangerous or unsafe condition for other 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 superintendent will notify parents/guardians by telephone and promptly send a letter

SUSPENSION AND EXPULSION (continued)

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 superintendent imposes a suspension, he/she must report it to the board. No suspension for reasons other than assault upon a teacher, administrator, board member or other board employee may continue beyond the second regular meeting of the board following the suspension without board action. No suspension for assault upon a teacher, administrator, board member or other board employee may be continued beyond 30 days without board action. A suspended student may be reinstated by the superintendent 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 superintendent, 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 superintendent, 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 superintendent with his/her staff have exhausted all means of bringing about a correction of repeated

SUSPENSION AND EXPULSION (continued)

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 superintendent.

The child shall remain out of school until either:

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

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

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

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

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

SUSPENSION AND EXPULSION (continued)

Adopted: September 10, 1985  
 Revision: April 10, 1990, April 3, 1995, October 23, 2008  
 NJSBA Review/Update: June 2022  
 Readopted:

Key Words

Suspension, Expulsion, Student Suspension/Expulsion,

**Legal References:** N.J.S.A. 2C:12-1 Definition of assault  
N.J.A.C. 2C:39-1(f) Definition of firearm  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:37-1 et seq. Discipline of 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)

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)

SUSPENSION AND EXPULSION (continued)

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](http://njlaw.rutgers.edu/collections/oal/final/eds09178-03_1.html)

**Possible**

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

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

**QUINTON TOWNSHIP BOARD OF EDUCATION**  
**Quinton, New Jersey**

**FILE CODE: 5118**

**Policy**

☐ Monitored  
☐ Mandated  
☒ Other Reasons

**NONRESIDENTS**

The Quinton Township 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 six weeks 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.

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

**Foreign Exchange Students**

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

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

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

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

NONRESIDENTS (continued)

Illegal Admissions

Any person, residing outside of the this school district, who intentionally and illegally enrolls a child or children in the district schools is perpetrating a fraud upon the school system and the taxpayers of the community.

If and when this fraud is discovered the student or students be immediately dropped from the school rolls.

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

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

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

The board shall annually determine tuition rates for nonresident students.

Adopted: October 23, 2008  
NJSBA Review/Update: June 2022  
Readopted:

Key Words



NONRESIDENTS (continued)

Nonresidents, Tuition Student, Affidavit Student, Homeless Student

<b><u>Legal References:</u></b>	<p><u>N.J.S.A.</u> 18A:7F-45  <u>N.J.S.A.</u> 18A:11-1  <u>N.J.S.A.</u> 18A:36B-14 <u>et seq.</u>    <u>N.J.S.A.</u> 18A:38-1 <u>et seq.</u>  <u>See particularly:</u>  <u>N.J.S.A.</u> 18A:38-1.1, 38-2, 38-3, 38-8, 38-9  <u>N.J.S.A.</u> 18A:46-20    <u>N.J.S.A.</u> 18A:54-20  <u>N.J.A.C.</u> 6A:12-1.3 <u>et seq.</u>  <u>N.J.A.C.</u> 6A:17-1.1 <u>et seq.</u>    <u>N.J.A.C.</u> 6A:22  <u>See particularly:</u>  <u>N.J.A.C.</u> 6A:22-3  <u>N.J.A.C.</u> 6A:22-3.1  <u>N.J.A.C.</u> 6A:23A-19.2    <u>N.J.A.C.</u> 6A:23A-19.3</p>	<p>Definitions  General mandatory powers and duties  <u>Interdistrict Public School Choice Program Act of 1999</u>  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</p>
	8 <u>U.S.C.</u> 1101 - <u>Illegal Immigrant and Immigration Responsibility Act of 1997</u>	
	<u>Board of Education of the Borough of Englewood Cliffs v. Board of Education of the City of Englewood</u> , 132 <u>NJ</u> 327; cert. denied, 510 <u>U.S.</u> 991 (1993); subsequent listing 333 <u>N.J. Super.</u> (App. Div. 2000)	
	<u>Every Student Succeeds Act of 2015</u> , Pub. L. 114-95, 20 <u>U.S.C.A.</u> 6301 <u>et seq.</u>	
	<u>J.A. v. Board of Education of South Orange/Maplewood</u> , 318 <u>N.J. Super.</u> 512 (App. Div. 1999)	

**Possible**

<b><u>Cross References:</u></b>	<p>3240 Tuition income  *5111 Admission  *5114 Suspension and expulsion  6142.5 Travel and exchange programs  *6151 Class size</p>
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\*Indicates policy is included in the Critical Policy Reference Manual.

**Policy**

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SCHOOL CHOICE PROGRAM

The Quinton Township School District shall admit choice students on a space available basis.

Admission may be limited to a particular grade level or program as designated by the administration on an annual basis.

The board of education shall not prevent or discourage students from participating in the school choice program who meet the criteria as detailed in the district's application for participation in the choice program. The district may establish reasonable criteria to evaluate prospective choice students, including:

- A. The student's interest in the program offered;
- B. All criteria outlined in the board of education's application for choice program participation.

The district may not impose admission criteria upon prospective choice program students other than those used to determine admission of the residents of this district. No applicant to become a choice student of this district shall be discriminated against on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a student with disabilities, proficiency in the English language, or any other basis prohibited by State or Federal law. This district shall not prohibit the enrollment of a student based upon a determination that the additional cost of educating the student would exceed the amount of additional State aid received as a result of the student's enrollment.

All students enrolled in the choice program shall not be required to reapply and shall be guaranteed enrollment in the district through all the grades offered by the district. The student shall be permitted to transfer back to a school of the sending district or may apply to a different choice district during the next application period.

Preferences for Enrollment

- A. Enrollment may be prioritized for:

- 1. Students with siblings in the district (including students applying for kindergarten);
- 2. Choice students from a district that terminates before grade 12; or
- 3. Resident students who moved out of the district and want to remain the following year.

Students granted preference may be put ahead of Tier 1 applicants and need not be entered into a lottery with Tier 1 applicants. If the number of preference applicants exceeds the spaces available a lottery shall be held for the preference applicants.

- B. The district shall prioritize all Tier 1 applicants for the spaces available in the School Choice program.

A Tier 1 student shall be enrolled in a NJ public school in his or her resident school district for the entire year immediately preceding enrollment in the Choice Program. If applying for kindergarten, a student must be attending his or her resident district's public preschool or, if that district does not offer preschool, have a sibling currently attending the Choice Program to be considered Tier 1.

Only if space remains after all Tier 1 applications have been accepted in the choice program the district shall accept Tier 2 students. Tier 2 students include New Jersey residents who have not attended their resident public school for the entire year immediately prior to enrollment in the desired choice district and

SCHOOL CHOICE PROGRAM (continued)

do not otherwise meet the requirements for Tier 1. If the number of Tier 2 applications exceeds the number of remaining choice seats available, a lottery shall be conducted to select students.

Special Education Students

An application for enrollment of a student who has been classified as eligible for special education services pursuant to N.J.S.A. 18A:46 may be rejected:

- A. If the student's individualized education program can not be implemented in this district; or
- B. If the enrollment of that student would require the district to fundamentally alter the nature of its educational program; or
- C. If the enrollment of that student would create an undue financial or administrative burden on the district.

A student whose application is rejected by the district shall be provided with a reason for the rejection in the letter of notice. The appeal of a rejection notice may be made to the commissioner, through the Bureau of Controversies and Disputes.

If the student is determined to need special education services after acceptance but prior to the start of the first school year in the district and the district cannot implement the individualized education program (IEP) as, acceptance into the choice program can be revoked.

Once the applicant has been enrolled and started the first year in the choice program, the district is required to keep the student and ensure that the student's needs for special education services are met, just the same as it would for a resident student. Once the student has enrolled, and an IEP is developed that cannot be implemented by the district, the district must follow the normal IEP process for out-of-district placement (see board policy 6171.4 Special Education and law: N.J.A.C. 6A:14-2.7 for due process hearings, N.J.A.C. 6A:14-3.7 for IEP process and N.J.A.C. 6A:14-4.3 for program options).

