

8451 CONTROL OF COMMUNICABLE DISEASE - REGULATION**M****A. Detection of Communicable Diseases**

1. Teachers will be trained to detect communicable diseases in pupils by recognizing the symptoms of disease.
2. In general, a pupil who shows one or more of the following symptoms should be sent to the school nurse for evaluation and/or treatment:
 - a. Pain, generalized or specific,
 - b. Chills,
 - c. Fever,
 - d. Earache,
 - e. Vomiting,
 - f. Sore throat,
 - g. Enlarged glands,
 - h. Skin eruption,
 - i. Running nose, or
 - j. Red and discharging eyes.
3. A pupil who shows symptoms of any of the following communicable diseases should be sent promptly to the school nurse for evaluation.
 - a. Chicken pox: Small reddish, itchy eruptions on the skin resembling pimples or blisters, which later fill with fluid and form crusts; slight fever.
 - b. German measles (rubella): A common cold followed by a light red rash on face and body; small beady lumps behind ears; slight fever.
 - c. Measles (rubeola): Cold, runny nose, watery and light-sensitive eyes, fever, followed by bluish-white specks (Koplik spots) on inside of mouth, red blotchy rash, and dry cough.

- d. Mumps: Tenderness and swelling of the salivary glands below and a little in front of the ear; fever.
 - e. Streptococcal infections (including scarlet fever, sore throat, and erysipelas): Sudden onset of fever, sore throat, strawberry tongue, followed by bright red rash on body, usually on the inner arm and thigh.
 - f. Whooping cough (pertussis): A common cold, with irritating cough, followed by repeated series of violent coughs without inhaling, often with respiratory whoops. Cough may end with vomiting.
 - g. Fifth disease (erythema infectiosum): Fine rash that is most apparent on the cheeks and later spreads to arms and legs, low grade fever.
 - h. Pink eye (conjunctivitis): Redness of white areas of eyes, accompanied by some itching; eyes may discharge pus and be light sensitive.
 - i. Head lice (pediculosis): Itching scalp, presence of lice and nits at hair roots.
 - j. Impetigo (staphylococcus infection): Lesions.
 - k. Meningitis-meningococcal: Severe headache, chills, vomiting, convulsions, fever, stiff neck, pain in neck.
 - l. Hepatitis infectious: Fever, anorexia, nausea, malaise, abdominal discomfort, followed by jaundice.
4. Any person who is ill or infected with any disease below and as outlined in N.J.A.C. 8:57-1.3 or any communicable disease, whether confirmed or presumed will be reported immediately by the school Principal to the County Health Officer or to the New Jersey Department of Health if the County Health Officer is not available. Such telephone report will be followed up by a written report or electronic report within twenty-four hours of the initial report. The diseases to be immediately reported are:
- a. Botulism (*Clostridium*);
 - b. Diphtheria (*Corynebacterium diphtheriae*);
 - c. *Haemophilus influenzae*, invasive disease;
 - d. Hepatitis A, institutional settings;
 - e. Measles;
 - f. Meningococcal disease (*Neisseria meningitidis*);

- g. Pertussis (whooping cough, bordetella pertussis);
- h. Plague (Yersinia pestis);
- i. Poliomyelitis;
- j. Rabies (human illness);
- k. Rubella;
- l. Viral hemorrhagic fevers, including, but not limited to, Ebola Lassa, and Marburg viruses;
- m. Foodborne intoxications, including, but not limited to, mushroom poisoning;
- n. Any foodborne, waterborne, nosocomial, outbreak or suspected outbreak or any outbreak or suspected outbreak of unknown origin;
- o. COVID-19
- p. Any other disease included in N.J.A.C. 8:57-1.3.

B. Exclusion From School

1. A pupil who exhibits any of the symptoms described in A2 or whose condition suggests the presence of a communicable disease as described in A3 or A4 will be sent to the school nurse's office. The teacher will ensure that the pupil is accompanied by an adult or a responsible pupil.
2. The teacher will communicate to the school nurse, directly or by written note, the reason for which the pupil is sent for medical assessment.
3. The school nurse will examine the pupil and, in consultation with the school medical inspector if the pupil's condition so indicates, recommend to the Principal the pupil's exclusion from school for medical reasons.

~~—If a student is suspected of having COVID-19 and has:~~

- ~~• Had no contact with anyone who has tested positive~~
- ~~• Not traveled to a highly impacted area/state~~
- ~~• Another condition, such as the flu~~

~~In conjunction with the threat level remaining low in Bergen county,
school will not close~~

If a student is suspected of having COVID-19 and has:

- ~~Had contact with a person that has tested positive for COVID-19~~
- ~~Traveled to a highly impacted area/state~~
- ~~No other medical condition, such as the flu~~

~~In conjunction with the threat level remaining low in Bergen county, school will not close~~

~~If two or more students test positive for COVID-19 in a school building, the school will close for 2-5 days.~~

4. In the event neither the school nurse or the school medical inspector is available to be consulted about the pupil's condition, the Principal may determine to exclude the pupil from school.
5. The parent, adult family member, or other responsible adult designated by the parent will be promptly notified by telephone of the pupils' exclusion and requested to come to school to fetch the pupil. Until the adult arrives to remove the pupil, the pupil will be kept in an isolated location in the school and will be made as comfortable as possible. The pupil will be supervised at all times by a school staff member.

C. Readmission to School

1. A pupil who has been excluded from school or retained at home by reason of having or being suspected of having a communicable disease shall not be readmitted to school until the pupil presents written evidence that he/she is free of communicable disease.
2. Evidence that a pupil is free of communicable disease will consist of the certification of the school medical inspector or another qualified physician who has personally examined the pupil. ~~In cases of COVID-19, a negative COVID-19 test result must be submitted to the school.~~

No pupil who has had a communicable disease will be readmitted to school until a physician's certificate indicating the symptoms of the disease have ceased has been provided to the Principal or designee or the school nurse.

D. Reports

1. The school nurse will file such reports as may be required by the New Jersey State Department of Health and in the reporting of communicable diseases in schools.
2. When the rate of school absenteeism is in excess of fifteen percent, the school nurse shall report the absenteeism to the local and/or the County Board of Health.

3. The teacher may, with the advice and consent of the Principal and the school nurse, inform the parent(s) or legal guardian(s) of pupils in his/her class that a pupil in the class has contracted a communicable disease. The information given to parents or legal guardians may include the specific symptoms of the disease and parent(s) or legal guardian(s) may be encouraged to consult their personal physicians for inoculations that may prevent the disease or ease the symptoms of the disease.

HASBROUCK HEIGHTS PUBLIC SCHOOLS

SCHOOL HEALTH SERVICES[1] [2]

RETURN TO SCHOOL GUIDELINES

In an effort to safeguard your child's health and the health of all the children in our school, the following will help stop the spread of infection among students and staff. Please contact your school nurse if you have any questions.

<u>Strep Throat</u>	Children may return to school after they have been free of a fever for 24 hours without the assistance of medication to lower their temperature. If they were prescribed an antibiotic it must be taken for a FULL 24 hours before returning to school. A doctor's note must be provided to return to school.
<u>Fever</u>	Children may return to school when the temperature has been normal for <u>72 hours (3 full days) without the use of medication. If a student was suspected of having COVID-19 a doctors note clearing them of the virus will also be required for their return.</u>
<u>Cold</u>	Children should stay home if they are too uncomfortable to complete their work and/or if they have a persistent or severe cough.
<u>Vomiting</u>	Children must be symptom free for 24 hours and be able to hold down food and fluids before returning to school.
<u>Rashes</u>	Students presenting any symptoms of potential contagious or communicable conditions must report to the school nurse and maybe be excluded from school until condition resolves or they present a note from their physician stating the diagnoses and that this condition is not communicable.
<u>Chickenpox</u>	Student's must remain at home until lesions are healed and dried when diagnosed with chickenpox or other similar diseases.
<u>COVID-like Symptoms</u>	A student sent home with COVID-like symptoms will be referred to the child's

~~primary care physician for testing and return to school clearance. The student must be fever free for 72 hours without the use of medication and provide a doctor's note upon return to school.~~

Conjunctivitis (Pink Eye) Children who have pink/red eyes with white/yellow discharge often with matted eyelashes, eye pain, redness of the eyelids or skin surrounding the eye may have pink eye.

1. Children need to be medically excused from school.
2. He/She may return 24 hours AFTER the first dose of antibiotic eye drops.
3. A medical note is required to return to school.

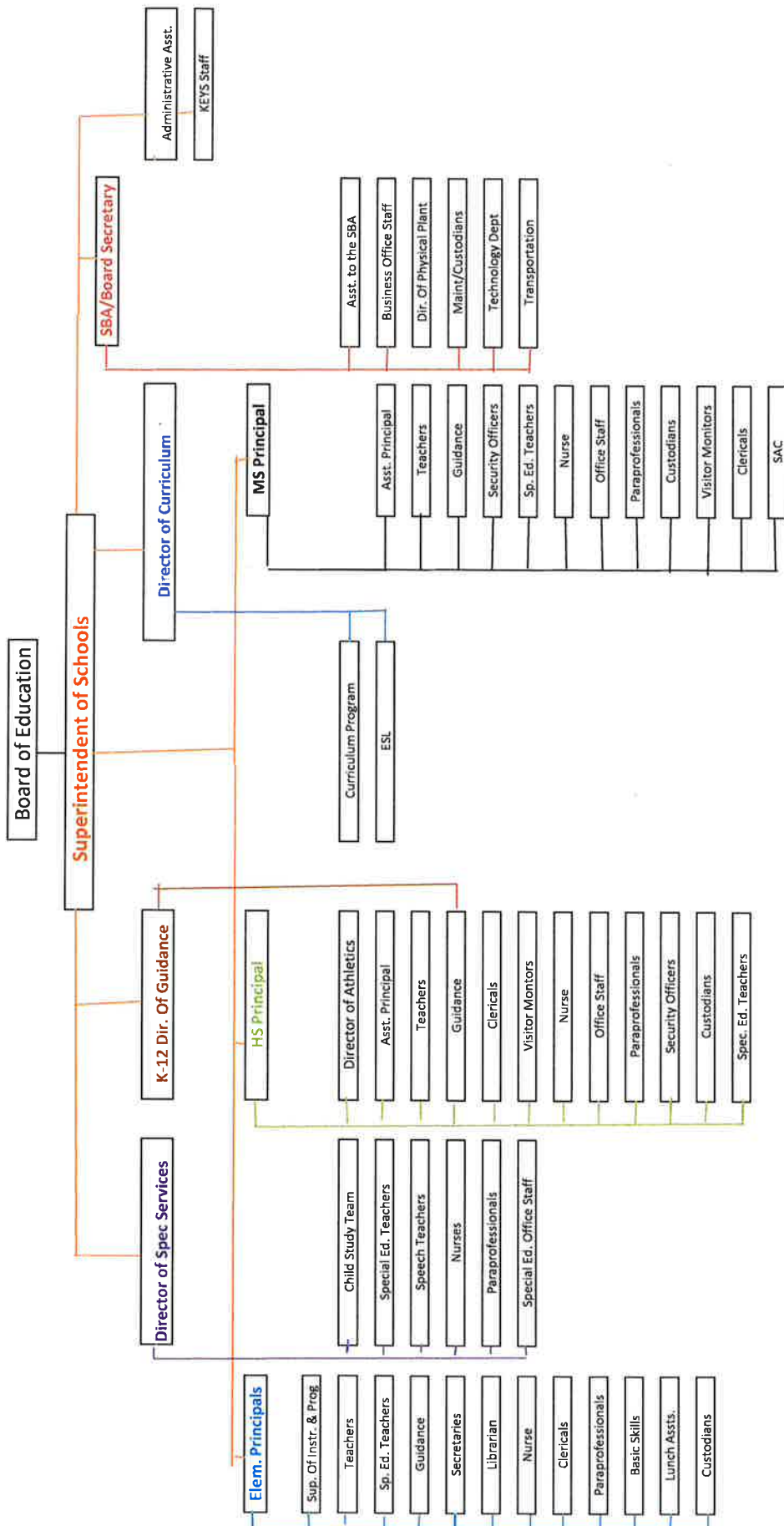
Adopted: 20 November 2014

Revised: August 20, 2020

Revised (First Reading): December 15, 2022

Revised (Second Reading): January 26, 2023

ORGANIZATIONAL CHART
Hasbrouck Heights Public Schools



Approved: February 28, 2019

Revised (First Reading): December 15, 2022
Revised (Second Reading): January 26, 2023

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Board Officers
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[See POLICY ALERT Nos. 181, 205, 219, and 229]

0152 BOARD OFFICERS

The Board of Education shall organize at its first regular meeting by electing one of its members as President and another as Vice President.

Any **Board** member may place a **Board** member's name in nomination **for Board President and Vice President**; a second **on the nomination** is not required. Election for each office will be conducted by a vote when the nominations for that office are closed. ~~The candidate receiving a majority vote of the members of the Board present and constituting a quorum will be elected to office.~~

Verbal Roll Call Vote

Voting shall take place by verbal roll call vote after nominations are closed. When more than one person has been nominated **for a single position**, the Board will vote on candidates in the order in which they were nominated. ~~In the event no candidate receives a majority vote of the members of the Board present and constituting a quorum, the procedure shall continue until someone receives a majority vote.]~~

Elect Officers With a Majority Vote of all the Board Members Present

The person with the majority vote of the members of the Board present and constituting a quorum shall be elected. In the event no candidate receives a majority vote of the Board members present and constituting a quorum, the procedure shall be repeated until someone receives a majority vote of those Board members present and constituting a quorum.

Officers shall serve for one year and until their respective successors are elected and shall qualify, but if the Board shall fail to hold the organization meeting or to elect Board officers as prescribed by N.J.S.A. 18A:15-1, the Executive County Superintendent shall appoint from among the members of the Board a President and/or Vice President.

A President or Vice President who refuses to perform a duty imposed upon **them** ~~him/her~~ by law may be removed by a majority vote of **all of the Board** members ~~of the Board present and constituting a quorum~~. In the event the office of



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President or Vice President shall become vacant the Board shall, within thirty days thereafter, fill the vacancy for the unexpired term. If the Board fails to fill the vacancy within such time, the Executive County Superintendent shall fill the vacancy for the unexpired term.

N.J.S.A. 18A:15-1; 18A:15-2

Revised (First Reading): January 26, 2023



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STUDENTS

5512

Harassment, Intimidation, ~~or and~~ Bullying

Oct 22

M

[See POLICY ALERT Nos. 179, 180, 181, 182, 183, 188, 193, 194, 200,
216, 227, and 229]

5512 HARASSMENT, INTIMIDATION, ~~OR AND~~ BULLYING

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- A. **Prohibiting Harassment, Intimidation, or Bullying Policy Statement**

The Board of Education prohibits acts of harassment, intimidation, or bullying of a student. **The Board has determined that a** safe and civil environment in school is necessary for students to learn and achieve high academic standards; ~~h~~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 and disciplined environment. ~~Harassment, intimidation, or bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance.~~ Since students learn by example, school administrators, faculty, staff, and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying.

For the purposes of this Policy, the term "parent," pursuant to N.J.A.C. 6A:16-1.3, means the natural parent(s); adoptive parent(s); legal guardian(s); **resource family foster** parent(s); or parent surrogate(s) of a student. When parents are separated or divorced, "parent" means the person or agency which has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided parental rights have not been terminated by a court of appropriate jurisdiction.



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B. **Definition of Harassment, Intimidation, or and Bullying Definition**

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

1. Is reasonably perceived as being motivated by either any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic;
2. Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, as provided for in N.J.S.A. 18A:37-15.3;
3. 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, that the act(s) 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 their person or damage to their 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 a student’s education or by severely or pervasively causing physical or emotional harm to the student.

The Board recognizes that bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance. Recognizing “a real or perceived power imbalance” may assist school officials in identifying harassment, intimidation, or bullying within the context and relative positions of the alleged aggressor and target.

“Electronic communication” means a communication transmitted by means of an electronic device, including, but not limited to, a



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telephone, cellular phone, computer, or remotely activating paging device (N.J.A.C. 6A:16-1.3).

In accordance with the Board of Education's Code of Student Conduct and this Policy, all acts of harassment, intimidation, or bullying that occur off school grounds, such as "cyber-bullying" (e.g., the use of electronic means to harass, intimidate, or bully) is addressed in this Policy.

~~Schools are required to address harassment, intimidation, and bullying occurring off school grounds, when there is a nexus between the harassment, intimidation, and bullying and the school (e.g., the harassment, intimidation, or bullying substantially disrupts or interferes with the orderly operation of the school or the rights of other students).~~

~~"Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to: a telephone, cellular phone, computer, or pager.~~

C. Student ~~Expectations~~ Behavior

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

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

Students are expected to behave in a way that creates a supportive learning environment. The Board believes the best discipline is self-imposed, and **that** it is the responsibility of staff to use instances of violations of the Code of Student Conduct as opportunities **for helping** ~~to help~~ students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with students



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shall apply best practices designed to prevent student conduct problems and foster students' abilities to grow in self-discipline.

The Board expects ~~that~~ students will act in accordance with the student behavioral expectations and standards regarding harassment, intimidation, ~~or and~~ bullying, including:

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

Pursuant to N.J.S.A. 18A:37-15(a) and N.J.A.C. 6A:16-7.1(a)1, the district has involved a broad-base of school and community members, including parents, **school employees, volunteers, students, and community representatives** ~~instructional staff, student support services staff, school administrators, and school volunteers, as well as community organizations, such as faith-based, health and human service, business and law enforcement,~~ in the development of this Policy.

Pursuant to N.J.A.C. 6A:16-7.1, Based on locally determined and accepted core ethical values adopted by the Board, pursuant to N.J.A.C. 6A:16-7.1(a)2, the Board developed must develop guidelines for student conduct, **taking pursuant to N.J.A.C. 6A:16-7.1. These guidelines for student conduct will take** into consideration **the nature of the behavior; the nature of the student's disability, if any and to the extent relevant;** the developmental ages of students;; ~~the~~ severity of the offenses and students' histories of inappropriate behaviors;; and the mission and physical facilities of the individual school(s) in the district. This Policy requires all students in the district to adhere to the rules established by the school district and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules.

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



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The district prohibits active or passive support for acts of harassment, intimidation, or bullying. **The school district will** ~~Students are encouraged to support other students who:~~

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

D. Consequences and ~~Appropriate~~ Remedial Actions

The Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of harassment, intimidation, or bullying, consistent with the Code of Student Conduct, **and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation, or bullying.** ~~The following factors, at a minimum, shall be given full consideration by the school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by students.~~

In every incident found to be harassment, intimidation, or bullying, the school Principal, in consultation with appropriate school staff, may apply disciplinary consequences and/or remedial actions, such as the provision of counseling, behavioral interventions, or other measures.

Appropriate consequences and remedial actions are those that are graded according to the severity of the offenses; consider the developmental ages of the student offenders; the nature of the student's disability, if any and to the extent relevant; and the students' histories of inappropriate behaviors, per the Code of Student Conduct and N.J.A.C. 6A:16-7.

The following factors, at a minimum, shall be given full consideration by the school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by students.