Application

The district shall adhere to the notification, application, and reporting deadlines established annually by the NJDOE and found at <http://www.state.nj.us/education/choice/apptimes.htm>. The following steps shall be implemented for notifications, applications and report submissions:

- A. The student's parent or legal guardian must submit the Notice of Intent to Participate in a School Choice Program to the superintendent of their resident district no later than the deadline established by the NJDOE;
- B. The resident district shall notify the parent/guardian no later than the deadline established by the NJDOE confirming or denying the students eligibility to participate in the School Choice Program. Students may be denied eligibility if the board has resolved and the Commissioner has approved a limit on the number of students who may leave the district to enroll in a school choice program. Students shall be confirmed on a first come first serve basis;
- C. The student's parent or legal guardian must submit the application for the choice program no later than application deadline established by the NJDOE;
- D. The Frenchtown School District shall notify the parent or legal guardian in writing no later than deadline established by the NJDOE, whether the application for participation in the choice program has been conditionally accepted or rejected. If an application is rejected, the district shall state the reason for rejection in the notification and shall provide applicable information regarding the student's position on the waiting list;
- E. The parent or legal guardian shall then provide written notification to this district no later than deadline established by the NJDOE whether the student applicant intends to enroll in the choice program. This notification shall be binding;

SCHOOL CHOICE PROGRAM (continued)

- F. In the event that parent/guardian is notified that the application has been accepted, but the parent/guardian fails to provide the written binding notice of intent to enroll, the district shall accept applicants from the waiting list. The district shall notify the parent or legal guardian from the waiting list that the student(s) is accepted no later than deadline established by the NJDOE;
- G. The Quinton Township School District shall notify the sending districts in writing of each student's enrollment within 10 days of the student's notification of the intention to attend this choice program.

Unfunded School Choice Students

The district may enroll students for all approved seats available in accordance with the approved district application for the School Choice Program and board policy after the application deadline and the enrollment data has been sent to the NJDOE. However, when a student is enrolled after the enrollment data submission deadline (from the waiting list or from a late application) the student shall be an unfunded choice student in the subsequent school year. The unfunded student's enrollment will be automatically converted to a funded choice student the following year if he/she remains in the choice program.

An application for the Choice Program may be accepted late and the student enrolled during the ongoing school year, for resident students who move out of the district and wish to complete the year or continue as a Choice Program student. In such a case the district will obtain a deadline waiver from the Commissioner. The student shall be unfunded in the subsequent school year. The unfunded student's enrollment will be automatically converted to a funded choice student the following year if he/she remains in the choice program.

The enrollment data to the NJDOE shall be accurate and reflect the number of accepted applications as well as the actual number of students reporting the intention to enroll. If however, a student defaults and creates a vacancy for a funded space, the district may fill the vacancy and it shall be funded.

The district shall use the waitlist and select students according to the policy and regulations governing the development and use of the waitlist for all available seats and/or vacancies that occur before accepting late applications.

Late applications may be accepted for existing funded spaces, only after the applicants from the waiting list have been contacted and offered the spaces available.

Lottery Selection Process

When there are more applications than space available in the choice program, the district shall hold a public lottery to determine the selection of students for participation in the choice program. The district shall:

- A. Hold a public lottery to determine the selection of students for participation in the choice program;
- B. Notify the parent or guardian of every student who has submitted notice of intent to participate in the choice program of the date and time of the lottery;
- C. Assign a number to each student participating in the lottery and notify the parent or guardian of the number assigned to their child(ren); and
- D. Develop a waiting list based on the lottery.

Students granted preference may be put ahead of Tier 1 applicants and need not be entered into a lottery with Tier 1 applicants. The district shall give preference in the following priority order (district should list only the priority categories consistent with their Choice agreement):

- A. Students with siblings in the district (including students applying for kindergarten);
- B. Choice students who have completed the terminal grade of the sending district; or

SCHOOL CHOICE PROGRAM (continued)

- C. Resident students of the Choice district who moved out of the district and want to remain in the choice district the following year.

If the number of preference applicants exceeds the spaces available a lottery shall be held for the preference applicants. Separate lotteries may be held in priority order as stated above for the assignment of seats.

Examples of Lotteries

## A. Group lottery

Applications for all grade levels are combined into one group lottery. Students' names/numbers are drawn randomly and seats are filled according to the grade-levels of the applicants and the seat availability in the grades. A waitlist is created for all applicants whose names/numbers are drawn after the seats have been filled.

## B. Tiered or grade-level lottery

One or more grade levels are given priority in the lottery process. For each grade-level that is given priority by the district, a separate lottery is held. In other words, all applicants for the same priority grade-level are pooled and names are randomly drawn. Once available seats for the priority grade are filled and a waitlist is created, another lottery for the next priority grade level is held. Once all priority grade level lotteries have been held and waitlists are created, the remaining applications for the non-priority grades levels can be grouped into a group lottery.

Waiting List

When the number of student application for the choice program exceeds the available space in the choice program a waiting list will be established to be used in the second enrollment cycle.

The list shall be comprised of applicants selected by lottery and listed in the numerical order in which the name was drawn. As space becomes available for participation in the school choice program, students will be contacted in the order in which their name appears on the list. Siblings of existing students shall be offered admission first.

The school waiting list shall expire annually and all waiting applicants subject to reapplication.

Adopted: September 22, 2011  
 Revised: September 27, 2012  
 NJSBA Review/Update: September 2022  
 Readopted:

Key Words

Choice, School Choice, School Choice Program, Application, Lottery, Waiting List

<b><u>Legal References:</u></b>	<u>N.J.S.A. 18A:7F-45</u>	Definitions
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:36B-1 et seq.</u>	Interdistrict Public School Choice Program Act of 1999
	<u>See particularly:</u> <u>N.J.S.A. 18A:36B-20, -21</u>	
	<u>N.J.S.A. 18A:38-1 et seq.</u>	Attendance at school free of charge
	<u>See particularly:</u> <u>N.J.S.A. 18A:38-2, 38-3, 38-8, 38-9</u>	
	<u>N.J.S.A. 18A:46-20</u>	Receiving pupils from outside district; establishment of facilities
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)

SCHOOL CHOICE PROGRAM (continued)

<u>N.J.A.C. 6A:12-1.3 et seq.</u>	Inter-district Public School Choice
<u>See Particularly</u>	
<u>N.J.A.C. 6A:12-4.1, -4.2, -4.3</u>	
<u>N.J.A.C. 6A:17-1.1 et seq.</u>	Students at Risk of Not Receiving a Public Education
<u>N.J.A.C. 6A:22</u>	Student residency
<u>See particularly:</u>	
<u>N.J.A.C. 6A:22-3</u>	Eligibility to attend school
<u>N.J.A.C. 6A:22-3.1</u>	Students domiciled within the school district
<u>N.J.A.C. 6A:23-5.2</u>	Method of determining the district of residence
<u>N.J.A.C. 6A:23-5.3</u>	Address submission for determining the district of residence

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

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

Possible

<u>Cross References:</u>	3240	Tuition income
	*5111	Admission
	*5118	Nonresidents
	*6151	Class size

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

Policy

FOSTER CARE AND EDUCATIONAL STABILITY

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

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

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

Roles and Responsibilities

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

FOSTER CARE AND EDUCATIONAL STABILITY (continued)

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

District of Residence and Tuition

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

## A. Placement in a resource family home:

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

## B. Placement in residential State facilities

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

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



FOSTER CARE AND EDUCATIONAL STABILITY (continued)Transportation

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

Transferring Student Records

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

Implementation

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

NJSBA Review/Update: June 2022

Adopted:

Key Words

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

<b><u>Legal References:</u></b>	<u>N.J.S.A. 18A:7B-12</u>	Determination of district of residence
	<u>N.J.S.A. 18A:7F-24</u>	Submission of budget for educational programs in State facilities
	<u>N.J.S.A. 18A:7F-43 et seq.</u>	School Funding Reform Act of 2008
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:7F-49</u>	Determination of base per 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

FOSTER CARE AND EDUCATIONAL STABILITY (continued)

<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
<u>N.J.A.C. 6A:32-7.1 et seq.</u>	Student records
<u>See particularly:</u>	
<u>N.J.A.C. 6A:32-7.5</u>	Access to student records

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

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

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

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

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

**Possible**

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

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

**QUINTON TOWNSHIP BOARD OF EDUCATION**  
Quinton, New Jersey

**FILE CODE: 5118.2**

**Regulation**

☐ Monitored  
☐ Mandated  
☒ Other Reasons

**FOSTER CARE AND EDUCATIONAL STABILITY**

**GENERAL STATEMENT**

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

**STAFF RESPONSIBLE**

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

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

**DEFINITIONS**

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

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

## 7. Centralized Child Abuse/Neglect Hotline;

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

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

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

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

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

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

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

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

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

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

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

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

## PROCEDURES

### Collaboration and Communication

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

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

### Best Interest Determination

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

### Remaining in the District

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

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

### Transferring into the District

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

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

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

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

#### Transfer of Records

Records shall be transferred according to the following guidelines:

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

#### District of Residence

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

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

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

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

#### Tuition

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

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

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

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

#### Transportation

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

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



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

## **REGULATION HISTORY**

Effective Date:

Date of Review/Revision:

## **CROSS REFERENCES**

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

## **PRIMARY RESOURCES**

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

**QUINTON TOWNSHIP BOARD OF EDUCATION**  
Quinton, New Jersey

**FILE CODE: 5119**

☐ Monitored  
☐ Mandated  
☒ Other Reasons

**Policy**

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TRANSFERS

General

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

Parents/guardians of 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 superintendents within the timeframe prescribed by law.