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Factors for Determining Consequences

- **Age, disability (if any and to the extent relevant), developmental and maturity levels of the parties involved and their relationship to the school district;**
- **Degrees of harm;**
- **Surrounding circumstances;**
- **Nature and severity of the behaviors;**
- **Incidences of past or continuing patterns of behavior;**
- **Relationships between the parties involved; and**
- **Context in which the alleged incidences occurred.**

Factors for Determining Remedial Measures

Personal:

- **Life skill deficiencies;**
- **Social relationships;**
- **Strengths;**
- **Talents;**
- **Traits;**
- **Interests;**
- **Hobbies;**
- **Extra-curricular activities;**
- **Classroom participation;**
- **Academic performance;**
- **Relationship to peers; and**
- **Relationship between student/family and the school district.**

Environmental:

- **School culture;**
- **School climate;**
- **Student-staff relationships and staff behavior toward the student;**
- **General staff management of classrooms or other educational environments;**
- **Staff ability to prevent and manage difficult or inflammatory situations;**
- **Availability of programs to address student behavior;**
- **Social-emotional and behavioral supports;**
- **Social relationships;**
- **Community activities;**



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- **Neighborhood situation; and**
- **Family situation.**

Examples of Consequences and Remedial Measures

The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Consequences:

- **Admonishment;**
- **Temporary removal from the classroom (any removal of .5 days or more must be reported in the Student Safety Data System);**
- **Deprivation of privileges;**
- **Classroom or administrative detention;**
- **Referral to disciplinarian;**
- **In-school suspension during the school week or the weekend;**
- **Out-of-school suspension (short-term or long-term);**
- **Reports to law enforcement or other legal action;**
- **Expulsion; and**
- **Bans from receiving certain services, participating in school-district-sponsored programs or being in school buildings or on school grounds.**

Examples of Remedial Measures

Personal:

- **Restitution and restoration;**
- **Peer support group;**
- **Recommendations of a student behavior or ethics council;**
- **Corrective instruction or other relevant learning or service experience;**
- **Supportive student interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;**
- **Behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate;**
- **Behavioral management plan, with benchmarks that are closely monitored;**



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- **Assignment of leadership responsibilities (e.g., hallway or bus monitor);**
- **Involvement of school "disciplinarian;"**
- **Student counseling;**
- **Parent conferences;**
- **Alternative placements (e.g., alternative education programs);**
- **Student treatment; and**
- **Student therapy.**

Environmental (Classroom, School Building, or School District):

- **School and community surveys or other strategies for determining the conditions contributing to HIB;**
- **School culture change and school climate improvement;**
- **Adoption of research-based, systemic bullying prevention programs;**
- **School policy and procedures revisions;**
- **Modifications of schedules;**
- **Adjustments in hallway traffic;**
- **Modifications in student routes or patterns traveling to and from school;**
- **Supervision of student before and after school, including school transportation;**
- **Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);**
- **Teacher aides;**
- **Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;**
- **General professional development programs for certificated and non-certificated staff;**
- **Professional development plans for involved staff;**
- **Disciplinary action for school staff who contributed to the problem;**
- **Supportive institutional interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;**
- **Parent conferences;**
- **Family counseling;**
- **Involvement of parent-teacher organizations;**
- **Involvement of community-based organizations;**
- **Development of a general bullying response plan;**
- **Recommendations of a student behavior or ethics council;**



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- Peer support groups;
- Alternative placements (e.g., alternative education programs);
- School transfers; and
- Law enforcement (e.g., safe schools resource officer, juvenile officer) involvement or other legal action.

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion of students, as set forth in the Board's approved Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1.

~~The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by students.~~

~~Consequences—Students~~

~~Consequences for a student who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion of students, as set forth in the Board's approved Code of Student Conduct pursuant to N.J.A.C. 6A:16-7.1. Consequences for a student who commits an act of harassment, intimidation, or bullying are those that are 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 consistent with the Board's approved Code of Student Conduct and N.J.A.C. 6A:16-7, Student Conduct. The use of negative consequences should occur in conjunction with remediation and not be relied upon as the sole intervention approach.~~

~~Factors for Determining Consequences—Student Considerations~~

- ~~1. Age, developmental and maturity levels of the parties involved and their relationship to the school district;~~
- ~~2. Degrees of harm;~~
- ~~3. Surrounding circumstances;~~
- ~~4. Nature and severity of the behavior(s);~~
- ~~5. Incidences of past or continuing patterns of behavior;~~
- ~~6. Relationships between the parties involved; and~~



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7. — Context in which the alleged incidents occurred.

Factors for Determining Consequences — School Considerations

1. — School culture, climate, and general staff management of the learning environment;
2. — Social, emotional, and behavioral supports;
3. — Student staff relationships and staff behavior toward the student;
4. — Family, community, and neighborhood situation; and
5. — Alignment with Board policy and regulations/procedures.

Examples of Consequences

1. — Admonishment;
2. — Temporary removal from the classroom;
3. — Deprivation of privileges;
4. — Classroom or administrative detention;
5. — Referral to disciplinarian;
6. — In-school suspension;
7. — Out of school suspension (short-term or long-term);
8. — Reports to law enforcement or other legal action; or
9. — Expulsion.

In accordance with N.J.S.A. 18A:37-15.b.(4), the consequences for a student who commits an act of harassment, intimidation, or bullying may vary depending on whether it is the first act of harassment, intimidation, or bullying by a student, the second act, or third or subsequent acts. If it is the third or subsequent act of harassment, intimidation, or bullying by a student, **The Principal, in consultation with appropriate school staff, shall develop an individual student intervention plan when a student is found to be an offender in three harassment, intimidation, or bullying incidents and each subsequent incident occurring within one school year. The student intervention plan may include disciplinary consequences and/or remedial actions and may require the student, accompanied by a parent, to satisfactorily complete a class or training program to reduce harassment, intimidation, or bullying behavior. Each student intervention plan must be approved by the Superintendent which shall be approved by the Superintendent or designee, and may require the student, accompanied by a parent, to complete in a satisfactory manner a class or training program to reduce harassment, intimidation, or bullying behavior.**

While the majority of incidents may be addressed solely by school officials, the Superintendent or designee and the Principal shall report a harassment, intimidation, or bullying incident to law enforcement



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officials if the conduct rises to the level of a mandatory report as outlined in the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials.

~~Appropriate Remedial Actions—Students~~

~~Appropriate remedial action for a student who commits an act of harassment, intimidation, or bullying that takes into account 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. The appropriate remedial action may also include a behavioral assessment or evaluation including, but not limited to, a referral to the Child Study Team as appropriate; and supportive interventions and referral services, including those at N.J.A.C. 6A:16-8.~~

~~Factors for Determining Remedial Measures~~

~~Personal~~

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

~~Environmental~~

- ~~1. School culture;~~
- ~~2. School climate;~~
- ~~3. Student-staff relationships and staff behavior toward the student;~~
- ~~4. General staff management of classrooms or other educational environments;~~
- ~~5. Staff ability to prevent and manage difficult or inflammatory situations;~~
- ~~6. Social-emotional and behavioral supports;~~
- ~~7. Social relationships;~~
- ~~8. Community activities;~~
- ~~9. Neighborhood situation; and~~
- ~~10. Family situation.~~



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Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim of the act, and take corrective action for documented systemic problems related to harassment, intimidation, or bullying. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Remedial Measures

Personal—Student Exhibiting Bullying Behavior

1. Develop a behavioral contract with the student. Ensure the student has a voice in the outcome and can identify ways they can solve the problem and change behaviors;
2. Meet with parents to develop a family agreement to ensure the parent and the student understand school rules and expectations;
3. Explain the long term negative consequences of harassment, intimidation, and bullying on all involved;
4. Ensure understanding of consequences, if harassment, intimidation, and bullying behavior continues;
5. Meet with school counselor, school social worker, or school psychologist to decipher mental health issues (e.g., what is happening and why?);
6. Develop a learning plan that includes consequences and skill building;
7. Consider wrap around support services or after school programs or services;
8. Provide social skill training, such as impulse control, anger management, developing empathy, and problem solving;
9. Arrange for an apology, preferably written;
10. Require a reflective essay to ensure the student understands the impact of their actions on others;
11. Have the student research and teach a lesson to the class about bullying, empathy, or a similar topic;
12. Arrange for restitution (i.e., compensation, reimbursement, amends, repayment), particularly when personal items were damaged or stolen;
13. Explore age appropriate restorative (i.e., healing, curative, recuperative) practices; and
14. Schedule a follow-up conference with the student.

Personal—Target/Victim



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1. — Meet with a trusted staff member to explore the student's feelings about the incident;
2. — Develop a plan to ensure the student's emotional and physical safety at school;
3. — Have the student meet with the school counselor or school social worker to ensure they do not feel responsible for the bullying behavior;
4. — Ask students to log behaviors in the future;
5. — Help the student develop skills and strategies for resisting bullying; and
6. — Schedule a follow-up conference with the student.

Parents, Family, and Community

1. — Develop a family agreement;
2. — Refer the family for family counseling; and
3. — Offer parent education workshops related to bullying and social-emotional learning.

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

1. — Analysis of existing data to identify bullying issues and concerns;
2. — Use of findings from school surveys (e.g., school climate surveys);
3. — Focus groups;
4. — Mailings—postal and email;
5. — Cable access television;
6. — School culture change;
7. — School climate improvement;
8. — Increased supervision in “hot spots” (e.g., locker rooms, hallways, playgrounds, cafeterias, school perimeters, buses);
9. — Adoption of evidence-based systemic bullying prevention practices and programs;
10. — Training for all certificated and non-certificated staff to teach effective prevention and intervention skills and strategies;
11. — Professional development plans for involved staff;
12. — Participation of parents and other community members and organizations (e.g., Parent Teacher Associations, Parent Teacher Organizations) in the educational program and in problem-solving bullying issues;
13. — Formation of professional learning communities to address bullying problems;
14. — Small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the



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- ~~acceptable student and staff member behavior and the consequences of such actions;~~
- ~~15. School policy and procedure revisions;~~
 - ~~16. Modifications of schedules;~~
 - ~~17. Adjustments in hallway traffic;~~
 - ~~18. Examination and adoption of educational practices for actively engaging students in the learning process and in bonding students to pro-social institutions and people;~~
 - ~~19. Modifications in student routes or patterns traveling to and from school;~~
 - ~~20. Supervision of student victims before and after school, including school transportation;~~
 - ~~21. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);~~
 - ~~22. Targeted use of teacher aides;~~
 - ~~23. Disciplinary action, including dismissal, for school staff who contributed to the problem;~~
 - ~~24. Supportive institutional interventions, including participation in the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;~~
 - ~~25. Parent conferences;~~
 - ~~26. Family counseling;~~
 - ~~27. Development of a general harassment, intimidation, and bullying response plan;~~
 - ~~28. Behavioral expectations communicated to students and parents;~~
 - ~~29. Participation of the entire student body in problem-solving harassment, intimidation, and bullying issues;~~
 - ~~30. Recommendations of a student behavior or ethics council;~~
 - ~~31. Participation in peer support groups;~~
 - ~~32. School transfers; and~~
 - ~~33. Involvement of law enforcement officers, including school resource officers and juvenile officers or other appropriate legal action.~~

Consequences and Appropriate Remedial Actions – Adults

The district will also impose appropriate consequences and remedial actions to an adult who commits an act of harassment, intimidation, or bullying of a student. The consequences may include, but not be limited to: verbal or written reprimand;; increment withholding;; legal action;; disciplinary action;; termination;; and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not



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be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

Target/Victim Support

Districts should identify a range of strategies and resources that will be available to individual victims of harassment, intimidation, and bullying, and respond in a manner that provides relief to victims and does not stigmatize victims or further their sense of persecution. The type, diversity, location, and degree of support are directly related to the student's perception of safety.

Sufficient safety measures should be undertaken to ensure the victim's physical and social-emotional well-being and their ability to learn in a safe, supportive, and civil educational environment.

Examples of support for student victims of harassment, intimidation, and bullying include:

1. Teacher aides;
2. Hallway and playground monitors;
3. Partnering with a school leader;
4. Provision of an adult mentor;
5. Assignment of an adult "shadow" to help protect the student;
6. Seating changes;
7. Schedule changes;
8. School transfers;
9. Before and after school supervision;
10. School transportation supervision;
11. Counseling; and
12. Treatment or therapy.

E. **Reporting** Harassment, Intimidation, or Bullying **Reporting Procedure**

The Board of Education requires the Principal at each school to be responsible for receiving **all** complaints alleging **harassment, intimidation, or bullying committed by an adult or youth against a student** ~~violations of this Policy~~. All Board members, school employees, and volunteers and contracted service providers who have contact with students, are required to verbally report **alleged acts of harassment, intimidation, or bullying** ~~alleged violations of this Policy~~ to the Principal or the Principal's designee on the same day when the individual witnessed or received reliable information regarding any such incident. All Board members, school employees, ~~and volunteers~~ and contracted service providers who have contact with students, also shall submit a **New Jersey**



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Department of Education-approved HIB 338 Form ~~report in writing~~ to the Principal within two school days of the verbal report. **Failure to make the required report(s) may result in disciplinary action.** ~~The written report shall be on a numbered form developed by the New Jersey Department of Education in accordance with N.J.S.A. 18A:37-15.b.(5). A copy of the form shall be submitted promptly by the Principal to the Superintendent.~~ **The HIB 338 Form shall be kept on file at the school, but shall not be included in any student record unless the incident results in disciplinary action or is otherwise required to be contained in a student's record under State or Federal Law.**

The district may not fail to initiate an investigation of harassment, intimidation, or bullying solely because written documentation was not provided. Failing to conduct a harassment, intimidation, or bullying investigation solely because a parent or student did not submit written documentation violates the Anti-Bullying Bill of Rights Act and this Policy. If a parent makes a verbal allegation of harassment, intimidation, or bullying to a district staff member, but does not complete and submit the HIB 338 Form, the staff member or a designee must complete and submit the HIB 338 Form.

~~The Principal or designee is required to will~~ inform the parents of all students involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services. ~~The Principal or designee shall keep a written record of the date, time, and manner of notification to the parents.~~ **Pursuant to N.J.A.C. 6A:16-7.7(a)2.viii.(2), when providing notification to the parents of all students involved,** ~~tThe Principal or designee shall take into account the circumstances of the incident when providing notification to parents of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense.~~ **The Principal or designee shall keep a written record of the date, time, and manner of notification to the parents.**

The Principal, upon receiving a verbal or written report, may take interim measures to ensure the safety, health, and welfare of all parties pending the findings of the investigation.

Students, parents, and visitors are encouraged to report alleged **acts violations of harassment, intimidation, or bullying** ~~this Policy~~ to the Principal **or designee** on the same day when the individual witnessed or received reliable information regarding any such incident. **The school district shall provide a person an online means to complete the HIB**



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338 Form to anonymously report an act of harassment, intimidation, or bullying. Formal action for violations of the Code of Student Conduct may not be taken solely on the basis of an anonymous report.

~~A person may report, verbally or in writing, an act of harassment, intimidation, or bullying committed by an adult or youth against a student anonymously. The Board will not take formal disciplinary action based solely on the anonymous report. The district shall provide a means for a parent to complete an online numbered form developed by the New Jersey Department of Education to confidentially report an incident of harassment, intimidation, or bullying.~~

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

The Principal shall promptly submit a copy of each completed HIB 338 Form to the Superintendent.

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

The district may consider every mechanism available to simplify reporting, including standard reporting forms and/or web-based reporting mechanisms. For anonymous reporting, **in addition to making the HIB 338 Form available online**, the district may consider locked boxes located in areas of a school where reports can be submitted without fear of being observed.

A school administrator who receives a report of harassment, intimidation, **or and bullying or who determines a reported incident or complaint, assuming all facts presented are true, is a report within the scope of N.J.S.A. 18A:37-14** ~~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 district also should consider procedures and disciplinary action when it is found that someone had information regarding a harassment, intimidation, or bullying incident, but did not make the required report(s).**



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F. Anti-Bullying Coordinator, Anti-Bullying Specialist, and School Safety/School Climate Team(s)

1. The Superintendent shall appoint a district Anti-Bullying Coordinator. The Superintendent shall make every effort to appoint an employee of the school district to this position.

The district Anti-Bullying Coordinator shall:

- a. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, or bullying of 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, or bullying of students in the district;
- c. Provide data, in collaboration with the Superintendent, to the Department of Education regarding harassment, intimidation, or bullying of students;
- d. Execute such other duties related to school harassment, intimidation, or bullying as requested by the Superintendent; and
- e. Meet at least twice a school year with the school Anti-Bullying Specialist(s) to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, or and bullying in the district.

2. The Principal in each school shall appoint a school Anti-Bullying Specialist. The Anti-Bullying Specialist shall be a guidance counselor, school psychologist, or other certified staff member trained to be the Anti-Bullying Specialist from among the currently employed staff in the school.

The school Anti-Bullying Specialist shall:

- a. Chair the School Safety/School Climate Team as provided in N.J.S.A. 18A:37-21;
- b. Lead the investigation of incidents of harassment, intimidation, or bullying in the school; and



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- c. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, or bullying in the school.
- 3. A School Safety/School Climate Team shall be formed in each school in the district to develop, foster, and maintain a positive school climate by focusing on the on-going systemic operational procedures and educational practices in the school, and to address issues such as harassment, intimidation, or bullying that affect school climate and culture. Each School Safety/School Climate Team shall meet, at a minimum, two times per school year. The School Safety/School Climate Team shall consist of the Principal or the Principal's designee who, if possible, shall be a senior administrator in the school and the following appointees of the Principal: a teacher in the school; a school Anti-Bullying Specialist; a parent of a student in the school; and other members to be determined by the Principal. The school Anti-Bullying Specialist shall serve as the chair of the School Safety/School Climate Team.

The School Safety/School Climate Team shall:

- a. Receive records of all complaints of harassment, intimidation, or bullying of students that have been reported to the Principal;
- b. Receive copies of all reports 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. The School Safety/School Climate Team shall be provided professional development



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opportunities that may address effective practices of successful school climate programs or approaches; and

- g. Execute such other duties related to harassment, intimidation, or bullying as requested by the Principal or district Anti-Bullying Coordinator.

Notwithstanding any provision of N.J.S.A. 18A:37-21 to the contrary, a parent who is a member of the School Safety/School Climate Team shall not participate in the activities of the team set forth in 3. a., b., or c. above or any other activities of the team which may compromise the confidentiality of a student, consistent with, at a minimum, the requirements of the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232 and 34 CFR Part 99), N.J.A.C. 6A:32-7, Student Records and N.J.A.C. 6A:14-2.9, Student Records.

G. Investigating Allegations of Harassment, Intimidation, or Bullying **~~Harassment, Intimidation, and Bullying Investigation~~**

~~The Board requires a thorough and complete investigation to be conducted for each report of violations and complaints which either identify harassment, intimidation, or bullying or describe behaviors that indicate harassment, intimidation, or bullying.~~

Principal's Preliminary Determination

Prior to initiating an investigation regarding a reported incident or complaint, the Principal or designee, in consultation with the anti-bullying specialist, shall make a preliminary determination as to whether a reported incident or complaint, assuming all facts are presented as true, is a report within the scope of N.J.S.A. 18A:37-14.

Should the Principal or designee, in consultation with the anti-bullying specialist, determine that a reported incident or complaint, assuming all facts presented are true, is not a report within the scope of N.J.S.A. 18A:37-14, the incident will be addressed through the Board's Code of Student Conduct policy. The HIB 338 Form shall be completed, even if a preliminary determination is made not to conduct an investigation of harassment, intimidation, or bullying because the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying, and must be submitted to the Superintendent. The Principal will provide the parents of the alleged offender(s) and victim(s) with formal notice of the decision not to initiate a harassment, intimidation, or bullying investigation.



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The HIB 338 Form shall be kept on file at the school and will only be added to a student record if the alleged incident is founded, disciplinary action is imposed or is otherwise required to be contained in a student's record under State or Federal law.