Unsafe School Choice Option

If a school in the district is identified as "persistently dangerous" by the State Department of Education, all students in that school shall be offered on a space available basis the option of transferring. Parents/guardians shall be notified within 15 calendar days after the district is notified of the school's status, and all transfers shall be completed by the beginning of the school year following. To the extent possible, transfers shall be into a school that is 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. The student shall be given the option within 10 days of the incident, and the transfer shall occur within 30 days of determination that the student was a victim. Applicable definitions and criminal offenses shall be as listed in the statewide policy.

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

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

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

Transfers from District

In cases where a student moves from this district prior to the last marking period, the student must transfer to the new school district of his/her domiciled residence. Students who move from the district during the last marking period may continue to the end of the school in June, if the parents/guardians submit an acceptable letter of request to the Administration and provide transportation to and from school each day. This applies to all K-8 students.

Family Crisis

Notwithstanding the provisions of NJSA18A:38-1 or any other law, rule, or regulation to the contrary, a child and his/her parent(s)/guardian(s) who moves out of the school district as a result of domestic violence, sexual abuse or other family crises in accordance with the provisions of the Administrative Procedure Act, (P.L. 1968, c410 (C.52:14B-1 et seq.)), shall be permitted to remain enrolled in the school district for the remainder of the school year. Parents/guardians are required to inform the Superintendent of Schools immediately, in

TRANSFERS (continued)

writing, in all such cases. This notification must include any and all documentation of the family crises, and include pertinent documents on file with the courts, legal authorities and/or the New Jersey Division of Child Protection & Permanency (DCP&P).

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 of New Jersey shall reimburse the school district for the cost of the transportation services. Nothing in this policy shall be construed to affect the rights of homeless students pursuant to section 19 of P.L.1979, c.207 (C.18A:7B-12), section 3 of P.L.1989, c.290 (C.18A:7B-12.1), or any other applicable State or federal law.

Adopted: October 23, 2008  
 Revised: April 24, 2014  
 NJSBA Review/Update: June 2022  
 Readopted:

Key Words

Transfers, Persistently Dangerous Schools, Victims of Violent Crimes

<b><u>Legal References:</u></b>	<u>N.J.S.A. 18A:7B-12</u> <u>N.J.S.A. 18A:36-19a</u> <u>N.J.S.A. 18A:36-25.1</u>  <u>N.J.S.A. 18A:36B-14 et seq.</u>  <u>N.J.S.A. 18A:38-8</u> <u>N.J.A.C. 6A:12-3.2</u>  <u>N.J.A.C. 6A:23A-19.2</u> <u>N.J.A.C. 6A:32-8.2</u>	District of residence; determination Newly enrolled students; records and identification Proof of child's identity required for enrollment; transfer of record between districts <u>Interdistrict Public School Choice Program Act of 1999</u> Duty to receive students from other districts Criteria to guide the Commissioner's approval of choice program applications Method of determining the district of Residence School enrollment
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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

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

**ASSESSMENT OF INDIVIDUAL NEEDS**

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

The superintendent 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 superintendent/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.

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

**ASSESSMENT OF INDIVIDUAL NEEDS** (continued)

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.

Adopted: April 3, 1995  
 Revised: October 23, 2008, October 23, 2014  
 NJSBA Review/Update: June 2022  
 Readopted:

**Key Words**

Student Assessment; Assessment of Individual Needs; Dyslexia, Reading Disability

**Legal References:** N.J.S.A. 18A:7A-10

N.J.S.A. 18A:40-5.1

N.J.S.A. 18A:40-5.2

N.J.S.A. 18A:40-5.3

N.J.S.A. 18A:40-5.4

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

N.J.A.C. 6A:8-4.1 et seq.

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

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

See particularly:

Quality Single Accountability Continuum for evaluating school performance

Definitions relative to reading disabilities

Distribution of information on screening instruments

Screening for dyslexia, other reading disabilities

Comprehensive assessment for learning disorder

Implementation of the New Jersey Student Learning Standard

Implementation of the Statewide Assessment System

Graduation requirements

Educator effectiveness

ASSESSMENT OF INDIVIDUAL NEEDS (continued)

<u>N.J.A.C. 6A:10-2.4</u>	Evaluation procedures for all teaching staff members
<u>N.J.A.C. 6A:10-5.1 et seq.</u>	Components of principal evaluation
<u>N.J.A.C. 6A:10-8.1</u>	Evaluation of the superintendent
<u>N.J.A.C. 6A:14-1.1 et seq.</u>	Special Education
<u>See particularly:</u>	
<u>N.J.A.C. 6A:14-1.3, 3.3, 3.4, 3.8, 4.10, 4.11,</u>	
<u>N.J.A.C. 6A:15-1.1 et seq.</u>	Bilingual Education
<u>See particularly:</u>	
<u>N.J.A.C. 6A:15-1.3, -1.10, -1.11</u>	
<u>N.J.A.C. 6A:16-8.1</u>	Establishment of intervention and referral services
<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C. 6A:32-2.1</u>	Definitions

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

**Possible**

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

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

**QUINTON TOWNSHIP BOARD OF EDUCATION**  
Quinton, New Jersey

**FILE CODE: 5124**

**Policy**

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

**REPORTING TO PARENTS/GUARDIANS**

The Quinton Township 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 superintendent 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 superintendent 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.

Adopted:	October 8, 1985
Revised:	September 8, 1994, October 23, 2008
NJSBA Review/Update:	June 2022
Readopted:	

**Key Words**

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

**Legal References:** N.J.S.A. 18A:7E-2  
through -5  
N.J.S.A. 18A:11-1  
N.J.S.A. 18A:35-4.9  
  
N.J.S.A. 18A:40A-12

School report card program  
General mandatory powers and duties  
Student promotion and remediation; policies and procedures  
Reporting of students under influence or believed to be using anabolic steroids; examination report, return home;

REPORTING TO PARENTS/GUARDIANS (continued)

<u>N.J.S.A.</u> 18A:54-20	treatment; evaluation of possible need and referral
<u>N.J.A.C.</u> 6A:8-4.3	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:8-4.5	Accountability
<u>N.J.A.C.</u> 6A:8-5.1	Public reporting
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Graduation requirements
<u>See particularly:</u>	Special Education
<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
	*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



REPORTING TO PARENTS/GUARDIANS (continued)

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

**QUINTON TOWNSHIP BOARD OF EDUCATION**  
Quinton, New Jersey

**FILE CODE: 5125**

**Policy**

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

**STUDENT RECORDS**

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

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

Student records shall include all those mandated by the New Jersey administrative code or state statutes, or authorized by administrative directives, and such permitted records as the board 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 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, if possible. When the parent's dominant language is not English, or the parent is deaf, the district shall provide interpretation of the record in the dominant spoken or sign language;
- B. Copies of applicable state and federal laws and local policies made available on request;
- C. Should the parental rights of one or the other parent/guardian be terminated by a court of appropriate jurisdiction, it is the responsibility of the person/agency having legal custody to notify the district that the right to review student records should be denied the person whose rights have been terminated;
- D. Parents/guardians 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 have the right to request an immediate stay of disclosure pending final determination of the challenge procedure. They also have the right to challenge the district's granting or denial of access to the student's records.

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

**Student Information Directories**

The district shall compile, publicize and make available a "student information directory" as defined in the

STUDENT RECORDS (continued)

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

District Review of Student Records

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

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

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

Records of Classified Students

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

A special confidential file shall be maintained listing the code numbers assigned to disabled students on whose behalf the board of 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 or designees shall be permitted to inspect and review the contents of the student's record maintained by the district without unnecessary delay and before any meeting regarding the student's IEP. Any consent required for disabled students under N.J.A.C. 6A:32-7 shall be obtained according to N.J.A.C. 6A:14-1.3 "Consent" and N.J.A.C. 6A:14-2.3.