The Superintendent may require the Principal to conduct a harassment, intimidation, or bullying investigation of the incident if the Superintendent determines that the incident is within the scope of harassment, intimidation, or bullying and shall notify the Principal of this determination in writing. Should the Superintendent require the Principal to conduct a harassment, intimidation, or bullying investigation, the Principal will immediately initiate an investigation of harassment, intimidation, or bullying by referring the matter to the school anti-bullying specialist.

Additionally, any preliminary determination that finds the incident or complaint is a report outside the scope of N.J.S.A. 18A:37-14 may be appealed to the Board, pursuant to the Board policies and procedures governing student grievances, and thereafter to the Commissioner (N.J.A.C. 6A:16-7.7(a)ix(1) and (a)ix(1)(A)). Should the preliminary determination not to conduct an investigation of harassment, intimidation, or bullying be overturned, the Principal will immediately initiate an investigation of harassment, intimidation, or bullying by referring the matter to the school anti-bullying specialist.

The Board requires a thorough and complete investigation to be conducted for each reported incident or complaint, assuming all facts presented are true, that is determined to be a report within the scope of N.J.S.A. 18A:37-14. The investigation shall be initiated by the Principal or designee within one school day of the verbal report of the incident. The investigation shall be conducted by the school anti-bullying specialist appointed by the Principal. The Principal may appoint additional personnel who are not school anti-bullying specialists to assist the school anti-bullying specialist in the investigation. 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. The anti-bullying specialist may not participate in an investigation regarding their supervisor or staff at a higher administrative level.

The investigation shall be completed, and the written findings submitted to the Principal as soon as possible, but not later than ten school days from the date of the written report of the alleged incident of harassment, intimidation, or bullying or ten school days from the



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date of the written notification from the Superintendent to the Principal to initiate an investigation. Should information regarding the reported incident and the investigation be received after the end of the ten-day period, the school anti-bullying specialist or the Principal shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

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

The Superintendent shall report the results of each investigation to the Board no later than the date of the regularly scheduled Board meeting following the completion of the investigation. The Superintendent's report also shall include information on any consequences imposed under the Code of Student Conduct, intervention services provided, counseling ordered, training established or other action taken or recommended by the Superintendent.

Parents of the students who are parties to the investigation shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents includes the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether consequences were imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board.

A parent may request a hearing before the Board after receiving the information. Any request by the parents for a hearing before the Board concerning the written information about a harassment, intimidation, or bullying investigation, pursuant to N.J.S.A. 18A:37-15(b)(6)(d), must be filed with the Board Secretary no later



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than sixty calendar days after the written information is received by the parents. The hearing shall be held within ten business days of the request. Prior to the hearing, the Superintendent shall confidentially share a redacted copy of the HIB 338 Form that removes all student identification information with the Board. The Board shall conduct the hearing in executive session, pursuant to the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.), to protect the confidentiality of the students. At the hearing, the Board may hear testimony from and consider information provided by the school anti-bullying specialist and others, as appropriate, regarding the alleged incident; the findings from the investigation of the alleged incident; recommendations for consequences or services; and any programs instituted to reduce such incidents, prior to rendering a determination.

At the regularly scheduled Board meeting following its receipt of the report or following a hearing in executive session, the Board shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, no later than ninety days after the issuance of the Board's decision.

A school administrator who receives a report of harassment, intimidation, or bullying 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 Board also requires the thorough investigation of complaints or reports of harassment, intimidation, or bullying, occurring on district school buses, at school-sponsored functions, and off school grounds involving a student who attends an approved private school for students with disabilities. The investigation will be conducted by the Board's anti-bullying specialist in consultation with the approved private school for students with disabilities.]

~~{Option — Principal's Preliminary Determination~~

~~However, prior to initiating the investigation, the Principal or designee, in consultation with the Anti-Bullying Specialist, may make a preliminary determination as to whether the reported incident or complaint, assuming all facts presented are true, is a report within the scope of the definition of harassment, intimidation, and bullying under the Anti-Bullying Bill of Rights Act, N.J.S.A. 18A:37-14.~~



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~~The Principal shall report to the Superintendent if a preliminary determination is made that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying. The Superintendent may require the Principal to conduct an investigation of the incident if the Superintendent determines that an investigation is necessary because the incident is within the scope of the definition of harassment, intimidation, and bullying. The Superintendent shall notify the Principal of this determination in writing. An investigation required by the Superintendent must be completed as soon as possible, but not later than ten school days, from the date of the written notification from the Superintendent to the Principal.~~

~~The Principal shall complete the written report form developed by the New Jersey Department of Education, in accordance with N.J.S.A. 18A:37-15.b.(5), even if a preliminary determination is made that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying pursuant to N.J.S.A. 18A:37-14. This written report form shall be kept on file at the school, but shall not be included in any student record unless the incident results in disciplinary action or is otherwise required to be contained in a student's record under State or Federal law.~~

~~The Principal or designee, upon making a preliminary determination the incident or complaint is not within the scope of the definition of harassment, intimidation, and bullying, shall inform the parents of the parties involved, who may appeal the preliminary determination to the Board of Education and thereafter to the Commissioner of Education in accordance with N.J.A.C. 6A:3.~~

~~A Board hearing shall be held within ten business days of receipt of the request for a Board hearing. If the preliminary determination, upon review of the facts presented in the reported incident or complaint, is to continue with the harassment, intimidation, and bullying investigation, the investigation shall be completed in accordance with N.J.S.A. 18A:37-15.b.(6) and this Policy.~~

~~The Superintendent shall provide annually to the Board of Education information on the number of times a preliminary determination was made that an incident or complaint was outside the scope of the definition of harassment, intimidation, or bullying for the purposes of the State's monitoring of the school district pursuant to N.J.S.A. 18A:17-46.]~~

~~The investigation shall be initiated by the Principal or the Principal's designee within one school day of the verbal report of the incident. The investigation shall be conducted by the school Anti-Bullying Specialist in~~



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coordination with the Principal. The Principal may appoint additional personnel who are not school Anti-Bullying Specialists to assist with the investigation. Investigations or 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. The Superintendent or designee will appoint a staff member to complete investigations involving allegations against a staff member serving in a supervisory or administrative position.

The investigation shall be completed and the written findings submitted to the Principal as soon as possible, but not later than ten school days from the date of the written report of the incident. Should information regarding the reported incident and the investigation be received after the end of the ten day period, the school Anti-Bullying Specialist shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

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

The Superintendent shall report the results of each investigation to the Board of Education no later than the date of the regularly scheduled Board of Education meeting following the completion of the investigation. The Superintendent's report shall include information on any consequences imposed under the Code of Student Conduct, any services provided, training established, or other action taken or recommended by the Superintendent.

Parents of involved student offenders and targets/victims shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents shall include the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, and whether consequences were imposed or services provided to address the incident of harassment,



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~~intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Education.~~

~~A parent may request a hearing before the Board of Education after receiving the written information about the investigation. Any request for such a hearing shall be filed with the Board Secretary no later than sixty calendar days after the written information is provided to the parents. The hearing shall be held within ten business days of the request. The Board of Education shall conduct the hearing in executive session, pursuant to the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.), to protect the confidentiality of the students. At the hearing, the Board may hear testimony from and consider information provided by the school Anti-Bullying Specialist and others, as appropriate, regarding the incident, the findings from the investigation of the incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination. A redacted copy of the completed written report form developed by the New Jersey Department of Education that removes all student identification information shall be confidentially shared with the Board of Education after the conclusion of the investigation if a hearing with the Board of Education is requested by the parents pursuant to N.J.S.A. 18A:37-15.b.(6)(d).~~

~~At the regularly scheduled Board of Education meeting following its receipt of the Superintendent's report on the results of the investigations to the Board or following a hearing in executive session, the Board shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, Controversies and Disputes, no later than ninety days after issuance of the Board of Education's decision.~~

~~A parent, student, or organization may file a complaint with the Division on Civil Rights within one hundred eighty days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).~~

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

The Board of Education authorizes the Principal of each school to define the range of ways in which school staff will respond once an incident of shall establish a range of responses to harassment, intimidation, or and bullying is confirmed, and the Superintendent shall



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respond to confirmed harassment, intimidation, or bullying, according to the parameters described below and in this Policy. incidents and the Principal and the Anti Bullying Specialist shall appropriately apply these responses once an incident of harassment, intimidation, or bullying is confirmed. The Superintendent shall respond to confirmed harassment, intimidation, and bullying, according to the parameters described in this Policy. The range of ways in which school staff will respond shall include an appropriate combination of counseling, support services, intervention services, and other programs. The Board recognizes that some acts of harassment, intimidation, or bullying may be isolated incidents requiring that the school officials respond appropriately to the individual(s) committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation, or bullying that they require a response either at the classroom, school building, or school district levels or by law enforcement officials. **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 suspension or expulsion, as permitted under N.J.S.A. 18A:37, Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2, Short-term suspensions, N.J.A.C. 6A:16-7.3, Long-term suspensions, and N.J.A.C. 6A:16-7.4, Expulsions.**

In considering whether a response beyond the individual is appropriate, school officials shall consider the nature and circumstances of the act; the degree of harm; the nature and severity of the behavior; past incidences or past or continuing patterns of behavior; and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom, school building, school district) responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based harassment, intimidation, or bullying prevention program models, to training for certificated and non-certificated staff, to participation of parents and other community members and organizations, to small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable student and staff member behavior and the consequences of such actions, and to the involvement of law enforcement officers, including safe schools resource officers.

This Policy and the Code of Student Conduct shall apply to instances when a school employee is made aware of alleged harassment, intimidation, or bullying occurring off school grounds.



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For every incident of harassment, intimidation, or bullying, the school officials must respond appropriately to the individual who committed the act. The range of responses to confirmed harassment, intimidation, or bullying acts should include individual, classroom, school, or district responses, as appropriate to the findings from each incident. Examples of responses that apply to each of these categories are provided below:

1. Individual responses can include ~~consistent and appropriate~~ positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) **and punitive actions (e.g., detention, in-school or out-of-school suspension, expulsion, law enforcement report or other legal action) intended to remediate the problem behaviors.**
2. Classroom responses can include class discussions about an incident of harassment, intimidation, or bullying, role plays (~~when implemented with sensitivity to a student's situation or involvement with harassment, intimidation, and bullying~~), research projects, observing and discussing audio-visual materials on these subjects, and skill-building lessons in courtesy, tolerance, assertiveness, and conflict management.
3. School responses can include theme days, learning station programs, ~~"acts of kindness" programs or awards, use of student survey data to plan prevention and intervention programs and activities, social norms campaigns, posters, public service announcements, "natural helper" or peer leadership programs, "upstander" programs, parent programs~~ **and information disseminated to students and parents, such as fact sheets or newsletters the dissemination of information to students and parents explaining acceptable uses of electronic and wireless communication devices or strategies for fostering expected student behavior, and harassment, intimidation, and bullying prevention curricula or campaigns.**
4. District-wide responses can include **community involvement in policy review and development; professional development programs; adoption of curricular and school-wide programs, coordination** ~~comprise of adoption of school-wide programs, including enhancing the school climate, involving the community in policy review and development, providing professional development coordinating~~ with community-based organizations (e.g., mental health, health services, health facilities, law enforcement **officials, faith-based organizations**); **and disseminating information on the core ethical values adopted**



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by the Board's Code of Student Conduct, per N.J.A.C. 6A:16-7.1(a)2 ~~launching harassment, intimidation, and bullying prevention campaigns.~~

In providing support for victims of harassment, intimidation, or bullying, the district should identify a range of strategies and resources, which may include, but is not limited to, the following actions for individual victims:

- Counseling;
- Teacher Aides;
- Hallway and playground monitors;
- Schedule changes;
- Before and after school supervision;
- School transportation supervision;
- School transfers; and
- Therapy.

I. Reprisal or Retaliation ~~Prohibited~~

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

~~Examples of consequences and remedial measures for students who engage in reprisal or retaliation are listed and described in the Consequences and Appropriate Remedial Actions section of this Policy.~~

~~Examples of consequences for a school employee or a contracted service provider who has contact with students who engage in reprisal or retaliation may include, but not be limited to: verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds.~~



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~~Remedial measures may include, but not be limited to: in or out of school counseling, professional development programs, and work environment modifications.~~

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

J. ~~Consequences and Appropriate Remedial Action for False Accusations of Harassment, Intimidation, or Bullying~~

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

1. Students - Consequences and appropriate remedial action for a student **could** ~~found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation~~ may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1 ~~et seq.~~, Discipline of **Pupils** ~~Students~~ and as set forth in N.J.A.C. 6A:16-7.2, Short-term ~~s~~Suspensions, N.J.A.C. 6A:16-7.3, Long-term ~~s~~Suspensions, and N.J.A.C. 6A:16-7.4, Expulsions; ~~and those listed and described in the Consequences and Appropriate Remedial Actions section of this Policy.~~
2. School Employees - Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students ~~found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation~~ could entail discipline in accordance with district policies, procedures, and agreements; ~~and which may include, but not be limited to: reprimand, suspension, increment withholding, termination, and/or bans from providing services, participating in school district sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out of school counseling, professional development programs, and work environment modifications.~~
3. Visitors or Volunteers - Consequences and appropriate remedial action for a visitor or volunteer ~~found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation~~ could be determined by the school



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administrator after consideration of the nature, severity, and circumstances of the act, including law enforcement reports or other legal actions, removal of buildings or grounds privileges, or prohibiting contact with students or the provision of student services. ~~Remedial measures may include, but not be limited to: in or out of school counseling, professional development programs, and work environment modifications.~~

K. **Additional Policy Requirements ~~Harassment, Intimidation, and Bullying~~
~~Policy Publication and Dissemination~~**

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

The Superintendent shall post a link to this Policy that is prominently displayed on the home page of the school district's website. The Superintendent shall ensure that notice of this Policy appears in the student handbook and all other publications of the school district that set forth the comprehensive rules, procedures, and standards for schools within the school district.

The Superintendent shall post the name, school phone number, school address, and school email address of the district anti-bullying coordinator on the home page of the school district's website. Additionally, the Superintendent shall post the contact information for the School Climate State Coordinator on the school district home page alongside this Policy.

Each Principal or designee shall post the name, school phone number, school address, and school email address of both the school anti-bullying specialist and the district anti-bullying coordinator on the home page of each school's website.

The Superintendent shall post the New Jersey Department of Education's Guidance for Parents on the Anti-Bullying Bill of Rights Act on the district homepage and on the homepage for each school in the district with a website.



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

The Superintendent shall develop and implement a process for annually discussing this Policy on harassment, intimidation, or bullying with students. The Superintendent and the Principal(s) shall annually conduct a re-evaluation, reassessment, and review of this Policy and any report(s) and/or finding(s) of the school safety/school climate team, with input from the school anti-bullying specialists, and recommend revisions and additions to this Policy as well as to harassment, intimidation, or bullying prevention programs and approaches based on the findings from the evaluation, reassessment, and review.

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

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

~~The Superintendent or designee shall post a link to the district's Harassment, Intimidation, and Bullying Policy that is prominently displayed on the homepage of the school district's website. The district will notify students and parents this Harassment, Intimidation, and Bullying Policy is available on the school district's website.~~



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~~The Superintendent shall post the name, school phone number, school address, and school email address of the district Anti-Bullying Coordinator on the home page of the school district's website. Each Principal shall post the name, school phone number, address, and school email address of both the Anti-Bullying Specialist and the district Anti-Bullying Coordinator on the home page of each school's website. The Superintendent or designee shall post the contact information for the New Jersey School Climate State Coordinator on the school district's and on each school's website in the same location as this Policy is posted.~~

~~The Superintendent or designee shall post on the school district's and each school's website the current version of "Guidance for Parents on the Anti-Bullying Bill of Rights Act" developed by the New Jersey Department of Education.~~

L. Harassment, Intimidation, **or and** Bullying Training and Prevention Programs

~~The Superintendent and Principal(s) shall provide training on the school district's Harassment, Intimidation, and Bullying Policy to current and new school employees; including administrators, instructors, student support services, administrative/office support, transportation, food service, facilities/maintenance; contracted service providers; and volunteers who have significant contact with students; and persons contracted by the district to provide services to students. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A:37-14 and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying.~~

Each public school teacher and educational services professional shall be required to complete at least two hours of instruction in harassment, intimidation, **or and** bullying prevention within each five year professional development period as part of the professional development requirement pursuant to N.J.S.A. 18:37-22.d. The required two hours of suicide prevention instruction shall include information on the risk of suicide and incidents of harassment, intimidation, or 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.

Each newly elected or appointed Board member must complete, during the first year of the member's first term, a training program on harassment, intimidation, **or and** bullying in accordance with the provisions of N.J.S.A. 18A:12-33.



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

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

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

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

~~M. Harassment, Intimidation, and Bullying Policy Reevaluation, Reassessment, and Review~~

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

~~The Superintendent, Principal(s), and the Anti-Bullying Coordinator, with input from the schools’ Anti-Bullying Specialists, shall annually conduct a reevaluation, reassessment, and review of the Harassment, Intimidation, and Bullying Policy, and any report(s) and/or finding(s) of the School Safety/School Climate Team(s). The Superintendent shall recommend to the Board necessary revisions and additions to the Policy consistent with N.J.S.A. 18A:37-15.e., as well as to harassment, intimidation, and bullying prevention programs and approaches based on the findings from the evaluation, reassessment, and review.~~



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

The Superintendent shall report two times each school year, between September 1 and January 1 and between January 1 and June 30 at a public hearing all acts of violence, vandalism, and harassment, intimidation, ~~or~~ ~~and~~ bullying which occurred during the previous reporting period in accordance with the provisions of N.J.S.A. 18A:17-46. The information shall also be reported to the New Jersey Department of Education in accordance with N.J.S.A. 18A:17-46.

NO. School and District Grading Requirements

Each school and each district shall receive a grade for the purpose of assessing their efforts to implement policies and programs consistent with the provisions of N.J.S.A. 18:37-13 et seq. The grade received by a school and the district shall be posted on the homepage of the school's website and the district's website in accordance with the provisions of N.J.S.A. 18A:17-46. A link to the report that was submitted by the Superintendent to the Department of Education shall also be available on the school district's website. This information shall be posted on the websites within ten days of receipt of the grade for each school and the district.

OP. Reports to Law Enforcement

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

Some acts of harassment, intimidation, ~~or~~ ~~and~~ bullying may be bias-related-acts and school officials must report to law enforcement officials any bias related acts, in accordance with N.J.A.C. 6A:16-6.3.(e), and pursuant to the provisions of the Memorandum of Agreement Between Education and Law Enforcement Officials.

PQ. Collective Bargaining Agreements and Individual Contracts

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



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

QR. Students with Disabilities

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

S. ~~Approved Private Schools for Students with Disabilities (APSSD)~~

~~In accordance with the provisions of N.J.A.C. 6A:16-7.7(a).2.ix.(2), the Board of Education shall investigate a complaint or report of harassment, intimidation, or bullying, pursuant to N.J.A.C. 6A:16-7.7(a).2.ix. and Section G. of this Policy, occurring on Board of Education school buses, at Board of Education school sponsored functions, and off school grounds involving a student who attends an APSSD. The investigation shall be conducted by a Board of Education Anti-Bullying Specialist, in consultation with the APSSD.~~

The school district shall submit all subsequent amended Harassment, Intimidation, ~~or~~ **and** Bullying Policies to the Executive County Superintendent of Schools within thirty days of Board adoption.