Transfer of Student Records

- A. The superintendent shall request records of a newly enrolled student from the district of previous attendance as soon as possible after enrollment, but in any case within the time limit prescribed by the administrative code;
- B. The superintendent shall forward mandated student records as soon as possible upon receipt of the request from the superintendent of the district to which the student has transferred, but in any case within the time limit prescribed by the administrative code. Permitted records shall be forwarded in the same

STUDENT RECORDS (continued)

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 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 only when the district obtains a court order or is provided with evidence that there is a court order revoking the right to access. Only that portion of the record designated by the court may be withheld.

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

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

The district may make a charge for copies. The board acknowledges that any charges assessed shall not prevent parents/guardians 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 must submit the request in writing, together with any required authorization, to the superintendent/designee. District regulation shall be developed in accordance with code to ensure that records are not altered, damaged or lost during inspection, and that records of access granted are complete.

Retention and Destruction of Records

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

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.

STUDENT RECORDS (continued)Liability

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

Adopted: October 8, 1995  
 Revised: December 12, 1989, August 6, 1991, January 14, 1992,  
 October 23, 2008  
 NJSBA Review/Update: June 2022  
 Readopted:

Key Words

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

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

STUDENT RECORDS (continued)

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

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

42 CFR Part II

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

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

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

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

**QUINTON TOWNSHIP BOARD OF EDUCATION**  
**Quinton, New Jersey**

**FILE CODE: 5126**

**Policy**

☐ **Monitored**  
☐ **Mandated**  
☒ **Other Reasons**

**AWARDS FOR ACHIEVEMENT**

**General**

The Quinton Township 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 superintendent/designee to develop criteria and procedures for presenting awards to students for scholarship and outstanding accomplishments in the arts, athletics and citizenship.

The superintendent 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/Honor Roll**

The board directs the superintendent/designee to establish criteria and procedures for placing students on academic honor rolls.

At the conclusion of each marking period, an honor listing shall be prepared recognizing students for outstanding academic achievement in grades two through eight. The following criteria shall be applied for recognition:

**A. Principal's List:**

No grade lower than an "A" or "O" in any major or minor subject area.

**B. Honor Roll:**

No grade lower than a "B" or "O" in any major or minor subject area.

**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.

Adopted: October 23, 2008  
NJSBA Review/Update: June 2022  
Readopted:

**Key Words**

Awards, Student Achievement Awards, Academic Awards, Athletic Awards, Honor Roll

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

AWARDS FOR ACHIEVEMENT (continued)

Possible

<u>Cross References:</u>	*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

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



**QUINTON TOWNSHIP BOARD OF EDUCATION**  
Quinton, New Jersey

FILE CODE: 5127

Policy

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

COMMENCEMENT ACTIVITIES

The Quinton Township Board of Education endorses graduation activities and ceremonies. The date of graduation shall annually be recommended by the superintendent and approved by the board.

Graduation shall not occur prior to completion of the required 180 days of 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. Internal or external suspension during the last two weeks of school;
- C. Loss of 100 merits; and
- D. Collaborative evaluation by the staff.

The final decision shall be made by the superintendent.

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

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.

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;
- 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.

COMMENCEMENT ACTIVITIES (continued)Awarding of Diplomas

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

Graduation Awards

Awards presented at the graduation ceremony shall originate from local service organizations, local businesses, school organizations and the administration. The superintendent shall review and advise the board on acceptance of such proposed awards which may be approved by the board. Any such proposed awards shall be free from bias as outlined in the district's affirmative action policies.

Criteria regarding eligibility and selection for awards shall be under the direction of the superintendent, with input from involved staff members. In the event that a local business is providing the award, children of the employees of the business shall not be eligible to receive that award.

Eighth Grade Student with Highest Academic Achievement

For the purpose of student selection for the 4A Breakfast, the report cards of the eighth grade students from marking periods one through three shall be reviewed utilizing a 4-point scale. The scale shall designate A=4, B=3, C=2, D=1 and F=0. The total for the academic courses of Language Arts, Mathematics, Science and Social Studies shall be calculated. In the event of a tie, the 7<sup>th</sup> grade report card shall be used in the calculation and each lower grade level report card shall be used until one student has the highest total score. (The 4A Breakfast Rules prohibit more than one student attending.)

Adopted: April 3, 1991  
 Revised: August 8, 1996, August 23, 2001, April 24, 2008, October 23, 2008  
 NJSBA Review/Update: June 2022  
 Readopted:

Key Words

Commencement Activities, Graduation Ceremonies, Voting, Voting Registration

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

N.J.A.C. 6A:8-5.1 et seq.

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

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)

Implementation of Graduation Requirements

Student conduct

COMMENCEMENT ACTIVITIES (continued)

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

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

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

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

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

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

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

Possible

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

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

**QUINTON TOWNSHIP BOARD OF EDUCATION**  
**Quinton, New Jersey**

**FILE CODE: 5131**

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

**Policy**

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**CONDUCT/DISCIPLINE**

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

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

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

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

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

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

**Code of Conduct**

The superintendent shall oversee the development of and the board shall approve a code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions. The code of conduct may be based on parent/guardian and student and community involvement. The superintendent has

CONDUCT/DISCIPLINE (continued)

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.
- 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.

CONDUCT/DISCIPLINE (continued)

- 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

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

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

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

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

Substance Abuse

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

Weapons Offenses

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

CONDUCT/DISCIPLINE (continued)

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

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

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

Harassment, Intimidation or Bullying

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

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

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

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

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

Students with Disabilities

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

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

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

CONDUCT/DISCIPLINE (continued)Policy and Procedure Development, Review and Dissemination

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

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

- A. Parent, student and community involvement which represents, where possible, the composition of the schools and community;
- B. Consideration of the findings of the biannual reports of student conduct, suspensions and expulsions; and incidences reported under the Student Safety Data System (SSDS).

Implementation

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

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

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

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

Adopted: December 10, 1985, October 23, 2008  
 Revised: January 5, 2017  
 NJSBA Review/Update: June 2022  
 Readopted:

Key Words

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

<p><b><u>Legal References:</u></b> <u>N.J.S.A. 2A:4A-60 et al.</u>  <u>N.J.S.A. 2C:12-1</u>  <u>N.J.S.A. 2C:33-19</u>  <u>N.J.S.A. 2C:39-5</u>  <u>N.J.S.A. 18A:6-1</u>  <u>N.J.S.A. 18A:11-1</u>  <u>N.J.S.A. 18A:25-2</u>  <u>N.J.S.A. 18A:36-19a</u>  <u>N.J.S.A. 18A:37-1 et seq.</u>  <u>See particularly:</u></p>	<p>Disclosure of juvenile information; penalties for disclosure          Definition of assault          Paging devices, possession by students          Unlawful possession of weapons          Corporal punishment of students          General mandatory powers and duties          Authority over students          Newly enrolled students; records and identification          Discipline of Students</p>
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CONDUCT/DISCIPLINE (continued)N.J.S.A. 18A:37-13.2, -14N.J.S.A. 18A:37-15 et seq.N.J.S.A. 18A:40A-1 et seq. Substance AbuseN.J.S.A. 18A:54-20 Powers of board (county vocational schools)N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsionsN.J.A.C. 6A:16-1.1 et seq. Programs to Support Student DevelopmentSee particularly:N.J.A.C. 6A:16-2.4

-4.1, -5.1, -5.4, -5.6, -5.7 -6.1, -6.2,

-7.1 through -7.5

N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts20 U.S.C.A. 1415(k) Individual with Disabilities Education Act Amendments of 1997Bethel 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 DecisionsEvery 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

PossibleCross References:

*1220	<u>Ad hoc</u> advisory committees
*1410	Local units
3517	Security
*3541.33	Transportation safety
*4131/4131.1	Staff development; inservice education/visitation conferences
4138/4238	Employee protection
*4231/4231.1	Staff development; inservice education/visitation conferences
5000	Concepts and roles in 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)

CONDUCT/DISCIPLINE (continued)

*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

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

**QUINTON TOWNSHIP BOARD OF EDUCATION**  
Quinton, New Jersey

FILE CODE: 5131.1

  X   Monitored

  X   Mandated

  X   Other Reasons

**Policy**

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**HARASSMENT, INTIMIDATION AND BULLYING**

The Quinton Township Board of Education prohibits acts of harassment, intimidation or bullying against any pupil.