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

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

Model Policy and Guidance for Prohibiting Harassment, Intimidation, and Bullying on School Property, at School-Sponsored Functions and on School Buses – **August 2022** ~~April 2011~~ – New Jersey Department of Education

~~Memorandum – New Jersey Commissioner of Education – Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act – December 16, 2011~~

Revised (First Reading): January 26, 2023



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[See POLICY ALERT Nos. 191 and 229]

R 8420.10 ACTIVE SHOOTER

An active shooter or armed assault in a school building or on school grounds involves one or more individuals' intent on causing physical harm to students and school staff. Intruders may possess weapons or other harmful devices. **The procedures to be enacted during an active shooter or armed assault situation shall be included in the school district's plans, procedures, and mechanisms for school safety and security in accordance with the provisions of N.J.A.C. 6A:16-5.1 and Policy 8420** ~~In an active shooter situation, one or more subjects who are believed to be armed has used or threatened to use a weapon to inflict serious bodily injury to another person and/or continues to do so while having unrestricted access to additional victims, their actions have demonstrated their intent to continuously harm others, and their overriding objective appears to be that of mass injury.~~

A. ~~Procedures in the Event of an Active Shooter in the School or on School Grounds~~

1. ~~If the Principal or designee determines there is an active shooter in the school or on school grounds he/she will immediately:~~
 - a. ~~Order a lockdown of the school building. The notification may be a public address announcement or may be a discreet notification depending on the circumstance or situation;~~
 - b. ~~Contact local law enforcement;~~
 - c. ~~Inform the Superintendent of Schools;~~
 - d. ~~Deactivate fire alarm pull stations without disengaging the fire sensors, if feasible, until law enforcement officials arrive on scene;~~
 - e. ~~Deactivate school bell systems, if feasible, until law enforcement officials arrive on scene; and~~



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- d. — ~~Instruct classroom occupants to get on the floor in a sitting or crouching position and direct students away from doors and windows wherever possible;~~
 - e. — ~~Close and lock doors and windows from inside the room, if possible;~~
 - f. — ~~Secure all staff, students, and visitors, including those in the hallways, behind locked doors, restrooms, gymnasiums, and other non-classroom building areas without risking their own safety or the safety of others already secure;~~
 - g. — ~~Not permit anyone to leave a secured room or area until notified by the Principal or designee or law enforcement officials; and~~
 - h. — ~~Ignore bells or alarms unless otherwise notified by the Principal or designee or law enforcement officials.~~
4. — ~~Any school staff member not supervising students at the time of the lockdown notification should go to the nearest classroom or secure area to assist other staff members with students. These staff members should ensure any person in hallways and other unsecured and open areas are taken to the nearest classroom and/or secured area.~~
5. — ~~Teachers shall take student attendance for the students within their secured area and report any additional students in the room and any missing students.~~
6. — ~~Office personnel should remain in the general office areas or any other area that can be secured. All office doors shall be locked and secured to prevent entrance by an outside intruder.~~
7. — ~~The building's occupants should remain in lockdown condition until an announcement indicating the lockdown is over.~~



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8. ~~Physical education classes using outside facilities, under the direction and supervision of the teacher, shall report to the nearest school entrance and upon entering the building locate to a secure classroom or location within the building. If there is reason to believe students outside the school building may be at risk re-entering the building, the students may be directed to another secure location off school grounds and/or away from the building.~~
9. ~~The school may establish a predetermined code word or procedure for a staff member to communicate with the school office or administrative staff in the event an intruder enters a classroom or other secured area.~~
10. ~~The Principal or designee may establish with local law enforcement officials a notification procedure in the event an active shooter or intruder is believed to be in the school building. The notification procedure would alert law enforcement officials if a classroom or other secured area is safe and secure or if emergency assistance is needed. The procedure may be a color eard system placing colored cards inside or outside doors or windows or any other procedure agreed to by the Principal and local law enforcement.~~

B. ~~Procedures After Active Shooter Situation is Brought Under Control~~

1. ~~After the active shooter situation has been brought under control, the Principal or designee or law enforcement officials will communicate to building occupants the active shooter situation has ended.~~
2. ~~Evacuation of the building after the active shooter situation has been declared under control shall be under the direction of the Principal or designee and law enforcement officials.~~
3. ~~The Principal or designee, in consultation and with the approval of the Superintendent of Schools, will coordinate family reunification procedures.~~



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4. ~~The school district will provide school district staff and other crisis response team members to provide counseling and support as needed.~~
5. ~~The Principal or designee will debrief with local law enforcement and all other agencies involved in the active shooter situation.~~
6. ~~The Superintendent of Schools, in consultation with the Principal and law enforcement officials, will determine when school can resume normal activities and will communicate this information to staff, parents, and the community.~~

~~These active shooter procedures are recommended for implementation in the event it is determined an active shooter may be in a school building or on school grounds. However, based on the circumstance or situation, the Principal or designee or law enforcement officials may modify these procedures if he/she determines modification is needed to best protect the building's occupants.~~

~~Critical Incident Response Procedures for School Administrators, Faculty and Staff—The New Jersey Office of Homeland Security and Preparedness and the New Jersey Department of Education—2010~~

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[See POLICY ALERT No. 229]

8140 STUDENT ENROLLMENTS

The Board of Education recognizes that efficient district operations require an accurate and up to date accounting of the number of students resident in this district and enrolled in district classes and programs.

Student attendance shall be recorded in the school register during school hours on each day the school is in session pursuant to N.J.A.C. 6A:32-8.3. A staff member designated by the Superintendent shall keep in the school register, attendance of all students, and shall maintain the attendance records in accordance with N.J.A.C. 6A:32-8 and N.J.A.C. 6A:32-8.1(c) ~~Separate registers shall be kept for students attending preschool, Kindergarten, grades one through five, grades six through eight, grades nine through twelve, each preschool class for the disabled, each class for the disabled, shared time classes for regular students, shared time classes for students with disabilities, full time bilingual education programs and vocational day programs, summer schools operated by the district, and any other programs as required by the New Jersey Department of Education and N.J.A.C. 6A:32-8.1(d).~~

In accordance with N.J.A.C. 6A:32-8.1(c), ~~a~~A student who has been placed on home instruction shall have ~~their~~ his or her attendance status recorded on the regular register ~~attendance pages~~ for the program in which the student is enrolled. **The student shall be marked absent for** For the period beginning the first day the student is unable to attend school and ending the day before the first instructional day at the student's place of confinement, ~~the student shall be marked absent.~~ **Absences shall not** ~~No absences will~~ be recorded for the student while on home instruction, **provided** ~~providing~~ the hours of instruction are no less than required by N.J.A.C. 6A:14-4.8 and 4.9 **and N.J.A.C. 6A:16-10.1 and 10.2.** The number of possible days ~~of in membership enrollment~~ for a student on home instruction shall be the same as for other students in the program in which the student is enrolled.

Such records shall be made and maintained as will enable the Board to plan program and facilities development, to make appropriate allocation of district resources, and receive the district's maximum amount of State and Federal aid.



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The Superintendent or designee shall annually and in accordance with the timelines established by the Commissioner, file a report with the Commissioner stating the school district's enrollment.

N.J.S.A. 18A:25-4

N.J.A.C. 6A:14-4.8; 6A:14-4.9; **6A:16-10.1; 6A:16-10.2;** 6A:32-8.1;
6A:32-8.2; **6A:32-8.3**

Revised (First Reading): January 26, 2023



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[See POLICY ALERT No. 229]

R 8140 ENROLLMENT ACCOUNTING

A. School Enrollment

1. The **school** enrollment in a **program of instruction** class, a school, or the district shall be the total number of original **student** entries **in the school register** plus the number of re-entries, less the number of transfers, withdrawals, or dropouts in any such unit during a school year. The total number of original entries and re-entries, less the number of transfers, withdrawals, or dropouts, in all ~~the~~ **programs of instruction** classes and schools of the district shall constitute the school enrollment for the ~~school~~ district during any school year.
2. A ~~No~~ student attending a school operated by **the Board of Education** ~~this district~~ shall **not** be **concurrently** enrolled in more than one school register in ~~any the school~~ district during a school year **with the exception of shared-time students** ~~All students shall be enrolled as of the first day of attendance for that year.~~
3. A ~~No~~ student shall **not** be enrolled in a school register until the student has reached **over the age of five years in accordance with N.J.S.A. 18A:38-1 - Attendance at School Free of Charge**. The district may enroll students under the following legal school ages:
 - a. Kindergarten – ~~older more~~ than four years and **younger** less than six years;
 - b. **State-funded preschool program – at least three years of age and younger than five years; and Day school – more than five years; or**
 - c. **Preschool students with disabilities** ~~disabled~~ – **at least more than three years of age and younger less than five years.**



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4. Within ten **school** days of the start of the school year, the district shall determine whether **a student who attended the previous year but not the current school year** ~~any re-entering student who has not attended school that year~~ has an excused absence or has transferred, withdrawn, or dropped out of the school district.
5. Any student enrolled in ~~the a school register in a school~~ district who moves to another school district in the same school year shall be **included** ~~enrolled in the school one~~ register in the new school district upon **enrollment** ~~entering school in that school district~~.
6. The average daily enrollment in the district for a school year shall be the sum of the **total** days **in membership** ~~present and absent~~ of all enrolled students when schools were in session during the year, divided by the number of days ~~schools were actually~~ in session. The average daily enrollment for the **programs of instruction** ~~classes~~ or schools of the district having varying lengths of terms shall be the sum of the average daily enrollments obtained for the individual **programs of instruction** ~~classes~~ or schools.
 - a. **“Days in membership” means the number of school days in session in which a student is enrolled. A student’s membership begins on the first possible day of attendance following enrollment during the school year, notwithstanding the actual day the student was recorded as present for the first time.**
- ~~7. The average daily attendance in the district for a school year shall be the sum of the days present of all enrolled students when schools were in session during the year, divided by the number of days schools were actually in session. The average daily attendance for the classes or schools of the district having varying lengths of terms shall be the sum of the average daily attendance obtained for the individual classes or schools.~~

B. Application for State School Aid

Pursuant to the requirements of N.J.S.A. 18A:7F-33, the district shall file with the Commissioner of Education an Application for State School Aid in accordance with the following procedures:



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1. Counting Procedure

- a. Each employee responsible for the maintenance and safe keeping of a school register (and whose name appears on the cover of the register) shall conduct a count of the students entered in the register on the last school day prior to October 16.
- b. The count shall include all students **as required to be reported in accordance with the provisions of N.J.S.A. 18A:7F-33** ~~who have attended school since the beginning of the school year, by original entry or reentry, and shall exclude all students who have been removed from the register by transfer or dropout.~~
- c. The count shall be recorded on a form, and the form shall be submitted to the **School Business Administrator/Board Secretary or designee** _____ no later than October 16.

2. Data Collection

- a. The **Superintendent** or **designee** _____ shall assign responsibility for the preparation of worksheets to document the compilation of register data.
- b. Completed worksheets shall be submitted to the **School Business Administrator/Board Secretary or designee** _____ who shall compare the data submitted on the worksheets to the register count submitted in accordance with B.1.a.
- c. The **School Business Administrator/Board Secretary or designee** _____ shall reconcile all inconsistencies between worksheet data and register counts and submit final enrollment counts to the **Superintendent of Schools** _____ no later than _____.



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3. Application Submission

The **School Business Administrator/Board Secretary or designee, with approval of the Superintendent, shall file with the Commissioner the report required by N.J.S.A. 18A:7F-33**
~~_____ shall complete the~~
~~Application for State School Aid and submit the application to the~~
~~Superintendent for approval.~~

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[See POLICY ALERT Nos. 176, 203, 205, 220, and 229]

5200 ATTENDANCE

In accordance with the provisions of N.J.S.A. 18A:38-25, every parent, ~~guardian~~, or other person having control and custody of a child between the ages of six and sixteen shall cause the child to regularly attend school. The Board of Education requires students enrolled in the school district attend school regularly in accordance with the laws of the State.

For the purpose of this Policy and Regulation 5200, “parent” means the natural parent(s), adoptive parent(s), legal guardian(s), resource family parent(s), or surrogate parent(s) of a student. When parents are separated or divorced, “parent” means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided parental rights have not been terminated by a court of appropriate jurisdiction.

Notwithstanding the requirement of reporting student absences in the school register for State and Federal reporting purposes, “excused” and “unexcused” student absences, for the purpose of expectations and consequences regarding truancy, student conduct, promotion, **retention**, and the award of course credit is a local Board decision outlined in N.J.A.C. 6A:16-7.6 and Policy and Regulation 5200. In accordance with the provisions of N.J.A.C. 6A:16-7.6 and for the purposes of Policy and Regulation 5200, a student’s absence from school will either be excused or unexcused. Unexcused absences will count toward truancy.

A parent or adult student shall provide advance notice to the school prior to the student being absent from school. In accordance with N.J.S.A. 18A:36-25.6, if a student is determined to be absent from school without valid excuse, and if the reason for the student’s absence is unknown to school personnel, the Principal or designee shall immediately attempt to contact the student’s parent to notify the parent of the absence and determine the reason for the absence.

Students that are absent from school for any reason are responsible for the completion of assignments missed because of their absence. In accordance with N.J.S.A. 18A:36-14, a student who is absent from school for observing a religious holiday shall not be deprived of any award, eligibility, or opportunity to compete



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for any award, or deprived of the right to take an alternate test or examination that was missed because of the absence provided there is a written excuse of such absence signed by the parent.

Prolonged or repeated absences, excused or unexcused, from school or from class, deprive students of the educational and classroom experiences deemed essential to learning and may result in retention at grade level or loss of credit or removal from a course that would count toward the high school diploma in accordance with policies of this Board.

Students shall be subjected to the school district's response for unexcused absences that count toward truancy during the school year as outlined in N.J.A.C. 6A:16-7.6(a)4. and Regulation 5200.

Unexcused absences from school or from classes within the school day may subject a student to consequences that may include the denial of a student's participation in co-curricular activities and/or athletic competition. Repeated absences from school interfere with efforts of the Board and its staff in the maintenance of good order and the continuity of classroom instruction and such absences may result in the removal of the student from a class or course of study.

The Superintendent shall calculate and monitor the average daily attendance rate for the district and for each school in the district. Whenever the average daily attendance rate does not meet the New Jersey Department of Education requirements the Superintendent or designee shall develop a district improvement plan to improve student attendance pursuant to N.J.A.C. 6A:30-5.2.

N.J.S.A. 18A:36-14; 18A:36-25.6; 18A:38-25; **18A:38-25.1;**

18A:38-25.2; 18A:38-26

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

N.J.A.C. 6A:16-7.6; 6A:30-5.2; **6A:32-8; 6A:32-13** ~~6A:32-8.3~~

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[See POLICY ALERT No. 229]

R 2425 EMERGENCY VIRTUAL OR REMOTE INSTRUCTION PROGRAM

A. Definitions

1. “Remote instruction” means the provision of instruction occurring when the student and the instructor are in different locations due to the closure of the facility(ies) of the Board of Education, charter school, renaissance school project, or approved private school for students with disabilities. The closure of the facility(ies) shall be pursuant to N.J.S.A. 18A:7F-9 or 18A:46-21.1 and for more than three consecutive school days due to a declared state of emergency, a declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure.
2. “Virtual instruction” means the provision of active instruction when the student and the instructor are in different locations and instruction is facilitated through the internet and computer technologies due to the closure of the facility(ies) of the Board of Education, charter school, renaissance school project, or approved private school for students with disabilities. The closure of the facility(ies) shall be pursuant to N.J.S.A. 18A:7F-9 or 18A:46-21.1 and for more than three consecutive school days due to a declared state of emergency, a declared public-health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure.

- B. Pursuant to N.J.A.C. 6A:32-13.1, if the State or local health department determines that it is advisable to close, or mandates closure of, the schools of a school district due to a declared state of emergency, declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure for more than three consecutive school days, the Superintendent shall have the authority to implement the school district’s program of virtual or remote instruction, pursuant to N.J.S.A. 18A:7F-9.



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1. If implemented by the Superintendent, the school district's program of virtual or remote instruction shall be provided to an enrolled student, whether a general education student in preschool through grade twelve or a student with a disability aged three to twenty-one.
 - a. The school district shall provide students with a disability with the same educational opportunities provided to general education students to the extent appropriate and practicable.
 - b. Related services may be delivered to general education students and students with a disability through the use of electronic communication or a virtual or online platform, as appropriate.
2. The Board of Education may apply to the 180-day requirement established pursuant to N.J.S.A. 18A:7F-9.b., one or more days of virtual or remote instruction under the following conditions and in accordance with N.J.A.C. 6A:32-13.1(c)1. through 4. and B.2.a. through d. below:
 - a. Virtual or remote instruction is provided to students on the day(s) that some or all of the programs of instruction of the district were closed to in-person instruction;
 - b. The virtual or remote instruction meets the Commissioner-established criteria for the occurrence of one of the events at N.J.A.C. 6A:32-13.1(b) and B. above;
 - c. The school district's program of virtual or remote instruction:
 - (1) Explains, to the greatest extent possible, the equitable delivery of, and access to, virtual and remote instruction, including descriptions of the following:



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- (a) The design of synchronous and/or asynchronous virtual or remote learning plans that will maximize student growth and learning;
 - (b) How the school district will continuously measure student growth and learning in a virtual or remote instruction environment; and
 - (c) The school district's plan for measuring and addressing any ongoing digital divide issue(s), including a lack of access to the internet, network access, or devices;
- (2) Addresses the needs of students with disabilities and includes descriptions of the following:
- (a) The delivery of virtual or remote instruction in order to implement, to the greatest extent possible, students' individualized education programs (IEPs), including material and platform access;
 - (b) The methods used to document IEP implementation, including the tracking of student progress, accommodations, and modifications;
 - (c) How case managers follow up with parents to ensure services are implemented, to the greatest extent possible, in accordance with IEPs; and
 - (d) How the school district plans to conduct IEP meetings, evaluations, and other meetings to identify, evaluate, and/or reevaluate students with disabilities;



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- (3) Addresses the needs of English language learners (ELLs) and includes descriptions of the following:
 - (a) How the school district includes an English as a Second Language and/or bilingual education program aligned with State and Federal requirements to meet the needs of ELLs;
 - (b) The process to communicate with parents of ELLs, including providing translation materials, interpretative services, and information available at the parent's literacy level;
 - (c) The use of instructional adaptations, for example, differentiation, sheltered instruction, Universal Design for Learning, access to technology, and strategies to ensure that ELLs access the same standard of education as non-ELL peers; and
 - (d) The training for teachers, administrators, and counselors to learn strategies related to culturally responsive teaching and learning, social-emotional learning, and trauma-informed teaching for students affected by forced migration from their home country;
- (4) Accounts for student attendance in accordance with N.J.A.C. 6A:32-13.1(d) and B.3. below and include the following:
 - (a) A description or copy of the school district's attendance policies, including how the school district will determine whether a student is present or absent during virtual or



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remote instruction, and how a student's attendance will factor into promotion, retention, graduation, discipline, and any other decisions that will reflect the student's performance;

- (5) Describes how the school district is communicating with the parents when a student is not participating in virtual or remote instruction and/or submitting assignments;
 - (6) Includes a plan for the continued safe delivery of meals to eligible students;
 - (7) Includes an outline of how buildings will be maintained throughout an extended period of closure; and
 - (8) Includes district-specific factors, including, but not limited to, considerations for Title I extended learning programs, 21st Century Community Learning Center Programs, credit recovery, other extended student learning opportunities, accelerated learning, and social and emotional health of staff and students, transportation, extra-curricular programs, childcare, and community programming; and
- d. The Board of Education submitted a proposed program of virtual or remote instruction to the Commissioner annually.
- (1) If the Board is unable to complete and submit a proposed program annually in accordance with the timeline established by the Commissioner, and the school district is required to close its schools for a declared state of emergency, declared public-health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure, the Commissioner may retroactively approve the program.



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3. If provided under the Board's program that has been approved by the Commissioner, student attendance for a day of virtual or remote instruction shall be accounted for in accordance with N.J.A.C. 6A:32-8.4 for the purpose of meeting State and local graduation requirements, the awarding of course credit, and other matters as determined by the Commissioner.

First Reading: January 26, 2023



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[See POLICY ALERT Nos. 225 and 229]

2425 EMERGENCY VIRTUAL OR REMOTE INSTRUCTION PROGRAM

The Board of Education is committed to providing a high quality educational program, virtually or remotely, in the event **the State or local health department determines that it is advisable to close, or mandates closure of, the schools of a school district due to a declared state of emergency, declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure for more than three consecutive school days, the Superintendent shall have the authority to implement the school district's program of virtual or remote instruction, pursuant to N.J.S.A. 18A:7F-9** ~~a school or the schools of the district are required to close for more than three consecutive school days due to a declared state of emergency, declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure. The district's virtual or remote program of instruction shall be in accordance with N.J.S.A. 18A:7F-9.~~ In addition, pursuant to N.J.S.A. 18A:7F-9.b. the Commissioner of Education shall allow the district to apply to the 180-day requirement established pursuant to N.J.S.A. 18A:7F-9.a., one or more days of virtual or remote instruction provided to students on the day or days the schools of the district were closed if the program of virtual or remote instruction meets such criteria as may be established by the Commissioner.

The school district's program of virtual or remote instruction shall be in accordance with the provisions of N.J.S.A. 18A:7F-9; N.J.A.C. 6A:32-13.1.; this Policy; and Regulation 2425.

"Remote instruction" means the provision of instruction occurring when the student and the instructor are in different locations due to the closure of the facility(ies) of the Board of Education, charter school, renaissance school project, or approved private school for students with disabilities. The closure of the facility(ies) shall be pursuant to N.J.S.A. 18A:7F-9 or 18A:46-21.1 and for more than three consecutive school days due to a declared state of emergency, a declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure.



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“Virtual instruction” means the provision of active instruction when the student and the instructor are in different locations and instruction is facilitated through the internet and computer technologies due to the closure of the facility(ies) of the Board of Education, charter school, renaissance school project, or approved private school for students with disabilities. The closure of the facility(ies) shall be pursuant to N.J.S.A. 18A:7F-9 or 18A:46-21.1 and for more than three consecutive school days due to a declared state of emergency, a declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure.

~~In the event the school district is required to close a school or the schools of the district for more than three consecutive school days due to a declared state of emergency, declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure, the Commissioner of Education shall allow the district to apply to the 180 day requirement established pursuant to N.J.S.A. 18A:7F-9, one or more days of virtual or remote instruction provided to students on the day or days the schools of the district were closed if the program of virtual or remote instruction meets such criteria as may be established by the Commissioner of Education.~~

The Superintendent of Schools shall submit, with Board approval, the school district’s program of virtual or remote instruction to the Commissioner of Education ~~by no later than October 29, 2021 and, annually thereafter~~ **annually**. **If the Board is unable to complete and submit a proposed program of virtual or remote instruction to the Commissioner in accordance with the timeline established by the Commissioner and the school district is required to close its schools for a declared state of emergency, declared public-health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure, the Commissioner of Education may retroactively approve the program.**

If provided under the district’s ~~A day of virtual or remote instruction, if provided instituted under the district’s Commissioner of Education’s approved program of virtual or remote instruction that has been approved by the Commissioner, of student attendance for a day of virtual or remote instruction;~~ **shall be accounted for in accordance with N.J.A.C. 6A:32-8.4 considered the**



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~~equivalent of a full day of school attendance~~ for the purposes of meeting State and local graduation requirements, the awarding of course credit, and other ~~such~~ matters as determined by the Commissioner of Education **in accordance with the provisions of N.J.A.C. 6A:32-13.1.(d).**

Pursuant to N.J.A.C. 6A:32-13.1(b), if implemented by the Superintendent, ~~Any the school district's program of virtual or remote instruction shall be provided to an enrolled implemented for the general education students, whether a general education student in preschool through grade twelve or a student with a disability aged three to twenty-one shall provide the same educational opportunities to students with disabilities. The school district shall provide students with a disability with the same educational opportunities provided to general education students to the extent appropriate and practicable. Special education and Rrelated services, including speech language services, counseling services, physical therapy, occupational therapy, and behavioral services, may be delivered to general education students and students with a disability disabilities through the use of electronic communication or a virtual or online platform, as appropriate and as required by the student's Individualized Education Program (IEP), to the greatest extent practicable.~~

In the event the State or local health department determines it is advisable to close or mandates closure of the schools of the district due to a declared state of emergency, declared public-health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure, the Superintendent shall have the authority to implement the school district's program of virtual or remote instruction. The Superintendent shall consult with the Board prior to such decision, if practicable. The Superintendent shall ensure that students, parents, staff, and the Board are informed promptly of the Superintendent's decision.

Nothing in N.J.S.A. 18A:7F-9.b., c., or d.; ~~and this Policy;~~ **and Regulation 2425** shall be construed to limit, supersede or preempt rights, privileges, compensation, remedies, and procedures afforded to public employees or a collective bargaining unit under Federal or State law or any provision of a collective bargaining agreement entered into by the school district.



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In the event of the closure of a school or the schools of the district due to a declared state of emergency, declared public-health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure for a period longer than three consecutive school days:

1. District employees shall be entitled to compensation, benefits, and emoluments pursuant to the provisions of N.J.S.A. 18A:7F-9.e.(1) and (2).
2. The district shall continue to make payments of benefits, compensation, and emoluments pursuant to the terms of a contract with a contracted service provider in effect on the date of the closure as if the services for such benefits, compensation, and emoluments had been provided, and as if the school facilities had remained open pursuant to the provisions of N.J.S.A. 18A:7F-9.e.(3).
3. The district shall be obligated to make payments for benefits, compensation, and emoluments and all payments required pursuant to N.J.S.A. 18A:6-51 et seq., to an educational services commission, county special services school district, and a jointure commission, and under any shared services agreement and cooperative contract entered into with any other public entity pursuant to the provisions of N.J.S.A. 18A:7F-9.e.(4).
4. An educational services commission, county special services school district, and a jointure commission shall continue to make payments of benefits, compensation, and emoluments pursuant to the terms of a contract with a contracted service provider or a shared services agreement in effect on the date of the closure as if the services for such benefits, compensation, and emoluments had been provided, and as if the school facilities had remained open pursuant to the provisions of N.J.S.A. 18A:7F-9.e.(4).

The provisions of N.J.S.A. 18A:7F-9.e.(1) through (4) and 1 through 4 above shall not apply to any employee whose weekly hours of work are reduced, and to whom unemployment benefits are provided, pursuant to a shared work program approved pursuant to the provisions of N.J.S.A. 43:21-20.3 et seq. A contracted



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service provider, educational services commission, county special services school district, or jointure commission shall notify the district with which it has entered into a contract to provide services of its intent to reduce the hours of work of its employees pursuant to a shared work program approved pursuant to the provisions of N.J.S.A. 43:21-20.3 et seq.

1. Notwithstanding the provisions of N.J.S.A. 18A:7F-9.e.(3) and 3. above, if a contracted service provider reduces the amount that it pays to its employees providing services to a school district, and that reduction is the result of a reduction of workhours of those employees made pursuant to a shared work program approved pursuant to the provisions of N.J.S.A. 43:21-20.3 et seq., then the amount paid by the district to the contracted service provider shall be reduced by the same amount.
2. Notwithstanding the provisions of N.J.S.A. 18A:7F-9.e.(4) and 4. above, if an educational services commission, county special services school district, or jointure commission reduces the amount that it pays to its employees providing services to a school district, and that reduction is the result of a reduction of workhours of those employees made pursuant to a shared work program approved pursuant to the provisions of N.J.S.A. 43:21-20.3 et seq., then the amount paid by the district to the educational services commission, county special services school district, or jointure commission shall be reduced by the same amount.

This Policy may be revised as necessary by the Superintendent in accordance with N.J.S.A. 18A:7F-9. The school district's emergency virtual or remote instruction program shall be **posted prominently available** on the school district's website.

N.J.S.A. 18A:7F-9
N.J.A.C. 6A:32-2.1; 6A:32-8.4; 6A:32-13.1

Revised (First Reading): January 26, 2023



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[See POLICY ALERT Nos. 187, 191, 209, and 229]

2423 BILINGUAL AND ESL EDUCATION

The Board of Education will provide programs of bilingual education, English as a second language (ESL), and English language services **program** for English language learners (ELLs) as required by law and rules of the **New Jersey** State Board of Education. ELLs are those students whose native language is other than English and who have varying degrees of English language proficiency in any one of the domains of speaking, reading, writing, or listening and is synonymous with limited English speaking ability pursuant to N.J.S.A. 18:35-15 **through** ~~to~~ **26.1**.

Identification of **Eligible** ELLs

The district shall use a multi-step process at the time of enrollment to determine the native language of each ELL. The district shall:

- 1. Maintain a census indicating all identified students whose native language is other than English; and**
- 2. Administer the Statewide home-language survey to determine which students in Kindergarten to grade twelve whose native language is other than English must be screened further to determine English language proficiency. The Statewide home-language survey shall be administered by a bilingual/ESL or other certified teacher and shall be designed to distinguish students who are proficient English speakers and need no further testing.**

The district shall determine the English language proficiency of all Kindergarten to grade twelve students who are not screened out and whose native language is other than English by administering an English language proficiency test, assessing the level of reading in English, reviewing the previous academic performance of students, including their performance on standardized tests in English, and reviewing the input of teaching staff members responsible for the educational program for ELLs. Students who do not meet the New Jersey Department of Education (Department) standard on a language proficiency test and who have at least one other indicator shall be considered ELLs. The district shall also use age-appropriate methodologies to identify preschool ELLs to determine their individual language development needs.



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~~The Board will conduct a screening process to determine the native language of each ELL at the time of enrollment in the school district. A census shall be maintained of all identified students whose native language is other than English. The English language proficiency of each student whose native language is not English shall be determined by a screening process that includes the administration of a New Jersey Department of Education approved English language proficiency test, an assessment of the student's level of reading in English, a review of the student's previous academic performance including their performance on standardized tests in English, and a review of the input of teaching staff members responsible for the educational program for ELLs.~~

Bilingual Programs for ELLs Program Implementation

The district shall provide the following programs:

1. ~~An English language services program in accordance with N.J.A.C. 6A:15-1.2 to improve the English language proficiency of ELLs whenever there are at least one, but fewer than ten ELLs enrolled in the school district. English language services shall be provided in addition to the regular school program;~~
2. ~~An ESL program in accordance with N.J.A.C. 6A:15-1.2 that provides at least one period of ESL instruction based on student language proficiency whenever there are ten or more ELLs enrolled in the school district; and~~
3. ~~A bilingual education program in accordance with N.J.A.C. 6A:15-1.2 whenever there are twenty or more ELLs in any one language classification enrolled in the school district pursuant to N.J.S.A. 18A:35-18. Where the age range, grade span, and/or geographical location of eligible students makes a full-time bilingual program impractical, the Board may annually offer an instructional program alternative, provided a waiver for the alternative program has been requested and approval has been granted by the Department of Education. The Board may establish a program in bilingual education for any language classification with fewer than twenty students.~~



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All teachers in these programs shall be appropriately certified in accordance with the requirements as outlined in N.J.A.C. 6A:15-1.9. Every student participating in a bilingual, ESL, or English language services program shall be entitled to continue such participation for a period of three years pursuant to N.J.S.A. 18A:35-19.

Bilingual, English as a Second Language, and English Language Services Program Enrollment, Assessment, Exit, and Re-entry

Students enrolled in ~~the~~ a bilingual, ESL, or English language services program shall be assessed annually using **English Language Placement (ELP) assessments** ~~a New Jersey Department of Education approved English language proficiency test~~ to determine their progress in achieving English language proficiency goals and readiness for exiting the program. **Students who meet the criteria for Statewide alternate assessments, pursuant to N.J.A.C. 6A:14-4.10(a)2., shall be assessed annually using an alternate ELP assessment.**

ELLs enrolled in the bilingual, ESL, or English language services program shall be placed in a monolingual English program when they have demonstrated readiness to **exit a bilingual, ESL, or English language services program through a Department-established criteria on an ELP assessment and a Department-established English language observation form.** ~~A function successfully in an English-only program. The process to determine the readiness or inability of the individual student to function successfully in the English-only program shall be initiated by the student's level of English proficiency as measured by a first achieve the New Jersey Department of Education-established English proficiency standard as measured by an ELP assessment on an English language proficiency test. The student's readiness of the student shall be further assessed by on the use basis of a Department-established English language observation form multiple indicators that considers shall include,~~ at a minimum: classroom performance; the student's reading level in English; the judgment of the teaching staff member or members responsible for the educational program of the student; and performance on achievement tests in English.

In accordance with provisions of N.J.S.A. 18A:35-22.1, a parent may remove a student who is enrolled in a bilingual education program at any time; except that during the first three years of a student's participation in a bilingual education program, the parent may only remove the student at the end of each school year.



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~~If during the first three years of a student's participation in a bilingual education program,~~ a parent wishes to remove the student prior to the end of each school year, the removal ~~shall must~~ be approved by the Executive County Superintendent ~~of Schools~~. **If the Executive County Superintendent determines the student should remain in the bilingual education program until the end of the school year,** ~~t~~The parent may appeal the Executive County Superintendent's decision to the Commissioner of Education **or designee pursuant to the provisions of N.J.S.A. 18A:35-19.2.**

Newly exited students who are not progressing in the mainstream English program may be considered for re-entry to bilingual and ESL programs in accordance with the provisions of N.J.A.C. 6A:15-1.10(e)1. through (e)5.

When the review process for exiting a student from a bilingual, ESL, or English language services program has been completed, the student's parent shall be informed by mail of the placement determination. A parent or teaching staff member who disagrees with the proposed placement may appeal the decision in writing to the Superintendent of Schools or designee, who will provide a written explanation for the decision within seven working days. The complainant may appeal this decision in writing to the Board within seven calendar days of receiving the Superintendent's or designee's written explanation of the decision. The Board will review the appeal and respond in writing to the parent within forty-five calendar days of the Board's receipt of the parent's written appeal to the Board. **Upon exhausting an appeal to the Board, the** ~~A complainant not satisfied with the Board's determination of the appeal~~ may appeal to the Commissioner of Education.

Parental Involvement

The parents of ELLs will be notified in accordance with the provisions of N.J.A.C. 6A:15-1.13 that their child has been identified as eligible for enrollment in a bilingual, ESL, or English language services **education** program. Notice shall be in writing and in the language in which the parent(s) possesses a primary speaking ability, and in English. The notice must also include a statement that the parents have the option of declining their child's enrollment in a bilingual program, and shall be given an opportunity to do so if they choose.

The district will notify the parents of ELLs by mail within thirty days of the child's identification.



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Parents shall receive progress reports of students enrolled in bilingual, ESL, or English language services programs in the same manner and frequency as progress reports are sent to parents of other students enrolled in the district.

The Superintendent or designee will provide for the maximum practical involvement of parent(s) of ELLs in the development and review of program objectives and dissemination of information to and from the district Boards of Education and communities served by the bilingual, ESL, or English language services education programs. A ~~school~~ district that implements a bilingual education program shall establish a parent advisory committee on bilingual education of which the majority membership **shall** ~~will~~ be parents of ELLs.

Graduation

ELLs will qualify for graduation from high school in accordance with N.J.A.C. 6A:8-5.1(a) and Policy 5460.

Program Plan

The Superintendent shall prepare and submit a plan for a bilingual, ESL, or English language services program every three years to the Board and the New Jersey Department of Education for approval in accordance with the provisions of N.J.A.C. 6A:15-1.6.

N.J.S.A. 18A:35-15 through 18A:35-~~26.125~~
N.J.A.C. **6A:14-4.10**; 6A:15-1.1 et seq.

Revised (First Reading): January 26, 2023



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[See POLICY ALERT Nos. 187, 191, 209, and 229]

R 2423 BILINGUAL AND ESL EDUCATION

A. Definitions (N.J.A.C. 6A:15-1.2)

1. **“Alternate English language proficiency assessment” (alternate ELP assessment) means a New Jersey Department of Education-approved assessment for students with the most significant cognitive disabilities that assesses a student’s English language proficiency on the four domains of listening, speaking, reading, and writing, and that is aligned with the State’s academic achievement standards, as permitted under the Every Student Succeeds Act (ESSA) and the Individuals with Disabilities Education Act (IDEA).**
24. **“Bilingual education program” means a full-time program of instruction in all courses or subjects that a child is required by law or rule to receive, given in the native language of English language learners (ELLs) enrolled in the program and also in English; in the aural comprehension, speaking, reading, and writing of the native language of ELLs enrolled in the programs, and in the aural comprehension, speaking, reading, and writing of English; and in the history and culture of the country, territory, or geographic area that is the native land of the parents of ELLs enrolled in the program, and in the history and culture of the United States.**
32. **“Bilingual part-time component” means a program alternative in which students are assigned to mainstream English program classes, but are scheduled daily for their developmental reading and mathematics instruction with a certified bilingual teacher.**
43. **“Bilingual resource program” means a program alternative in which students receive, on an individual basis, daily instruction from a certified bilingual teacher in identified subjects and with specific assignments on an individual student basis.**



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54. “Bilingual tutorial program” means a program alternative in which students ~~receive are provided~~ one period of instruction from a certified bilingual teacher in a content area required for graduation and a second period of tutoring in other required content areas.
65. “Dual-language bilingual education program” means a full-time program of instruction in elementary and secondary schools that provides structured English language instruction and instruction in a second language in all content areas for ELLs ~~students~~ and for native English speaking students enrolled in the program.
76. “Educational needs” means the particular educational requirements of ELLs; ~~the fulfillment of which will provide them with equal educational opportunities.~~
87. “English as a second language (ESL) program” means a daily developmental second-language program of at least one period of instruction based on student language proficiency ~~that which~~ teaches aural comprehension, speaking, reading, and writing in English using second language teaching techniques, and incorporates the cultural aspects of the student²s’ experiences in their ESL instruction. A period is the time allocated in the school schedule for instruction in core subjects.
98. “English language development standards” means the 2012 Amplification of the English Language Development Standards, Kindergarten - Grade 12, incorporated herein by reference, as amended and supplemented, developed by the World-Class Instructional Design and Assessment (WIDA) Consortium. They are the standards and language competencies ELLs in preschool programs and elementary and secondary schools need to become fully proficient in English and to have unrestricted access to grade-appropriate instruction in challenging academic subjects. The standards are published by the Board of Regents of the University of Wisconsin System, on behalf of the WIDA Consortium (www.wida.us) and are available for review at <http://www.wida.us/standards/eld.aspx>.