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 Quinton Township 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.

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

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

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

disrupts or interferes with the orderly operation of the school or the rights of other students.

- 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.

Acts of harassment, intimidation or bullying may also be a pupil or group of pupils exercising control over another pupil, in either isolated incidents (e.g., intimidation, harassment) or patterns of harassing or intimidating behavior (e.g., bullying).

The term "school grounds," pursuant to NJAC 6A:16-1.3, means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. School property also includes other facilities as defined in NJAC 6A:26-1.2, playgrounds, and recreational places owned by local municipalities, private entities or other individuals during those times when the school district has exclusive use of a portion of such land.

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

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

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

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

- A. Consequences
  - 1. Admonishment;
  - 2. Temporary removal from the classroom;
  - 3. Deprivation of privileges;
  - 4. Classroom or administrative detention;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

5. Referral to disciplinarian;
6. In-school suspension during the school week or the weekend;
7. After-school programs;
8. Out-of-school suspension (short-term or long-term);
9. Legal action; and
10. Expulsion.

## B. Remedial Measures

## 1. Personal

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

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

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

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- 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;
- 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;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- m. Conferences;
- n. Counseling;

Reporting Harassment, Intimidation and Bullying Behavior

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

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

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

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

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

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

A school administrator who receives a report of harassment, intimidation, or bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, 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.

School Anti-Bullying Specialist

The principal shall appoint a school anti-bullying specialist. When a school guidance counselor, school psychologist, or another individual similarly trained is currently employed in the school, the 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:

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- 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;
- D. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, and bullying of students;
- E. Provide data, in collaboration with the superintendent, to the Department of Education regarding harassment, intimidation, and bullying of students; and
- F. Execute such other duties related to school harassment, intimidation, and bullying as requested by the superintendent.

School Safety/School Climate Team

The board shall form a school safety/school climate team in the 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;
- 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



HARASSMENT, INTIMIDATION AND BULLYING (continued)

activities that may compromise a student's confidentiality.

Investigating Reported Harassment, Intimidation and Bullying

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

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

- A. All investigations shall be thorough and complete, and documented in writing, and shall include, but not be limited to:
  1. Taking of statements from victims, witnesses and accused;
  2. Careful examination of the facts;
  3. Support for the victim; and
  4. Determination if alleged act constitutes a violation of this policy.
- B. The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.
- C. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.
- D. The results of the investigation shall be reported to the superintendent within two school days of the completion of the investigation, and in accordance with law and board policy. The superintendent may initiate intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action.
- E. The results of each investigation shall be reported to the board of education no later than the date of the next board meeting following the completion of the investigation, and include:
  1. Any services provided;
  2. Training established;
  3. Discipline imposed; or
  4. Other action taken or recommended by the superintendent.
- F. The superintendent or his or her designee shall ensure that parents or guardians of the students who are parties to the investigation shall receive information about the investigation. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board and include:
  1. The nature of the investigation;
  2. Whether the district found evidence of harassment, intimidation, or bullying; or
  3. Whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying.
- 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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

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

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

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

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

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

Retaliation and Reprisal Prohibited

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

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

A. Students

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

B. School Employees

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

C. Board Members

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

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

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

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;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

6. Referral to disciplinarian;
7. In-school suspension during the school week or the weekend;
8. After-school programs;
9. Out-of-school suspension (short-term or long-term);
10. Legal action;
11. Withholding of Increment;
12. Suspension;
13. Expulsion;
14. Termination;
15. Termination of service agreements or contracts (vendors, volunteers);
16. Public sanction (board members);
17. Ethics charges (some administrators, board members).

**B. Remedial Measures****1. Personal**

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

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

- 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 AND BULLYING (continued)

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 superintendent's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with law, no later than the 90 days after the issuance of the board's decision.

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

Approved Private Schools For Students With Disabilities (PSSDs)

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

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

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

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

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

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

## B. Teaching Staff Development

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

## C. Board Members

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

## D. Staff, Student and Volunteer Training

The school district shall:

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

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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 superintendent will report to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

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

Reporting to the Department of Education

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

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

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

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

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

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

Program Assessment and Review

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

Policy Development and Review

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

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

Publication, Dissemination and Implementation

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

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

- 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 the 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.



HARASSMENT, INTIMIDATION AND BULLYING (continued)

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. The school shall publish the name, school phone number, school address and school email address of the district anti-bullying coordinator and their school anti-bullying specialist on the home page of the school's website. The information concerning the district anti-bullying coordinator and the school anti-bullying specialists shall also be maintained on the Department of Education's website.

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

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

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

Adopted: December 10, 1985  
 Revised: April 3, 1995, June 26, 2003, August 16, 2007,  
 October 23, 2008, February 26, 2009, February 25, 2010,  
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 October 18, 2018  
 NJSBA Review/Update: June 2022  
 Readopted:

Key Words

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

<p><b><u>Legal References:</u></b> <u>N.J.S.A. 2A:4A-60 et al.</u>   <u>N.J.S.A. 10:5-1 et seq.</u>  <u>N.J.S.A. 18A:6-112</u>   <u>N.J.S.A. 18A:11-1</u>  <u>N.J.S.A. 18A:12-33</u>  <u>N.J.S.A. 18A:17-46</u>   <u>N.J.S.A. 18A:25-2</u>  <u>N.J.S.A. 18A:26-8.2</u>   <u>N.J.S.A. 18A:36-19</u>   <u>N.J.S.A. 18A:36-19a</u>   <u>N.J.S.A. 18A:37-1 et seq.</u>  <u>N.J.S.A. 18A:37-13 et seq.</u>  <u>See particularly:</u>  <u>N.J.S.A. 18A:37-14, -15, -17</u>  <u>N.J.S.A. 18A:54-20</u>  <u>N.J.A.C. 6A:14-2.8</u>   <u>N.J.A.C. 6A:16-1.1 et seq.</u>  <u>See particularly:</u>  <u>N.J.A.C. 6A:16-7.1,</u></p>	<p>Disclosure of juvenile information; penalties for disclosure          Law Against Discrimination          Instruction on suicide prevention for public school teaching staff          General mandatory powers and duties          Training program; requirements          Reporting of certain acts by school employee; annual report; public hearing (acts of violence)          Authority over students          School leader defined; training as part of professional development          Student records; creation, maintenance and retention, security and access; regulations; nonliability          Student records (Newly enrolled students; transfers of records, identification)          Submission of Students to Authority (Discipline)  <u>Anti-Bullying Bill of Rights Act</u>           Harassment, intimidation, and bullying          Powers of board (county vocational schools)          Discipline/suspension/expulsions (students with disabilities)          Programs to support student development (includes student conduct code)</p>
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HARASSMENT, INTIMIDATION AND BULLYING (continued)

-7.5, -7.6, -7.7

N.J.A.C. 6A:30-1.4 et seq.

Evaluation process for the annual review

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

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

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

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

PossibleCross References:

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs

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

**Regulation**

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**HARASSMENT, INTIMIDATION AND BULLYING**

The board prohibits acts of harassment, intimidation or bullying against any student. School responses to harassment, intimidation and bullying shall be aligned with the board approved code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions.

The superintendent shall be responsible for ensuring the prompt investigation and response to all reports of harassment, intimidation and bullying committed on school grounds, at school activities and on school buses.

The superintendent has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.5.

**Definition**

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.

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.

**Reporting Harassment, Intimidation and Bullying Behavior**

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

HARASSMENT, INTIMIDATION AND BULLYING (regulation continued)

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

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

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

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

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

A school administrator who receives a report of harassment, intimidation, or bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, 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 district anti-bullying coordinator shall:

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

HARASSMENT, INTIMIDATION AND BULLYING (regulation continued)

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

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

School Anti-Bullying Specialist

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

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

Investigating Reported Harassment, Intimidation and Bullying

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

The principal, or his or her designee, in consultation with the anti-bullying specialist, shall make a preliminary

HARASSMENT, INTIMIDATION AND BULLYING (regulation continued)

determination prior to initiating an investigation, as to whether a reported incident or complaint, assuming all facts presented are true, is a report that qualifies as harassment, intimidation and bullying according to the law (within the scope of N.J.S.A. 18A:37-14).