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109. “English language learner” or “ELL” means a student whose native language is other than English. The term refers to students with varying degrees of English language proficiency in any one of the domains of speaking, reading, writing, or listening and is synonymous with limited English speaking ability as used in N.J.S.A. 18A:35-15 to 26.
- 11+0. “English language proficiency **assessment test**” (**ELP assessment**) means a **New Jersey Department of Education-approved assessment that evaluates a student’s test that measures** English language **proficiency on skills in the four domains areas of listening aural comprehension, speaking, reading, and writing, and that is aligned with the State’s academic achievement standards as permitted under ESSA.**
- 12+1. “English language services” means services designed to improve the English language skills of ELLs. The services, provided in school districts with less than ten ELLs, are in addition to the regular school program and are designed to develop aural comprehension, speaking, reading, and writing skills in English.
- 13+2. “Exit criteria” means the criteria that must be applied before a student may be exited from a bilingual, ESL, or English language services education program.
- 14+3. “High-intensity ESL program” means a program alternative in which students receive two or more class periods a day of ESL instruction. One period is the standard ESL class and the other period is a tutorial or ESL reading class.
- 15+4. “Instructional program alternative” means a part-time program of instruction that may be established by a Board of Education in consultation with and approval of the New Jersey Department of Education (**Department**). All students in an instructional program alternative receive English as a second language.



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~~16~~15. “Native language” means the language or mode of communication normally used by a person with a limited ability to speak or understand the English language. In the case of a student, the native language is the language normally used by the student’s parents, except that in all direct contact with a student, including during the evaluation of the child, the native language is the language normally used by the student in the home or in the learning environment ~~first acquired by the student, the language most often spoken by the student, or the language most often spoken in the student’s home regardless of the language spoken by the student.~~

17. “NJSLs” means the New Jersey Student Learning Standards as defined in N.J.A.C. 6A:8-1.3.

~~18~~16. “Parent(s)” for the purposes of Policy 2423 and this Regulation 2423 means the natural parent(s) or the legal guardian(s), foster parent(s), surrogate parent(s), or person acting in the place of a parent with whom the student legally resides. When parents are separated or divorced, parent means the person(s) who has legal custody of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

~~19~~17. “Review process” means the process established by the Board of Education to assess ELLs for exit from bilingual, ESL, or English language services programs.

~~20~~18. “Sheltered English instruction” means an instructional approach used to make academic instruction in English understandable to ELLs. Sheltered English classes are taught by regular classroom teachers who have received training on strategies to make subject-area content comprehensible for ELLs.

B. Identification of Eligible English Language Learners (ELLs) (N.J.A.C. 6A:15-1.3)

1. The ~~district Superintendent of Schools will designate a teaching staff member(s) who shall use a multi-step process will determine the native language of each ELL at the time of enrollment to determine the native language of each ELL the student in the school district.~~ The district shall will:



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- a. Maintain a census indicating all **identified** students ~~identified~~ whose native language is other than English; and
 - b. **Administer the Statewide** ~~Develop a screening process, initiated by a home-language survey, to determine which students in Kindergarten to grade twelve, of those whose native language is other than English, must be screened further tested to determine English language proficiency. The Statewide home-language survey screening shall be administered conducted by a bilingual/ESL or other certified teacher, and shall be designed to distinguish students who are proficient English speakers and need no further testing.~~
2. The district shall determine the English language proficiency of all Kindergarten to grade twelve students who are not screened out and whose native language is other than English, by administering an ~~Department of Education approved~~ English language proficiency test, assessing the level of reading in English, reviewing the previous academic performance of students, including their performance on standardized tests in English, and reviewing the input of teaching staff members responsible for the educational program for ELLs. Students who do not meet the ~~New Jersey Department of Education~~ standard on a ~~Department approved~~ language proficiency test and who have at least one other indicator shall be considered ELLs. The district shall also use age-appropriate methodologies to identify preschool ELLs to determine their individual language development needs.
- C. Bilingual Programs for English Language Learners (ELLs) (**N.J.A.C. 6A:15-1.4**)
1. **The Board shall provide a** ~~All Kindergarten to through~~ grade twelve ELLs enrolled in the district pursuant to N.J.S.A. 18A:7F-46 ~~will be provided~~ with all required courses and support services outlined in **N.J.A.C. 6A:15-1.4 (b) through (h) and C.2. a. through C.8. g. below** to prepare ELLs to meet the ~~NJSLS Core Curriculum Content Standards~~ for high school graduation. This may include tutoring, after-school programs, summer programs, and remedial services as needed by ELLs. The district



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shall also provide appropriate instructional programs to eligible pre-school ELLs based on need according to the New Jersey Preschool Program Implementation Guidelines, 2015. The guidelines provide developmentally appropriate recommendations for good practice and are intended for school districts that provide preschool programs.

- 2a. The Board ~~of Education~~ shall establish English language services designed to improve the English language proficiency of ELLs whenever there are at least one, but fewer than, ten ELLs enrolled in the school district. English language services shall be provided in addition to the regular school program.
- 3b. The Board ~~of Education~~ shall establish an ESL program that provides at least one period of ESL instruction based on student language proficiency whenever there are ten or more ELLs enrolled in the school district.
- a.(1) An ESL curriculum that addresses the WIDA English language development standards shall be developed and adopted by the Board to address the instructional needs of ELLs.
- b.(2) The ESL curriculum **shall** ~~will~~ be cross-referenced to the district's bilingual education and content area curricula to ensure that ESL instruction is correlated to all the content areas taught.
- 4e. The Board ~~of Education~~ shall establish bilingual education programs whenever there are twenty or more ELLs in any one-language classification enrolled in the school district pursuant to N.J.S.A. 18A:35-18. ~~The B~~bilingual education programs shall:
- a.(1) Be designed to prepare ELLs to acquire sufficient English skills and content knowledge to meet the **NJSLS Core Curriculum Content Standards**. All ELLs participating in the bilingual programs shall also receive ESL instruction;



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- b.(2) Include a curriculum that addresses the ~~NJSLS Core Curriculum Content Standards~~, the WIDA English language development standards, and the use of two languages. The bilingual education curriculum shall be adopted by the Board; and
- c.(3) Include ~~the~~ a full range of required courses and activities offered on the same basis and under the same rules that apply to all students within the school district.
- 5d. ELLs shall be provided with equitable instructional opportunities to participate in all non-academic courses necessary to meet the ~~NJSLS Core Curriculum Content Standards~~, including comprehensive health and physical education, the visual and performing arts, and career awareness programs. The instructional opportunities shall be designed to assist ELLs to fully comprehend all subject matter and demonstrate their mastery of the content matter.
- 6e. The Board ~~of Education~~ shall offer sufficient courses and other relevant supplemental instructional opportunities in grades nine through twelve to enable ELLs to meet the ~~NJSLS Core Curriculum Content Standards~~ for graduation. When sufficient numbers of students are not available to form a bilingual class in a subject area, the Board shall develop plans in consultation with and approved by the ~~New Jersey Department of Education~~ to meet the needs of the students.
- 7f. **In addition to N.J.A.C. 6A:15-1.4(a) through (f) and C.1. through C.6. above, t**~~The Board of Education~~ shall design additional programs and services to meet the special needs of eligible ELLs and include, but not be limited to: remedial instruction through Title I programs; special education; school-to-work programs; computer training; and gifted and talented education services.



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8g. The Board ~~of Education~~ may establish dual-language bilingual education programs in its schools and may make provisions for the coordination of instruction and services with the school district's world languages program. Dual-language bilingual education programs shall also enroll students whose primary language is English, and shall be designed to help students achieve proficiency in English and in a second language while mastering subject-matter skills. To the extent necessary, instruction shall be in all courses or subjects of study that allow students to meet all grade promotion and graduation standards. Where possible, classes in dual-language bilingual programs shall be comprised of approximately equal numbers of ELLs and of students whose native language is English.

92. The Board ~~of Education~~ may establish a program in bilingual education for any language classification with fewer than twenty students.

D. Waiver Process Provided by Statute (N.J.A.C. 6A:15-1.5)

The school district may request a waiver from N.J.A.C. 6A:15-1.4(d) **and C.4. above** to establish annually an instructional program alternative with the approval of the Department ~~of Education~~ when there are twenty or more students eligible for the bilingual education program in **grades** Kindergarten through ~~grade~~ twelve, and the school district is able to demonstrate that it would be impractical to provide a full-time bilingual program due to age range, grade span, and/or geographic location of eligible students.

1. Instructional program alternatives shall be developed in consultation with and approved annually by the Department ~~of Education~~ after review of student enrollment and achievement data. All bilingual instructional program alternatives shall be designed to assist ELLs to develop sufficient English skills and subject-matter skills to meet the **NJSLS Core Curriculum Content Standards**.



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2. The instructional program alternatives that shall be established include, but are not limited to: the bilingual part-time component; the bilingual resource program; the bilingual tutorial program; the sheltered English instruction program; and the high-intensity ESL program.
 3. In the event the district implements program alternatives, the district shall annually submit student enrollment and achievement data that demonstrate the continued need for these programs.
- E. ~~Department of Education Approval Procedures of Bilingual, ESL, or English Language Services Programs (N.J.A.C. 6A:15-1.6)~~
1. ~~If the Each school~~ district ~~provides providing~~ a bilingual program, ESL program, or English language services, ~~the district~~ shall submit a plan every three years to the ~~New Jersey Department of Education~~ for approval. At its discretion, the ~~Department of Education~~ may request modifications, as appropriate.
 - a. Plans submitted by the ~~Board school district~~ for approval shall include information on the following:
 - (1)a. Identification of students;
 - (2)b. Program description;
 - (3)e. ~~The n~~Number of certified staff hired for the program;
 - (4)d. Bilingual and ESL curriculum development;
 - (5)e. Evaluation design;
 - (6)f. Review process for exit; and
 - (7)g. A budget for bilingual and ESL programs or English language services.



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- ~~2. The Department of Education will establish procedures for monitoring and evaluation of school district bilingual/ESL programs by means of its district and school accountability process.~~

F. Supportive Services (N.J.A.C. 6A:15-1.7)

1. Students enrolled in bilingual, ESL, or English language services programs shall have full access to educational services available to other students in the school district.
2. To the extent that it is administratively feasible, supportive services to ELLs, such as counseling, tutoring, and career guidance, should be provided by bilingual personnel who are familiar with and knowledgeable of the unique needs and background of the ELLs and their parents.

G. In-service Training (N.J.A.C. 6A:15-1.8)

1. ~~The Board A plan~~ shall be developed a plan for in-service training for bilingual, ESL, and mainstream teachers; administrators who supervise bilingual/ESL programs; and administrators and any personnel who observe and evaluate teachers of ELLs. The plan shall include instructional strategies and appropriate assessments to help ELLs meet the ~~NJSLS Core Curriculum Content Standards~~ and the WIDA English language development standards. All ~~ESL and bilingual~~ and ESL teachers shall receive training in the use of the ESL curriculum.
2. The Professional Development Plan of the school district shall include the needs of bilingual and ESL teachers, which shall be addressed through in-service training.

H. Certification of Staff (N.J.A.C. 6A:15-1.9)

~~All teachers in these programs will hold the following certifications:~~

1. All teachers of ~~bBilingual cClasses~~ shall hold a valid New Jersey instructional certificate with an endorsement for the appropriate grade level and/or content area, as well as an endorsement in bilingual education, pursuant to N.J.S.A. 18A:6-38 et seq. and 18A:35-15 to 26.1.



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2. **All teachers of ESL cClasses shall hold** a valid New Jersey instructional certificate in ESL pursuant to N.J.S.A. 18A:6-38 et seq. and N.J.A.C. 6A:9B-10.5.
 3. **All teachers providing** English Language Services **shall hold** a valid New Jersey instructional certificate.
- I. Bilingual, English as a Second Language, and English Language Services Program Enrollment, Assessment, Exit, and Re-entry (**N.J.A.C. 6A:15-1.10**)
1. All ELLs from Kindergarten through grade twelve shall be enrolled in the bilingual, ESL, or English language services **education** program established by the Board ~~of Education~~ as prescribed in N.J.A.C. 6A:15-1.4(b) through (e) and 1.5(a), **C.2. through C.5. and D. above**, and P.L. 1995, c. 59 and c. 327.
 2. Students enrolled in the bilingual, ESL, or English language services program shall be assessed annually using **ELP assessments** ~~a Department of Education approved English language proficiency test~~ to determine their progress in achieving English language proficiency goals and readiness for exiting the program. **Students who meet the criteria for Statewide alternate assessments, pursuant to N.J.A.C. 6A:14-4.10(a)2, shall be assessed annually using an alternate ELP assessment.**
 3. ELLs enrolled in the bilingual, ESL, or English language services program shall be placed in a monolingual English program when they have demonstrated readiness to **exit a bilingual, ESL, or ELS program through Department-established criteria on an ELP assessment and a Department-established English language observation form.** ~~A function successfully in an English-only program. The process to determine the readiness or inability of the individual student to function successfully in the English-only program shall be initiated by the student's level of English proficiency as measured by a first achieve the Department-established English proficiency standard as measured by an ELP assessment on an English language proficiency test. The student's readiness of the student shall be~~



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further assessed ~~by on the use basis of a Department-established English language observation form multiple indicators~~ that ~~considers shall include~~, at a minimum: classroom performance; the student's reading level in English; the judgment of the teaching staff member or members responsible for the educational program of the student; and performance on achievement tests in English.

- a. **Pursuant to C.F.R. §200.6(h)(4)(ii), an ELL with a disability whose disability makes it impossible for the student to be assessed in a particular domain because there are no appropriate accommodations for assessing the student in that domain may be exited from ELL status based on the student's score on the remaining domains in which the student was assessed.**
4. A parent may remove a student who is enrolled in a bilingual education program pursuant to provisions in N.J.S.A. 18A:35-22.1.
 5. Newly exited students who are not progressing in the mainstream English program may be considered for reentry to bilingual and ESL programs as follows:
 - a. After a minimum of one-half of an academic year and within two years of exit, the mainstream English classroom teacher may recommend retesting with the approval of the Principal.
 - b. A waiver of the minimum time limitation may be approved by the Executive County Superintendent upon request of the Superintendent if the student is experiencing extreme difficulty in adjusting to the mainstream program.
 - c. The recommendation for retesting shall be based on the teacher's judgment that the student is experiencing difficulties due to problems in using English as evidenced by the student's inability to: communicate effectively with peers and adults; understand directions given by the teacher; and/or comprehend basic verbal and written materials.



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- d. The student shall be tested using a different form of the test or a different language proficiency test than the one used to exit the student.
 - e. If the student scores below the State-established standard on the language proficiency test, the student shall be re-enrolled into the bilingual or ESL program.
6. When the review process for exiting a student from a bilingual, ESL, or English language services program has been completed, the district shall notify by mail the student's parent(s) of the placement determination. If the parent(s) or teaching staff member disagrees with the placement, ~~they he/she~~ may appeal the placement decision in writing to the Superintendent or designee, who will provide a written explanation for the decision within seven working days of receiving the written appeal. The complainant may appeal this decision in writing to the Board of Education within seven calendar days of receiving the Superintendent's or designee's written explanation of the decision. The Board will review the appeal and respond in writing to the parent within forty-five calendar days of the Board's receipt of the parent's written appeal to the Board. Upon exhausting an appeal to the Board, the complainant may appeal to the Commissioner of Education pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3.

J. Graduation Requirements for English Language Learners (N.J.A.C. 6A:15-1.11)

All ELLs ~~shall must~~ satisfy requirements for high school graduation according to N.J.A.C. 6A:8-5.1(a).

K. Location of Programs (N.J.A.C. 6A:15-1.12)

All bilingual, ESL, and English language services programs shall be conducted within classrooms within the regular school buildings of the school district pursuant to N.J.S.A. 18A:35-20.



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L. Notification (N.J.A.C. 6A:15-1.13)

1. The school district **shall will** notify by mail the parents of ELLs of the fact that their child has been identified as eligible for enrollment in a bilingual, ESL, or English language services **education** program. The district shall issue the notification within thirty days of the child's identification. Notice shall include a statement that the parents may decline their child's enrollment in a bilingual program, and they shall be given an opportunity to do so if they choose. The notice shall be in writing and in the language in which the parent(s) possesses a primary speaking ability, and in English, and shall include the following information:
 - a. Why the student was identified as an ELL;
 - b. Why the student needs to be placed in a language instructional educational program that will help **them him or her** develop and attain English proficiency and meet **the NJSL State academic standards**;
 - c. The student's level of English proficiency, how the level of English proficiency was assessed, and the student's academic level;
 - d. The method of instruction the school district will use to serve the student, including a description of other instruction methods available and how those methods differ in content, instructional goals, and the use of English and a native language, if applicable;
 - e. How the program will meet the student's specific needs in attaining English and meeting State standards;
 - f. The program's exit requirements, the expected rate of transition into a classroom not tailored for ELLs and, in the case of high school students, the expected rate of graduation; and



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g. How the instructional program will meet the objectives of the individualized education program of a student with a disability.

2. The school district shall send progress reports to parent(s) of students enrolled in a bilingual, ESL, or English language services programs in the same manner and frequency as progress reports are sent to parent(s) of other students enrolled in the school district.

3. Progress reports shall be written in English and in the native language of the parent(s) of students enrolled in the bilingual and ESL program unless the school district can demonstrate and document in the three-year plan required in N.J.A.C. 6A:15-1.6(a) that the requirement would place an unreasonable burden on the district.

4. The school district shall notify the parent(s) when a students meets the exit criteria and ~~are is~~ placed in a monolingual English program. The notice shall be in English and in the language in which the parent(s) possesses a primary speaking ability.

M. Joint Programs (N.J.A.C. 6A:15-1.14)

With ~~the~~ approval of the Executive County Superintendent ~~of Schools~~ on a case-by-case basis, a school district may join with another Board ~~of Education~~ to provide bilingual, ESL, or English language services programs.

N. Parental Involvement (N.J.A.C. 6A:15-1.15)

1. The ~~district Superintendent or designee~~ **shall will** provide for the maximum practicable involvement of parent(s) of ELLs in the development and review of program objectives and dissemination of information to and from the district Boards of Education and communities served by the bilingual, ESL, or English language services education programs.

2. ~~If the A-school~~ district ~~that~~ implements a bilingual education program, ~~the district~~ shall establish a parent advisory committee on bilingual education of which the majority **membership shall** ~~will~~ be parent(s) of ELLs.

Revised (First Reading): January 26, 2023



BYLAW GUIDE

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Notice of Board Meetings
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[See POLICY ALERT No. 229]

0162 NOTICE OF BOARD MEETINGS

The Board of Education will give notice of all meetings in accordance with law.

Adequate Public Notice

The Board Secretary shall provide written advance notice of at least forty-eight hours, giving the time, date, location and, to the extent known, the agenda of any regular, special, or rescheduled meeting, which notice shall accurately state whether formal action may or may not be taken and which shall be prominently posted in at least one public place reserved for such or similar announcements; mailed, telephoned, telegraphed, or hand delivered to at least two newspapers which newspapers shall be designated by the public body to receive such notices because they have the greatest likelihood of informing the public within the area of jurisdiction of the public body of such meetings, one of which shall be the official newspaper, where any such has been designated by the public body or if the public body has failed to so designate, where any has been designated by the governing body of the political subdivision whose geographic boundaries are coextensive with that of the public body; and filed with the clerk of the municipality when the public body's geographic boundaries are coextensive with that of a single municipality, with the clerk of the county when the public body's geographic boundaries are coextensive with that of a single county, and with the Secretary of State if the public body has Statewide jurisdiction. Where annual notice or revisions thereof in compliance with N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act, set forth the location of any meeting, no further notice shall be required for such meeting.