If the principal, or his or her designee, in consultation with the anti-bullying specialist, determines that the incident or complaint is a report outside the scope of the law (N.J.S.A. 18A:37-14) and does not qualify as harassment, intimidation and bullying, this determination may be appealed to the board of education according to the appeal process detailed below. The determination of the board may be appealed to the commissioner of education in accordance with law (N.J.A.C. 6A:3).

When the principal, or his or her designee, in consultation with the anti-bullying specialist, determines that the reported incident qualifies as harassment, intimidation and bullying, the report shall be investigated promptly and in accordance with law and the following procedures:

- A. All investigations shall be thorough and complete, and documented in writing, and shall include, but not be limited to:
  1. Taking of statements from victims, witnesses and accused;
  2. Careful examination of the facts;
  3. Support for the victim; and
  4. Determination if alleged act constitutes a violation of this policy.
- B. The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.
- C. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.
- D. The results of the investigation shall be reported to the superintendent within two school days of the completion of the investigation, and in accordance with law and board policy. The superintendent may initiate intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action.
- E. The results of each investigation shall be reported to the board of education no later than the date of the next board meeting following the completion of the investigation, and include:
  1. Any services provided;
  2. Training established;
  3. Discipline imposed; or
  4. Other action taken or recommended by the superintendent.
- F. The superintendent or his or her designee shall ensure that parents or guardians of the students who are parties to the investigation shall receive information about the investigation. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board and include:
  1. The nature of the investigation;
  2. Whether the district found evidence of harassment, intimidation, or bullying; or
  3. Whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying.
- G. Investigations of complaints concerning adult conduct shall not be investigated by a member of the same

HARASSMENT, INTIMIDATION AND BULLYING (regulation continued)

bargaining unit as the individual who is the subject of the investigation.

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 superintendent's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with law, no later than the 90 days after the issuance of the board's decision.

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

Approved Private Schools For Students With Disabilities (PSSDs)

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

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

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

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

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



HARASSMENT, INTIMIDATION AND BULLYING (regulation continued)

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

Reporting to the Board

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

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

Reporting to the Department of Education

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

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

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

\*Note: revise section below for districts with one school.

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

HARASSMENT, INTIMIDATION AND BULLYING (regulation continued)

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

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

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

Program Assessment and Review

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

Policy Development and Review

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

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

Publication, Dissemination and Implementation

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

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

- 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;

HARASSMENT, INTIMIDATION AND BULLYING (regulation continued)

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

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

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

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

NJSBA Review/Update: June 2022

Adopted:

Policy

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PLAGIARISM

- A. Students are expected to be honest in all of their academic work. This means that they will not engage in any of the following acts:
1. Cheating on examinations, including but not limited to, the non-authorized use of books or notes, the use of crib sheets, copying from other students' papers, exchanging information with other students orally, electronic, in writing, or by signals, obtaining copies of the examination illegally and other similar activities;
  2. Plagiarism is not permitted in term papers, themes, essays, reports, images, take-home examinations, and other academic work. Plagiarism is defined as stealing or use without acknowledgment of the ideas, words, formulas, textual materials, on line services, computer programs, etc. of another person, or in any way presenting the work of another person as one's own; and
  3. Falsifications, including forging signatures, altering answers after they have been graded, the insertion of answers after the fact, the erasure of grader's markings, and other acts that allow for falsely taking credit.
- B. A student found guilty of academic dishonesty may be subjected to a full range of penalties including, but not limited to, reprimand and loss of credit for all of the work that is plagiarized;
- C. A teacher who believes that a student has been academically dishonest in his/her class should resolve the matter in the following manner:
1. Reprimand the student orally and/or in writing. The teacher is also authorized to withhold credit in the work tainted by the academic dishonesty;
  2. If warranted, the teacher shall file a written complaint against the student with the principal, requesting a more stringent form of discipline. The complaint must describe in detail the academic dishonesty that is alleged to have taken place, and must request that the matter be reviewed by the principal;
  3. The principal will determine if further discipline of the student is appropriate, and will determine the nature of the discipline on a case-by-case basis;
  4. If the student is not in agreement with the disciplinary action of the principal, he/she may appeal the action to the superintendent. If the student is dissatisfied with the superintendent's disposition of the case, he/she may grieve the action in accordance with Policy 5145.6, Student Grievance.

Adopted: October 23, 2008  
Readopted: June 2022

Key Words

Academic Dishonesty, Cheating, Fabrication, Facilitating Academic Dishonesty, Plagiarism

<b><u>Legal References:</u></b>	<u>N.J.S.A. 2A:38A-1 et seq.</u>	Computer System
	<u>N.J.S.A. 2C:20-25</u>	Computer Related Theft
	<u>N.J.S.A. 18A:7A – 11</u>	Annual report of local school district; contents; annual report of commissioner; report on improvement of basic skills
	<u>N.J.S.A. 18A:36-35</u>	School Internet websites; disclosure of certain student information prohibited
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts

PLAGIARISM (continued)**Possible**

<b><u>Cross References:</u></b>	*4131/ 4131.1	Staff development; inservice education/visitation conferences
	4148	Employee protection
	*4231/4231.1	Staff development; inservice education/visitation conferences
	4248	Employee protection
	5000	Concepts and roles in student personnel
	5010	Personal goals and objectives for students
	*5020	Role of parents/guardians
	*5114	Suspension and expulsion
	*5124	Reporting to parents/guardians
	*5127	Commencement activities
	*5131	Conduct and discipline
	5145	Rights
	*5145.4	Equal educational opportunity
	*5145.6	Student grievance procedure
	*6164.4	Child study team
	*6171.4	Special education

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

## Policy

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### STUDENT USE OF VEHICLES

#### Bicycles

Students who have the written permission of their parent/guardian shall be permitted to ride their bicycles to school. Parents should consider their children's age, experience and skills in deciding whether to allow them to ride a bicycle to school.

Students must park and lock their bicycles in an area outside the school building designated by the principal. A bicycle may not be brought into the school building without the principal's permission. Students are required to walk with their bicycles on school property.

All students permitted to ride bicycles to and from school are required to:

- A. Wear an appropriate bicycle helmet. Any student riding a bicycle to school without a helmet will not be permitted to remove the bicycle from school property unless he/she is accompanied by a parent or guardian;
- B. Be responsible for the care of their bicycle and helmet, and properly rack and lock their bicycle while on school property;
- C. Display courtesy and consideration toward others while riding their bicycles to and from school (i.e. walking their bicycle across roads and amidst pedestrians);
- D. Comply with New Jersey State bicycle laws and regulation;
- E. Observe the designated school arrival and dismissal times.

The school is not responsible for the repair or replacement of damaged or stolen bicycles and/or helmets. Any student in violation of the law and/or this policy may have the privilege of riding their bicycle to school revoked.

Adopted: October 23, 2008  
NJSBA Review/Update: June 2022  
Readopted:

#### Key Words

Privately Owned Vehicles, Motor Vehicle, Parking Permit, Bicycle

**Legal References:** N.J.S.A. 18A:20-34 Use of schoolhouse and grounds for various purposes  
N.J.S.A. 39:4-10.1 Bicycle and motorized bicycle regulations

#### **Possible**

**Cross References:** \*1330 Use of school facilities  
\*3515 Smoking prohibition

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

**Policy**

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CAMPUS DISTURBANCES

It is the right of every student to go to and from school, and to obtain an education in the schools, without fear of molestation, physical or verbal. The Quinton Township Board of Education directs the superintendent to take such measures as are necessary, including suspension, permanent expulsion, or prosecution in the courts, against any person, student or other, who so interferes with the education of others.

The board will support teachers and other staff members who report violations of the school regulations, or violations of their own orders, because such violations do interfere with the rights of others. The disruption of the educational program of the schools by disorder or any other purposeful activity will not be tolerated. The board of education will prosecute any unauthorized person who enters upon school property.

For purposes of this policy, disorder shall be any deliberate activity by an individual or a group, whether peaceful or violent, which interferes with the normal operation of the school.

The board, having the responsibility for providing an educational program for the students of this district, shall have the authority to preserve order for the proper functioning of that program.

No pupil shall encourage any other student on or off school property to participate in any protest, march, picketing, or similar activities which cause or result in the disruption of any lawful function or activity of the school to which he/she is assigned or any other school in the school district.