~~The Board Secretary shall notify, in writing and no later than forty eight hours in advance of the meeting, each Board member and each person who has duly requested such notification of the time, date, location, and, to the extent it is known, the agenda of any regular, special, or rescheduled meeting. Forty eight hour notice shall also be posted in the _____, delivered to two newspapers designated by the Board, and filed with the clerk of the~~



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Notice of Board Meetings

~~_____ , except that forty eight hour notice is not required where the time, date, and location of the meeting has been published in the annual list of meetings approved by the Board in accordance with law.~~

In accordance with N.J.S.A. 10:4-9, uUpon the affirmative vote of three-quarters of the members present, the Board may **hold a meeting meet notwithstanding the failure to provide adequate notice if:**

- 1. Such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest; and**
- 2. The meeting is limited to discussion of and acting with respect to such matters of urgency and importance; and**
- 3. Notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same in the public place described in N.J.S.A. 10:4.8.d., and also by notifying the two newspapers described in N.J.S.A. 10:4.8.d. by telephone, telegram, or by delivering a written notice of same to such newspapers; and**
- 4. Either the public body could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided or although the public body could reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided, it nevertheless failed to do so.**

~~in the absence of adequate notice, provided that discussion and action is limited to specific and unforeseen or unforeseeable matters of such urgency and importance that delay for the provision of notice would be likely to result in substantial harm to the public interest and that notice is given as soon as possible after the call of the meeting in accordance with the provisions of law and this bylaw.~~



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Notice of Board Meetings

Personal Notice of Meeting

~~The Board shall provide personal notice in writing to an adult student, the parent(s) or legal guardian(s) of a minor student, an employee or officer of this district, or a prospective employee whose privacy may be invaded or whose employment may be affected by the Board's deliberations in private session.~~

In accordance with the provisions of N.J.S.A. 10:4-12.b.(8), the Board may exclude the public from that portion of a meeting at which the Board discusses any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the Board, unless all the individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting.

The Board will provide notice to the affected person that ~~Such personal notice~~ will include the date and time of the ~~closed session private~~ meeting, the subject or subjects scheduled for discussion at the ~~closed session private~~ meeting, and the right of the **affected person** ~~individual given notice~~ to request that the discussions be conducted at a public meeting. ~~Such Personal~~ notice will be given no less than **forty-eight hours** _____ ~~(days or hours)~~ in advance of the ~~closed session private~~ meeting.

A written request for public discussion must be ~~signed by the person making the request and must be~~ submitted to the Board Secretary prior to the commencement of the meeting. Any such properly submitted request will be granted. In the event that one or more, but fewer than all, of a group of persons whose employment will be discussed request a public meeting, the discussion regarding the person or persons who have submitted the request will be severed from the rest and will be conducted publicly.

A discussion held in public by reason of the written request of an individual will be conducted at a regularly scheduled meeting for which annual notice has been given or at a meeting for which adequate public notice has been given in accordance with law.



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Notice of Board Meetings

Nothing in this ~~B~~ylaw will permit an employee to request or the Board to grant the public discussion of tenure charges or permit the public disclosure of information regarding a ~~disabled~~ student.

N.J.S.A. 10:4-6 et seq.; 10:4-8d; 10:4-9b
N.J.S.A. 18A:6-11; 18A:10-6
N.J.A.C. 6A:32-3.1

Revised (First Reading): January 26, 2023



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Call, Adjournment, and Cancellation
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[See POLICY ALERT No. 229]

0161 CALL, ADJOURNMENT, AND CANCELLATION

All The Board of Education meetings shall be meet in public and each Board shall hold a meeting session at least once every two months during the period in which the schools in the district are in session.

~~All meetings shall be called to commence not later than 8:00 p.m. of the day designated.~~

The Secretary of the Board shall call a special meeting of the Board whenever: requested by the President of the Board; requested by the Superintendent when the Board fails to meet within two months during the period in which the schools in the district are in session; or when presented with a petition signed by a majority of the full membership of the Board requesting the special meeting.

~~A meeting not regularly scheduled may be called by the Board Secretary at the request of the President or upon the presentation to the Board Secretary of a petition requesting a meeting and signed by a majority of the full Board.~~

The Board may at any time recess or adjourn to an adjourned meeting at a time, date, and place announced **at the time of the recess or before** the adjournment ~~takes place~~. The adjourned meeting shall take up its business at the point in the agenda where the motion to adjourn was passed.

When circumstances are such as to prevent the attendance of a majority or all of Board members or to frustrate the purpose of the meeting, a meeting may be canceled by the Board Secretary at the request of the President. Notice of the cancellation shall be given, by expedient means, to all Board members, to the Superintendent, and, whenever possible, to the newspapers in which notice of Board meetings is regularly given. If possible, written notice of the cancellation shall also be posted at the place where the canceled meeting was scheduled to occur. Notice of the cancellation shall include the date, time, and place of the next scheduled meeting. Notice of the cancellation shall be read at the next following Board meeting and shall be duly recorded in the official minute book.

N.J.S.A. 18A:10-6
N.J.A.C. 6A:32-3.1

Revised (First Reading): January 26, 2023



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[See POLICY ALERT Nos. 191 and 229]

R 8420.2 BOMB THREATS

A bomb threat consists of a message regardless of the source or form or truth of the message, that someone has placed or intends to place in the school an explosive device or any material that will cause significant harm to persons in the school or damage to school property. **The procedures to be enacted when a bomb threat is received shall be included in the school district's plans, procedures, and mechanisms for school safety and security in accordance with the provisions of N.J.A.C. 6A:16-5.1 and Policy 8420** ~~The bomb threat message may be a telephone call, written, e-mailed, rumored, graffiti or any other communication method.~~

A. ~~Procedures When a Bomb Threat is Received~~

- ~~1. A bomb threat received by any school employee will be immediately relayed to the Principal or designee.~~
- ~~2. A written bomb threat should be placed in a folder or a folded paper and should be handled as little as possible.~~
- ~~3. If possible, a telephoned bomb threat should be transferred to the Principal or designee.~~
 - ~~a. The Principal or other person who talks to the caller will attempt to keep the caller on the line as long as possible to enhance the chance to identify the telephone caller.~~
 - ~~b. The person talking to the caller should attempt to obtain, by direct questioning and by listening to background clues, and record in writing as much information as possible about:~~
 - ~~(1) The alleged bomb (e.g., its nature, size, specific location, what will cause detonation, detonation time);~~
 - ~~(2) The caller (e.g., name, address, location, gender, age, background, motive);~~



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- (3) — The identity of the person who placed the bomb, if the caller denies responsibility;
- (4) — The means by which the bomb was delivered to the site;
- (5) — The caller's voice (e.g., calm, angry, excited, slow, rapid, loud, slurred, distinct, familiarity); and
- (6) — Background sounds (e.g. street noises, music, office or factory machinery, animal noises, voices).

B. — Procedures to be Used After a Bomb Threat is Received

- 1. — The Principal or designee will immediately call:
 - a. — The Police Department/local law enforcement;
 - b. — The Fire Department; and
 - c. — The Superintendent's office.
- 2. — If the Principal or designee determines there is reasonable cause to believe an explosive device is present and an immediate evacuation is warranted, the Principal or designee will order the immediate evacuation of the school building. The evacuation will be conducted as follows:
 - a. — The fire drill alarm may include a building designated code to indicate that a bomb threat has been received;
 - b. — If the Principal or designee determines that time permits, pupils will empty their lockers and leave them unlocked; and
 - c. — School staff members and pupils will be evacuated to a waiting place at least 1000 feet from the school building and behind cover or to a predetermined area outside the school building.



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3. ~~If the Principal or designee determines an immediate evacuation is not warranted the building will not be immediately evacuated until law enforcement officials arrive on the scene and are provided control of the bomb threat situation.~~
4. ~~The Principal or designee will also:~~
 - a. ~~Prohibit the use of any electronic communication devices to include, but not be limited to cellular telephones and walkie-talkies;~~
 - b. ~~Ensure any school buses enroute to the school or other vehicles entering the school grounds are redirected to a designated alternative location pending further instructions from law enforcement officials;~~
 - e. ~~Notify and maintain contact with the Superintendent of Schools regarding the communication to be released to parents, community and media; and~~
 - d. ~~Allow law enforcement officials to control the scene upon their arrival.~~
5. ~~School staff members, upon receiving notice the school is being evacuated for a bomb threat, will:~~
 - a. ~~Direct pupils to gather personal belongings in the classroom or within their immediate area;~~
 - b. ~~Instruct pupils to not use any electronic communication device until instructed otherwise;~~
 - e. ~~Conduct a quick visual survey of their classrooms for any suspicious or unfamiliar objects and report such to the Principal or designee;~~
 - d. ~~Leave the windows and doors of their vacated rooms open and do not turn on or turn off any light or electrical switch;~~



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- e. — Take the pupil roster and the day's attendance;
 - f. — Lead their class or the pupils under their supervision upon receiving the evacuation notice to the evacuation area;
 - g. — Take attendance when arriving at the evacuation area and report any additional pupils or missing pupils to the Principal or designee;
 - h. — Not allow any pupil to re-enter the building, leave the evacuation area, or be dismissed from school unless authorized by the Principal or designee or law enforcement officials; and
 - i. — Not speak to the media or permit media to interview any pupil.
6. — If law enforcement officials determine the building can be re-entered, the Principal or designee will order the building to be re-entered. The regular instructional program will be resumed as quickly as possible. If the bomb threat disruption has occurred late in the school day, the Principal may recommend to the Superintendent that the school be closed and pupils dismissed.
7. — In the event an explosive device is found in the school building or on school grounds threatening the safety of staff and pupils, the Principal or designee will:
- a. — Work with law enforcement officials to ensure the continued safety of pupils and staff;
 - b. — Notify school officials at the evacuation assembly locations of the situation that pupils will be released for the day; and
 - c. — In consultation with the Superintendent of Schools and law enforcement officials, will coordinate pupil dismissal procedures from the evacuation assembly areas and family notification and reunification protocols.



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8. — The school district will provide school district staff and other school district crisis response team members to provide counseling and support as needed.
9. — All bomb threat procedures will be conducted with seriousness and dispatch. It is the intention of these regulations that the school community be protected against harm without conferring notoriety on the person who threatens harm.
10. — In the event an explosion occurs while the building is evacuated, the Principal or designee, in consultation with the Superintendent of Schools and law enforcement officials, will coordinate pupil dismissal procedures from the evacuation assembly areas and family notification and reunification protocols.
11. — The Principal will submit to the Superintendent a written report of each bomb threat received, the steps taken in response, and the outcome of the threat.

These procedures are recommended for implementation in the event a bomb threat is received. However, based on the circumstance or situation, the Principal or designee or law enforcement officials may modify these procedures if it is determined modification is needed to best protect the building's occupants.

Critical Incident Response Procedures for School Administrators, Faculty and Staff — The New Jersey Office of Homeland Security and Preparedness and the New Jersey Department of Education — 2010

Revised (First Reading): January 26, 2023



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[See POLICY ALERT Nos. 183, 191, and 229]

R 8420.7 LOCKDOWN PROCEDURES

In the event it is determined by the Principal or designee a circumstance or situation requires the school building's occupants to remain secure within the school building, the Principal or designee may implement lockdown procedures. The ~~following~~ procedures to ~~shall~~ be enacted during a lockdown **shall be included in the school district's plans, procedures, and mechanisms for school safety and security in accordance with the provisions of N.J.A.C. 6A:16-5.1 and Policy 8420** ~~which shall begin with notification to the building's occupants that all occupants should commence lockdown procedures. The notification may be a public address announcement or may be a discreet notification depending on the circumstance or situation.~~

A. ~~Procedures in the Event it is Determined a Lockdown is Warranted~~

1. ~~The Principal and/or designee will immediately:~~

- a. ~~Inform the Superintendent of Schools;~~
- b. ~~Contact local law enforcement;~~
- c. ~~Deactivate fire alarm pull stations without disengaging the fire sensors, if feasible, until law enforcement officials arrive on scene; and~~
- d. ~~Deactivate school bell systems, if feasible, until law enforcement officials arrive on scene.~~

2. ~~The Principal and/or designee will also:~~

- a. ~~Communicate to any staff outside the building to stop pedestrians and vehicles, including school buses, from entering the school grounds;~~
- b. ~~Assign a staff member in the main office to maintain communication with classrooms and monitor status and, if needed, designate a staff member to meet and brief local law enforcement upon their arrival;~~



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- e. ~~Determine, in consultation and with the approval of the Superintendent of Schools, the most appropriate means to communicate information to be released to parents, community, and media; and~~
- d. ~~Will allow local law enforcement officials to control the scene upon their arrival.~~
- 3. ~~School staff members, upon receiving notice the school needs to be in a lockdown situation, will:~~
 - a. ~~Turn off all lights, close blinds/shades and turn off electronic equipment;~~
 - b. ~~Instruct students to be absolutely quiet and discourage the individual use of cellular telephones;~~
 - c. ~~Instruct classroom occupants to get on the floor in a sitting or crouching position and direct students away from doors and windows wherever possible;~~
 - d. ~~Close and lock doors and windows from inside the room, if possible;~~
 - e. ~~Secure all staff, students and visitors, including those from hallways, behind locked doors, restrooms, gymnasiums, and other non-classroom areas without risking their own safety or the safety of others already secure;~~
 - f. ~~Not permit anyone to leave a secured room or area until notified by the Principal or designee or law enforcement officials; and~~
 - g. ~~Ignore bells or alarms unless otherwise notified by the Principal or designee or law enforcement officials.~~



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4. ~~Any school staff member not supervising students at the time of the lockdown notification should go to the nearest classroom or secure area to assist other staff members with students. These staff members should ensure any students in hallways and other unsecured and open areas are taken to the nearest classroom and/or secured area.~~
5. ~~Teachers shall take student attendance for the students within their secured area and report any additional students in the room and any missing students.~~
6. ~~Office personnel should remain in the general office areas or any other area that can be secured from the inside. All office doors shall be locked and secured to prevent entrance by an outside intruder.~~
7. ~~The building's occupants should remain in lockdown condition until an announcement indicating the lockdown is over.~~
8. ~~Lockdown Procedures for Those in Exposed Areas — Physical education classes using outside facilities shall, under the direction of the teacher, report to the nearest school entrance and upon entering the building locate to a secure classroom or location within the building. If there is reason to believe these students may be at risk re-entering the building, the students may be directed to another secure location off school grounds and/or away from the building.~~

~~B. — Procedures After Lockdown Situation is Brought Under Control~~

~~{Insert below the procedures to be implemented after lockdown situation is brought under control}~~

1. ~~After the lockdown situation has been brought under control, the Principal or designee or law enforcement officials will communicate to building occupants the lockdown situation has ended.~~



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2. — ~~Evacuation of the building after the lockdown situation has been declared under control shall be under the direction of the Principal or designee and law enforcement officials.~~
3. — ~~The Principal or designee, in consultation and with the approval of the Superintendent of Schools, will coordinate family reuniting procedures.~~
4. — ~~The school district will provide school district staff and other school district crisis response team members to provide counseling and support as needed.~~
5. — ~~The Principal or designee will debrief with local law enforcement and all other agencies involved in the school lockdown situation.~~

~~These lockdown procedures are recommended for implementation in the event it is determined a lockdown is needed. However, based on the circumstance or situation, the Principal or designee or law enforcement officials may modify these procedures if he/she it is determined determines modification is needed to best protect the building's occupants.~~

~~Critical Incident Response Procedures for School Administrators, Faculty and Staff — The New Jersey Office of Homeland Security and Preparedness and the New Jersey Department of Education — 2010~~

Revised (First Reading): January 26, 2023



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[See POLICY ALERT Nos. 210 and 229]

R 8330 STUDENT RECORDS

A. Definitions (N.J.A.C. 6A:32-2.1)

1. “Access” means the right to view, make notes, and/or reproduce a student record.
2. “Adult student” means a person who is at least eighteen years of age, ~~or is attending an institution of postsecondary education,~~ or is an emancipated minor.
3. **“Days in membership” means the number of school days in session in which a student is enrolled. A student’s membership begins on the first possible day of attendance following enrollment during the school year, notwithstanding the actual day the student was recorded as present for the first time.**
4. **“Health history” means the record of a person’s past health events obtained in writing, completed by the individual or the individual’s physician.**
53. “Mandated student records” means student records that school districts compile pursuant to State statute, regulation, or authorized administrative directive.
64. “Parent” means the natural or adoptive parent, legal guardian, surrogate **parent** appointed **pursuant** ~~according~~ to N.J.A.C. 6A:14-2.2, or a person acting in place of a parent (such as a grandparent or stepparent with whom the student lives or a person legally responsible for the student’s welfare). Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights **pursuant to** ~~under~~ N.J.A.C. 6A:32. In addition, a **resource family foster** parent may act as a parent **pursuant to** ~~under~~ the provisions of N.J.A.C. 6A:32 if the parent’s authority to make educational decisions on the student’s behalf has been terminated by a court of appropriate jurisdiction.



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75. “Permitted student records” means records that the Board of Education has authorized, by resolution adopted at a regular public meeting, to be collected to promote the educational welfare of students.
8. **“Personally identifiable information” means, but is not limited to:**
- a. **The student's name;**
 - b. **The name of the student's parent(s) or other family members;**
 - c. **The address of the student or the student's family;**
 - d. **The email address of the student, the student's parent(s), or other family members;**
 - e. **The telephone number of the student, the student's parent(s), or other family members;**
 - f. **A personal identifier, such as the student's Social Security number, student number, or biometric record;**
 - g. **A photo of the student;**
 - h. **The location and times of class trips;**
 - i. **Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;**
 - j. **Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community who does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty; or**
 - k. **Information requested by a person who the district, or private agency that provides educational services by means of public funds, reasonably believes knows the identity of the student to whom the student record relates.**



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9. **“Physical examination” means the assessment of an individual’s health, in accordance with the requirements at N.J.A.C. 6A:16-2.2.**
10. **“School contact directory for official use” means a compilation by a district that includes the following information for each student: name, address, telephone number, date of birth, and school of enrollment. The directory may be provided for official use only to judicial, law enforcement, and medical personnel.**
11. **“Student discipline record” means information regarding all disciplinary actions taken against a student by a school district pursuant to N.J.S.A. 18A:36-25.1.b. and that is maintained in a student’s record.**
127. **“Student information directory” means a publication of the Board of Education that includes information relating to a student. It shall be used only by authorized school district personnel and for designated official use by judicial, law enforcement, and medical personnel and not for general public consumption. The information shall be the student’s: name; grade level; date and place of birth; dates of school attendance; major field of study; participation in officially recognized activities; weight and height relating to athletic team membership; degrees; awards; the most recent educational agency attended by the student; and other similar information.**
136. **“Student record” means information related to an individual student gathered within or outside the school district and maintained within the school district, regardless of the physical form in which it is maintained. Essential in this definition is the idea that any information that is maintained for the purpose of second-party review is considered a student record. Therefore, information recorded by certified school personnel solely as a memory aid and not for the use of a second party is excluded from this definition. In the absence of any “information related to an individual student,” the document(s) no longer meets the definition of “student record.”**

B. General Considerations (N.J.A.C. 6A:32-7.1)

1. The Board ~~of Education~~ shall compile and maintain student records and regulate access **in accordance with the Federal Educational Rights and Privacy Act (FERPA), 20 U.S.C.**



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§1232g, and 34 CFR Part 99, disclosure, or communication of information contained in **student educational** records in a manner that assures the security of **the such** records in accordance with the provisions of N.J.A.C. 6A:32-7.1. ~~et seq.~~

2. Student records shall contain only ~~such~~ information **that** as is relevant to the education of the student and is objectively based on the personal observations or knowledge of the certified school personnel who originate(s) the record.
3. The ~~school~~ district shall provide annual, written notification to parents, adult students, and emancipated minors of their rights in regard to student records and student participation in educational, occupational, and military recruitment programs. Copies of the applicable State and Federal laws and **Board local** policies shall be made available upon request. The **Board school district** shall make every effort to notify parents and adult students in their dominant language.
4. **Nonadult** ~~A non-adult~~ students may assert rights of access only through **their** ~~his or her~~ parent(s). However, nothing in N.J.A.C. 6A:32-7 ~~et seq.~~ or in Policy **8330** or **this** Regulation ~~8330~~ shall be construed to prohibit certified school personnel from disclosing, at their discretion, student records to non-adult students or to appropriate persons in connection with an emergency, if **the information contained in the record such knowledge** is necessary to protect the health or safety of the student or other persons.
5. The parent or adult student shall have access to **the student's** ~~their own~~ records and have access to, or be specifically informed about, only **the** ~~that~~ portion of another student's record that contains information about **the student** ~~his or her own child or himself or herself~~.
6. **All anecdotal information and assessment reports collected on a student shall be dated and signed by the individual who originated the data.**
76. The Superintendent or designee shall require all ~~permitted~~ student records of currently enrolled students to be reviewed annually by certified school personnel to determine the education relevance of the **information material** contained therein. The reviewer shall cause **information data** no longer descriptive of the student or educational program to be deleted from the records, except that



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prior notice shall be given for ~~classified~~ students **with disabilities** in accordance with N.J.A.C. 6A:14, Special Education. **The deleted** ~~Such~~ information shall be disposed of and not be recorded elsewhere. No record of any such deletion shall be made.