Students shall not be disturbed in the exercise of their constitutionally guaranteed rights to assemble peaceably and to express ideas and opinions, privately or publicly, provided that such exercise does not infringe on the rights of others and does not interfere with the operation of the schools.

Procedures

The following procedures for addressing student disorder shall apply:

- A. Any teacher, administrator, staff member, parent volunteer or student being aware of, or hearing any rumors of a potential disorder shall immediately inform the superintendent or his or her designee;
- B. The superintendent or his or her designee shall make an immediate investigation to determine if there is any basis to the reported disturbance. If there is no basis but his/her investigation reveals a grievance, board policy and procedure 5145.6 Student Grievance Procedure shall be followed in order to prevent any possible future disorder. If this reported disturbance is centered on several key students, they shall be immediately taken into conference to determine the cause of the problem(s);
- C. If, upon investigation, actual disorder is taking place that is endangering others and does not respond to administrative requests, then the superintendent or his or her designee, after due consideration, shall:
  - 1. Contact the local law enforcement officer if available;
  - 2. Contact the New Jersey State Police Barracks responsible for patrolling the school;
  - 3. Enlist the assistance of any personnel available and continue to attempt to calmly and peacefully bring the disorder under control;
- D. The superintendent or his or her designee, at his/her discretion may advise the executive county superintendent of schools of the incident;

**CAMPUS DISTURBANCES** (continued)

- E. The superintendent or his or her designee shall, as soon as conditions permit, advise the president of the board of education verbally of the incident and prepare and submit a full written report of the incident that shall include a detailed description of the incident as well as the remedies taken.

Adopted: October 23, 2008  
 NJSBA Review/Update: June 2022  
 Readopted:

**Key Words**

Campus Disturbance, Riot

**Legal References:** N.J.S.A. 18A:25-2 Authority over Students  
N.J.S.A. 18A:37-4 Suspension of Students

**Possible**

**Cross References:** \*3541.33 Transportation safety  
 \*5020 Role of parents/guardians  
 \*5113 Absences and excuses  
 \*5114 Suspension and expulsion  
 \*5124 Reporting to parents/guardians  
 \*5131 Conduct/Discipline  
 \*5131.5 Vandalism/violence  
 \*5131.6 Drugs, alcohol, tobacco (substance abuse)  
 \*5131.7 Weapons and dangerous instruments  
 \*5145.4 Equal educational opportunity  
 \*5145.6 Student grievance procedure  
 \*5145.11 Questioning and apprehension  
 \*5145.12 Search and seizure  
 \*6164.4 Child study team  
 \*6171.4 Special education  
 \*6172 Alternative educational programs

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



**QUINTON TOWNSHIP BOARD OF EDUCATION**  
**Quinton, New Jersey**

**FILE CODE: 5131.5**

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

**Policy**

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**VANDALISM/VIOLENCE**

**Vandalism**

The Quinton Township 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 superintendent. 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 education program for a period of not less than one calendar year. The superintendent may modify this suspension on a case-by-case basis. Each student so removed shall be placed in an alternative educational program or on home instruction 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 superintendent. Staff will report accurately and not falsify information.

The board shall provide ongoing staff training, in cooperation with the Department of Education, in

VANDALISM/VIOLENCE (continued)

fulfilling the reporting requirements pursuant to N.J.S.A. 18A:17-46.

Two times each year between September 1 and January 1 and between January 1 and June 30, the school board(s) shall hold a public hearing at which the superintendent reports to the board 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 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:

VANDALISM/VIOLENCE (continued)

- 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

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 superintendent shall comply with all requirements of the Unsafe School Choice Option policy adopted by the State Board of Education for schools in districts that receive funds under the 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.

VANDALISM/VIOLENCE (continued)

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

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

School Violence Awareness Week

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

Violence and Vandalism Reporting

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

Adopted: December 10, 1985  
 Revised: October 23, 2008, August 25, 2011, December 21, 2017  
 NJSBA Review/Update: June 2022  
 Readopted:

Key Words

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

<p><b><u>Legal References:</u></b> <u>N.J.S.A. 2A:4A-60 et al.</u>  <u>N.J.S.A. 2A:53A-15</u>  <u>N.J.S.A. 2C:39-5</u>  <u>N.J.S.A. 18A:17-46</u>  <u>N.J.S.A. 18A:25-2</u>  <u>N.J.S.A. 18A:36-5.1</u>  <u>N.J.S.A. 18A:37-1 et seq.</u>  <u>See particularly:</u>  <u>N.J.S.A. 18A:37-2, -2.1</u>  <u>through -2.5, -3, -7</u>  <u>through -12</u>  <u>N.J.S.A. 18A:37-13 et seq.</u>  <u>N.J.A.C. 6A:14-2.8</u>  <u>N.J.A.C. 6A:16-1.1 et seq.</u>  <u>See particularly:</u>  <u>N.J.A.C. 6A:16-5.1,</u></p>	<p>Disclosure of juvenile information; penalties for disclosure          Liability of parent or guardian for willful destruction of property by infant under 18          Unlawful possession of weapons          Act of violence; report by school employee; notice of action taken; annual report,          Authority over students          School Violence Awareness Week          Discipline of Students    <u>Anti-Bullying Bill of Rights Act</u>          Discipline/suspension/expulsion          Programs to Support Student Development</p>
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VANDALISM/VIOLENCE (continued)

-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**

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

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

**QUINTON TOWNSHIP BOARD OF EDUCATION**  
**Quinton, New Jersey**

**FILE CODE: 5131.6**

**Policy**

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

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

It is the responsibility of the Quinton Township Board of Education to safeguard the health, character, citizenship, and personality development of the students in its school. 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 school 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 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.

SUBSTANCE ABUSE (continued)Enforcement of Drug-Free School Zones

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

Law Enforcement Liaison

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

Undercover Operations

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

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

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

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

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

Any school employee who has reason to believe a student(s) or a staff member(s) is using or distributing controlled dangerous substances, including anabolic steroids, or drug paraphernalia on school premises shall bring that information to the school principal who, in turn, shall report same to the superintendent. The superintendent shall immediately report that information to the appropriate law enforcement agency. If, after consultation with the law enforcement official, it is determined that further investigation is necessary, the superintendent will cooperate with the law enforcement authorities in accordance with the law and

SUBSTANCE ABUSE (continued)

administrative code. He/she will provide the officials with a room in an area away from the general student population in which to conduct their law enforcement duties. If law enforcement officials do not choose to investigate the incident, the superintendent may continue the investigation to determine if any school rules have been broken and whether any school discipline is appropriate.

If an arrest is necessary, and no exigent circumstances exist, the superintendent and staff will cooperate with the law enforcement officials and provide them access to the office of a school administrator or some other area away from the general student population. Every effort shall be made to enable law enforcement personnel to carry out the arrest in a manner that is least disruptive to the educational environment. The superintendent or the principal shall immediately notify the student's parent/guardian whenever a 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 superintendent, the superintendent shall report the reason the police were summoned and any pertinent information to the board at its next regular meeting. If confidentiality is required, the report shall be made in executive session.

Student Searches and Securing Physical Evidence

The principal or his/her designee may conduct a search of a student's person or belongings if the search is necessary to maintain discipline and order in the school, and the school official has a reasonable suspicion that the student is concealing contraband. All searches and seizures conducted by designated school staff shall comply with the standards prescribed by the United States Supreme Court in State in re T.L.O. 94 N.J. 331 (1983), reversed on other grounds, New Jersey v. T.L.O. 569 U.S. 325 (1985) and the New Jersey School Search Policy Manual.

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

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

Police Presence at Extracurricular Activities

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

Resolving Disputes Concerning Law Enforcement Activities

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



SUBSTANCE ABUSE (continued)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.

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

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

Ongoing Implementation of this Policy

## A. Prevention Education for Students

The board will enforce the laws of New Jersey requiring a program of drug, alcohol, steroid, and tobacco education. The superintendent shall prepare and submit to the board for its approval a comprehensive

SUBSTANCE ABUSE (continued)

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

## C. Annual Review and Distribution of Policy

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

In accordance with N.J.S.A. 18A:40A-10, copies of the policy statement shall be distributed to 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 superintendent 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 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 superintendent 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 superintendent shall report to the board all acts of violence and vandalism and incidents of alcohol and other drug abuse that occurred during the previous school year.

Any staff member who reports a 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.

SUBSTANCE ABUSE (continued)

## 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.

Adopted: April 10, 1990, October 23, 2008  
 Revised: November 12, 1991, November 14, 1996, March 16, 2006,  
 October 23, 2008  
 NJSBA Review/Update: June 2022  
 Readopted:

Key Words

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

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

N.J.S.A. 9:6-1 et seq.

Definitions

Abuse abandonment, cruelty, and neglect of child; what constitutes

N.J.S.A. 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

N.J.S.A. 18A:25-2

Authority over students

N.J.S.A. 18A:36-19.2

Student locker or other storage facility; inspections; notice to students

N.J.S.A. 18A:37-1

Submission of students to authority

N.J.S.A. 18A:37-2

Causes for suspension or expulsion of students

N.J.S.A. 18A:38-25

Attendance required of children between six and sixteen, exceptions

N.J.S.A. 18A:38-31

Violation of article by parents or guardian, penalties

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

Substance abuse

SUBSTANCE ABUSE (continued)See particularly:

N.J.S.A. 18A:40A-1, -2,  
-3, -4, -5, and -9  
N.J.S.A. 18A:40A-22 to -25  
N.J.S.A. 24:21-2

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

N.J.S.A. 26:3D-55 et seq.  
N.J.A.C. 6A:8-3.1  
N.J.A.C. 6A:9B-14.2  
N.J.A.C. 6A:14-2.8  
N.J.A.C. 6A:16-1.1 et seq.

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

See particularly:

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

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

See also:

N.J.A.C. 6A:16-1.3, -2.2,  
-2.4, -3.1, -3.2, -4.1  
through -4.3, -5.3, -6.1 -6.5

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

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

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

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

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

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

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

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

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

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

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

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: \*1120  
\*1330

Board of Education Meetings  
Use of school facilities

SUBSTANCE ABUSE (continued)

*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

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

**QUINTON TOWNSHIP BOARD OF EDUCATION**  
Quinton, New Jersey

**FILE CODE: 5131.6**

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

**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:

<b>Position</b>	<b>Summary of Main Responsibilities</b>
Superintendent	<ul style="list-style-type: none"><li>• General policy procedure oversight within the district,</li><li>• Contacting and being the liaison with law enforcement, EMS</li></ul>
Building principal	<ul style="list-style-type: none"><li>• General procedure oversight within the school</li><li>• Notification of the superintendent</li><li>• Primary contact for reported incidents</li><li>• Contacting and being the liaison with law enforcement, EMS</li><li>• SSDS report</li></ul>
Student assistance coordinator (SAC) <i>Core team member</i>	<ul style="list-style-type: none"><li>• Lead the core team</li><li>• Develop and maintain referral list for referral to community treatment programs</li><li>• Coordinate school and/or community based assessment, treatment, intervention and referral</li></ul>
School Nurse <i>Core team member</i>	<ul style="list-style-type: none"><li>• Oversight of the student's physical wellbeing</li><li>• Primary contact for reported incidents</li><li>• Examination and direct care of the student pending treatment</li><li>• Review and evaluation of all medical reports and documentation</li><li>• Maintain the school health records</li></ul>

SUBSTANCE ABUSE (continued)

School guidance and child study team staff <i>Core team members</i>	<ul style="list-style-type: none"> <li>• Support services as required and assigned in consultation with the SAC</li> </ul>
Teaching and support staff	<ul style="list-style-type: none"> <li>• Incident reporting</li> <li>• Incident documentation</li> <li>• Student supervision</li> </ul>

**PROCEDURES**Procedures for Instruction

- A. The superintendent 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 inservice 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.
- C. Each local board of education shall provide time for the inservice training during the usual school schedule in order to insure that appropriate teaching staff members are prepared to teach the educational program in each grade in each school district.
- D. The superintendent 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.
- E. Teachers shall be guided by the drug, alcohol, tobacco and steroid program approved by the board of education as a part of the health education curriculum in accordance with the Department of Education curriculum guidelines established by the Commissioner of Education.
- F. 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;



SUBSTANCE ABUSE (continued)

- 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 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, his/her 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 his/her designee shall immediately notify the parent/guardian and the superintendent 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 superintendent 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 superintendent 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

SUBSTANCE ABUSE (continued)

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 superintendent 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 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

In 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 his or her designee;
- B. The principal or his/her designee, shall immediately notify the parent/guardian and the superintendent 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 superintendent 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 superintendent 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 member for the purpose of

SUBSTANCE ABUSE (continued)

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 his/her 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 superintendent;
- 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 his/her absence, to his/her 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;
- C. If so determined, the principal shall immediately notify the student's parent/guardian and the superintendent;
- 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

SUBSTANCE ABUSE (continued)

assistance coordinator and/or core team staff. Referral to community treatment services may be warranted;

- F. The principal, superintendent, 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 superintendent 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.

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.

SUBSTANCE ABUSE (continued)

- 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.

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

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

These steps will include:

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

Offense	First Offense	Second Offense	Third Offense
Smoking	<ul style="list-style-type: none"> <li>• Parents/guardians notified;</li> <li>• 1 day ISS</li> <li>• Referral to SAC for quitting assessment</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting with parents/guardians;</li> <li>• 3 days ISS;</li> <li>• Referral for the school psychologist;</li> <li>• Law enforcement contacted and possible fine pursuant to <u>N.J.S.A. 26:3D-62</u> (\$250/first offense)</li> </ul>	
Possession of drug paraphernalia not containing any controlled dangerous substance otherwise identified in <u>N.J.A.C. 6A:16-4.1(a)</u>	<ul style="list-style-type: none"> <li>• Parents/guardians notified;</li> <li>• 1 day ISS</li> <li>• Referral to SAC for assessment</li> </ul>	<ul style="list-style-type: none"> <li>• Meeting with parents/guardians;</li> <li>• 3 days ISS;</li> <li>• Referral for the school psychologist;</li> <li>• Law enforcement contacted</li> </ul>	
Possession of alcohol,	<ul style="list-style-type: none"> <li>• Parents/guardians notified;</li> </ul>	Expulsion hearing plus	

**SUBSTANCE ABUSE** (continued)

drugs, steroids or substances identified in <u>N.J.A.C. 6A:16-4.1(a)</u>	<ul style="list-style-type: none"> <li>• 9 day suspension;</li> <li>• Law enforcement contacted</li> </ul>	all consequences listed for a first offense	
Under the influence of alcohol, drugs, steroids, or substances identified in <u>N.J.A.C. 6A:16-4.1(a)</u>	<ul style="list-style-type: none"> <li>• Parents/guardians notified;</li> <li>• Immediate medical examination including urinalysis and/or blood test to verify use; and determine extent of use;</li> <li>• 9 day suspension;</li> <li>• Law enforcement contacted</li> <li>• Medical statement substantiating student's state of wellbeing is required before re-entry after positive diagnosis of chemical use;</li> <li>• Referral to the SAC for treatment, after-care, and reentry plan</li> </ul>	Expulsion hearing plus all consequences listed for a first offense	
Distribution, transferring, or selling	<ul style="list-style-type: none"> <li>• Parents/guardians notified;</li> <li>• 10 day suspension and expulsion hearing;</li> <li>• Law enforcement contacted</li> </ul>		

**REGULATION HISTORY**

NJSBA Review/Update: September 2022  
 Adopted:

**CROSS REFERENCES**

5114 Suspension and Expulsion  
 5131 Conduct and Discipline  
 5131.5 Violence and Vandalism  
 5131.5/5131.7 Violence, Vandalism and Weapons, Regulation (SSDS report)  
 5131.7 Weapons and Dangerous Instruments

**PRIMARY RESOURCES**

1 Substance Abuse, Signs and Symptoms  
 2 Alcohol, Tobacco & Other Drug Abuse  
 3 List of County Screening Centers

**QUINTON TOWNSHIP BOARD OF EDUCATION**  
**Quinton, New Jersey**

**FILE CODE: 5131.7**

**Policy**

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

**WEAPONS AND DANGEROUS INSTRUMENTS**

The Quinton Township 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 on route to or from school or any school function.

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

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

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

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

**Remotely Activated Paging Devices (Beepers)**

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

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

WEAPONS AND DANGEROUS INSTRUMENTS (continued)

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

Implementation

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

Adopted: December 10, 1985  
 Revised: April 3, 1995, October 23, 2008, November 21, 2019  
 NJSBA Review/Update: June 2022  
 Readopted:

Key Words

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

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,  
 -6.3(b), -6.4

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

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).



WEAPONS AND DANGEROUS INSTRUMENTS (continued)

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

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