87. No liability shall be attached to any member, officer, or employee of the Board ~~of Education~~ permitting access or furnishing student records in accordance with N.J.A.C. 6A:32-7.1 ~~et seq.~~
98. When the parent's or adult student's dominant language is not English or the parent or adult student is deaf, the ~~school~~ district shall provide interpretation of the student records in the dominant language of the parents or adult student.
109. Student health records shall be maintained separately from other student records. **Student health records also shall be maintained and handled,** according to the requirements of N.J.A.C. 6A:32-7.1 ~~et seq.~~, until such time as graduation or termination, whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record.

C. School Contact Directory for Official Use (N.J.A.C. 6A:32-7.2)

1. The Board ~~of Education~~ shall compile and maintain a school contact directory for official use that is separate and distinct from the student information directory.
2. **School personnel shall provide information from the school contact directory for official use only to judicial and law enforcement personnel, and to medical personnel currently providing services to the student in question. Upon request from a court, other judicial agency, law enforcement agency, or medical service provider currently providing services to the student in question, school personnel shall promptly verify the enrollment of a student and provide the requester with all information about the student that is contained in the school contact directory for official use.**
 - a. ~~School personnel shall provide information from the school contact directory for official use only to judicial and law enforcement personnel, and to medical personnel currently providing services to the student in question.~~



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b. ~~Upon request from a court, other judicial agency, law enforcement agency, or medical service provider currently providing services to the student in question, school personnel shall promptly verify the enrollment of a student and provide the requester with all information about that student that is contained in the school contact directory for official use.~~

32. ~~A To exclude any information from the school contact directory for official use, the parent, adult student, or emancipated minor shall notify, in writing, the Superintendent or designee of their request to exclude any information from the school contact directory for official use in writing.~~

D. Mandated and Permitted Student Records (N.J.A.C. 6A:32-7.3)

1. Mandated student records shall include the following:

a. The student's name, address, telephone number, date of birth, name of parent(s), gender, standardized assessment results, grades, **record of daily** attendance, classes attended, grade level completed, year completed, and years of attendance.

b. ~~Record of daily attendance;~~

be. Descriptions of **the student's progress** according to the **Board's system of student performance data evaluation** ~~used in the school district;~~

cd. History and status of physical health compiled in accordance with State regulations, including **immunizations and** results of any physical examination(s) given by qualified ~~school district employees and immunizations;~~

de. Records pursuant to rules and regulations regarding the education of students with disabilities; and

ef. All other records required by N.J.A.C. 6A.

2. Permitted student records are those student records not mandated pursuant to N.J.A.C. 6A:32-7.3, but authorized by the Board to promote the student's educational welfare and include the following as authorized by this Board upon adoption of Policy



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8330 and **this** Regulation ~~8330~~. These records may include, but are not limited to:

- a. Personally authenticated observations, assessments, ratings, and anecdotal reports recorded by teaching staff members in the performance of their professional responsibilities and intended for review by another person, provided the record is dated and signed by the originator. Information recorded solely as a memory aid for the originator becomes a student's record when it is reviewed by any other person, including a substitute;
- b. Information, scores, and results obtained from standardized tests or by approved tests conducted by professional personnel;
- c. Educationally relevant information provided by the parent, ~~or adult student, or emancipated minor regarding the student's achievements or school activities;~~
- d. Any correspondence with the student and/or the student's parents;
- e. Driver education certificate;
- f. Emergency notification form;
- g. New student registration form;
- h. Withdrawal or transfer form;
- i. Change of schedule form;
- ~~j. Records of disciplinary infractions, penalties, and disciplinary hearings;~~
- jk. Records of the student's co-curricular and athletic activities and achievements;
- kl. Class rank;
- lm. Awards and honors;
- mn. Notations of additional records maintained in a separate file;



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- no. The statement from a student's parent, adult student, or emancipated minor regarding a contested portion of the record;
- op. Entries indicating review of the file by an authorized person;

E. Maintenance and Security of Student Records (N.J.A.C. 6A:32-7.4)

1. The Superintendent or designee shall be responsible for the security of student records maintained in the ~~school~~ district and shall devise procedures/regulations for assuring that access to ~~student such~~ records is limited to authorized persons.
2. **The Board may store all student records** ~~Records for each individual student may be stored~~ either electronically or in paper format. ~~When student records are stored electronically, proper security and backup procedures shall be administered.~~
 - a. **When student records are stored electronically, proper security and backup procedures shall be administered.**
3. Student health records, whether stored on paper or electronically, shall be maintained **in accordance with N.J.A.C. 6A:32-7.1(l)** ~~separately from other student records, until such time as graduation or termination whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record.~~
4. Records shall be accessible during the hours in which the school program is in operation.
5. Mandated student records required as part of programs established through State-administered entitlement or discretionary funds from the U.S. Department of Education shall be maintained for a period of five years after **a student's** graduation, **or** termination from the ~~school~~ district, or to age twenty-three, whichever is longer, ~~and~~ **The mandated student records** shall be disposed of in accordance with N.J.S.A. 47:3-15 et seq.
6. Any district **or school** website shall not disclose any personally identifiable information about a student, in accordance with N.J.S.A. 18A:36-35.

F. Access to Student Records (N.J.A.C. 6A:32-7.5)



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1. Only authorized organizations, agencies, or persons, as defined in N.J.A.C. 6A:32-7.5, shall have access to student records, including student health records. Access to student records shall be provided to persons authorized such access under N.J.A.C. 6A:32-7.1(g) ~~et seq.~~ within ten days of a request, but prior to any review or hearing conducted in accordance with N.J.A.C. 6A.
2. ~~The school district shall control access to, disclosure of, and communication regarding information contained in student health records to assure access only to people permitted by Federal and State statute and regulations or stated in N.J.A.C. 6A:32-7.5(e) and section G. below.~~
23. The school district may charge a reasonable fee for reproduction of student records, not to exceed the schedule of costs set forth at in N.J.S.A. 47:1A-5, provided that the cost does not effectively prevent the parents or adult students from exercising their rights under N.J.A.C. 6A:32-7 or other Federal and State rules and regulations regarding students with disabilities, including N.J.A.C. 6A:14.
3. **The district shall control access to, disclosure of, and communication regarding information contained in student health records to assure access only to people permitted by Federal and State statute and regulations or as stated in N.J.A.C. 6A:32-7.5(e) and F.5. below.**
4. Access to, and disclosure of, a student health record shall meet the requirements of ~~the Family Education Rights and Privacy Act FERPA, 20 U.S.C. §1232g, and 34 CFR C.F.R. Part 99 (FERPA).~~
5. **Organizations, agencies, and persons authorized to access student records shall include only the following:**
 - a. **The student who has written permission of a parent and the parent of a student under the age of eighteen, regardless of whether the child resides with the parent, except pursuant to N.J.S.A. 9:2-4;**
 - (1) **The place of residence shall not be disclosed; and**
 - (2) **Access shall not be provided if denied by a court;**
 - b. **Students at least sixteen years of age who are terminating their education in the district because they**



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will graduate secondary school at the end of the term or no longer plan to continue their education;

- c. An adult student and/or a parent who has the written permission of an adult student, except that the parent shall have access without the adult student's consent, as long as the adult student is financially dependent on the parent and enrolled in the public school system, or if the adult student has been declared legally incompetent by a court of appropriate jurisdiction. The parent of a financially dependent adult student may not disclose information contained in the adult student's record to a second or third party without the adult student's consent;
- d. Certified school district personnel who are assigned educational responsibility for the student shall have access to the general student record but not to the student health record except under conditions permitted in N.J.A.C. 6A:16-2.4;
- e. Certified educational personnel who have assigned educational responsibility for the student and who are employed by agencies listed below shall have access to the general student record, but not to the student health record, except under conditions permitted at N.J.A.C. 6A:16-2.4:
 - (1) An approved private school for students with disabilities;
 - (2) A State facility;
 - (3) Accredited nonpublic schools in which students with disabilities have been placed pursuant to N.J.S.A. 18A:46-14; or
 - (4) Clinics and agencies approved by the New Jersey Department of Education;
- f. To fulfill its legal responsibility, the Board shall have access through the Superintendent or designee to information contained in the student's record. Information shall be discussed in executive session,



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unless otherwise requested by the parent or adult student;

- g. Secretarial and clerical personnel under the direct supervision of certified school personnel shall be permitted access to portions of the record to the extent necessary for the entry and recording of data and the conducting of routine clerical tasks. Access shall be limited only to student files in which such staff are directed to enter or record information, and shall cease when the specific assigned task is completed;**
- h. Accrediting organizations to carry out their accrediting functions;**
- i. The Commissioner of Education and New Jersey Department of Education staff members who are assigned responsibility that necessitates the review of such records;**
- j. Officials of other Boards of Education within the State or other educational agencies or institutions where the student is placed, registered, or seeks to enroll, subject to the following conditions:**

 - (1) 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 district, agency, or institution with written notification to the parent or adult student;**
 - (2) Original mandated student records that the Board has required shall be forwarded to the receiving district, agency, or institution only with the written consent of the parent or adult student, except where a formal sending-receiving relationship exists between the districts;**
 - (3) All records to be forwarded, including disciplinary records as specified at N.J.S.A. 18A:36-19a., shall be sent to the Superintendent of the school district to which the student has transferred, or the Superintendent's designee, within ten school days after the transfer has been verified by the requesting district;**



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- (4) The Superintendent or 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;
 - (5) Upon request, the Superintendent or 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
 - (6) Proper identification, such as a certified copy of the student's birth certificate or other proof of the student's identity pursuant to N.J.S.A. 18A:36-25.1, shall be requested at the time of enrollment in a new school district;
- k. Officials of the United States Department of Education assigned responsibilities that necessitate review of such records;
- l. Officers and employees of a State agency responsible for protective and investigative services for students pursuant to N.J.S.A. 9:6-8.40. Whenever appropriate, the Board shall ask the State agency for its cooperation in sharing the findings of an investigation;
- m. Agency caseworkers or other representatives of a State or local child welfare agency who have the right to access a student's case plan when the agency or organization is legally responsible, in accordance with State law, for the care and protection of the student, consistent with 20 U.S.C. §1232g(b)(1)(L);
- n. Organizations, agencies, and persons from outside the school if they have the written consent of the parent or adult student. Organizations, agencies, and persons shall not transfer student record information to a third party without the written consent of the parent or adult student;



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- o.** Organizations, agencies, and individuals outside the school, other than those specified in N.J.A.C. 6A:32-7.5, upon the presentation of a court order; and
 - p.** Bona fide researchers who explain to the Superintendent the nature of the research project and the relevance of the records sought. Prior to the release of records to a researcher, the Superintendent or designee, shall receive from the researcher written assurance that the records will be used under strict conditions of anonymity and confidentiality.
- 6.** Nothing in N.J.A.C. 6A:32-7, Policy 8330, and this Regulation shall be construed to prohibit school personnel from disclosing information contained 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.

7. In complying with N.J.A.C. 6A:32-7, Policy 8330, and this Regulation, the Board shall adhere to the requirements pursuant to the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., and FERPA, 20 U.S.C. §1232g; 34 CFR Part 99.

- a. When responding to OPRA requests from any party, including parties other than those listed in N.J.A.C. 6A:32-7.5(e) and F.5. above, the Board may release, without consent, records removed of all personally identifiable information, as such documents do not meet the definition of a student record. Before making any release, the Board shall have made a reasonable decision that a student's identity cannot be determined whether through single or multiple releases, or when added to other reasonably available information.**

~~G. — Authorized Organizations, Agencies, and Persons with Access to Student Records (N.J.A.C. 6A:32-7.5(e))~~

~~Access shall include only the following:~~

1. ~~A student who has the written permission of a parent and the parent of a student under the age of eighteen whether the child resides with the parent except per N.J.S.A. 9:2-4:~~

- ~~a. The place of residence shall not be disclosed; and~~



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- b. — Access shall not be provided if denied by a court.
- 2. — Students at least sixteen years of age who are terminating their education in the school district because they will graduate secondary school at the end of the term or no longer plan to continue their education;
- 3. — An adult student and parent who has the written permission of an adult student, except that the parent shall have access without consent of the student as long as the student is financially dependent on the parent and enrolled in the public school system or if the student has been declared legally incompetent by a court of appropriate jurisdiction. The parent of the financially dependent adult student may not disclose information contained in the adult student's record to a second or third party without the consent of the adult student;
- 4. — Certified school district personnel who are assigned educational responsibility for the student shall have access to the general student record but not to the student health record except under conditions permitted in N.J.A.C. 6A:16-2.4;
- 5. — Certified educational personnel who have assigned educational responsibility for the student and who are employed by agencies listed below shall have access to the general student record, but not to the student health record except under conditions permitted in N.J.A.C. 6A:16-2.4:
 - a. — An approved private school for the disabled;
 - b. — A State facility;
 - c. — Accredited nonpublic schools in which students with educational disabilities have been placed according to N.J.S.A. 18A:46-14; or
 - d. — Clinics and agencies approved by the Department of Education.
- 6. — To fulfill its legal responsibility, the Board of Education shall have access through the Superintendent or designee to information contained in a student's record. Information shall be discussed in executive session unless otherwise requested by the parent or adult student;



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7. ~~Secretarial and clerical personnel under the direct supervision of certified school personnel shall be permitted access to portions of the record to the extent necessary for the entry and recording of data and the conducting of routine clerical tasks. Access shall be limited only to student files in which such staff are directed to enter or record information, and shall cease when the specific assigned task is completed;~~
8. ~~Accrediting organizations in order to carry out their accrediting functions;~~
9. ~~The Commissioner of Education and New Jersey Department of Education staff members who are assigned responsibility that necessitates the review of such records;~~
10. ~~Officials of other district Boards of Education within the State of New Jersey or other educational agencies or institutions where the student is placed, registered, or seeks to enroll subject to the following conditions:~~
 - 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 a 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 as specified in N.J.S.A. 18A:36-19(a), shall be sent to the Superintendent or designee of the school district to which the student has transferred within ten school days after the transfer has been verified by the requesting school district;~~
 - d. ~~The Superintendent or 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;~~



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- e. — Upon request, the Superintendent or 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 pursuant to N.J.S.A. 18A:36-25.1, shall be requested at the time of enrollment in a new school district.
- 11. — Officials of the United States Department of Education assigned responsibilities that necessitate review of such records;
 - 12. — Officers and employees of a State agency responsible for protective and investigative services for students referred to that agency, pursuant to N.J.S.A. 9:6-8.40. Wherever appropriate, the Board of Education shall ask the State agency for its cooperation in sharing the findings of an investigation;
 - 13. — Agency caseworkers or other representatives of a State or local child welfare agency who have the right to access a student's case plan when the agency or organization is legally responsible, in accordance with State law, for the care and protection of the student, consistent with 20 U.S.C. § 1232g(b)(1)(L);
 - 14. — Organizations, agencies, and persons from outside the school if they have the written consent of the parent or adult student. Organizations, agencies, and persons shall not transfer student record information to a third party without the written consent of the parent or adult student;
 - 15. — Organizations, agencies, and individuals outside the school, other than those specified in N.J.A.C. 6A:32-7.5, upon the presentation of a court order;
 - 16. — Bona fide researchers who explain to the Superintendent the nature of the research project and the relevance of the records sought. Researchers shall also satisfy the Superintendent or designee that the records will be used under strict conditions of anonymity and confidentiality. Such assurance shall be received in writing by the Superintendent prior to the release of information to the researcher;
 - 17. — Nothing in N.J.A.C. 6A:32-7.1 et seq. and Policy and Regulation 8330 shall be construed to prohibit school personnel from disclosing information contained in the student health record to



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~~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; and~~

- ~~18. In complying with N.J.A.C. 6A:32-7.1 et seq., individuals shall adhere to requirements pursuant to N.J.S.A. 47:1A-1 et seq. the Open Public Records Act (OPRA) and 20 U.S.C. § 1232g, 34 CFR Part 99 the Family Educational Rights and Privacy Act (FERPA).~~

GH. Conditions for Access to Student Records (N.J.A.C. 6A:32-7.6)

1. All authorized organizations, agencies, and persons defined in N.J.A.C. 6A:32-7.1 ~~et seq.~~ as listed below shall have access to ~~the records of~~ a student **record**, subject to the following conditions:
 - ~~a1.~~ No student record shall be altered or disposed of during the time period between a request to review the record and the actual review of the record.
 - b2. Authorized organizations, agencies, and persons from outside the school whose access requires the consent of parents or adult students shall submit to the Superintendent or designee, the request in writing, together with any required authorization.
 - c3. The Superintendent or designee shall be present during the period of inspection to provide interpretation of the records, where necessary, and to prevent their alteration, damage, or loss. In every instance of inspection of student records by persons other than parents, student(s), or individuals who have assigned educational responsibility for the individual student, an entry shall be made in the student's record of the name(s) of persons granted access, the reason access was granted, the time and circumstances of inspection, the records **inspected** ~~studied~~, and the purposes for which the data will be used.
 - d4. Prior to disclosure of student records to organizations, agencies, or persons outside the ~~school~~ district pursuant to a court order, the Superintendent or designee shall give the parent or adult student at least three days' notice of the name of the requesting agency and the specific records requested unless otherwise judicially instructed. **The Such** notification shall be provided in writing, if practicable.



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Only records related to the specific purpose of the court order shall be disclosed.

(1)a. Notice to the parent shall not be required when **the parent** ~~he or she~~ is party to a court proceeding involving child abuse and neglect or dependency matters, consistent with 20 U.S.C. §1232g(b)(2)(B).

e5. A record may be withheld from a parent or from an adult student only when the ~~school~~ 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 shall be withheld. When the district has or obtains evidence of such court order, the parent or adult student shall be notified in writing within five days of **the** ~~his or her~~ request that access to the record has been denied and that the person has the right to appeal this decision to the court issuing the order.

HH. Rights of Appeal for Parents and Adult Students (N.J.A.C. 6A:32-7.7)

1. Student records are subject to challenge by parents and adult students on grounds of inaccuracy, irrelevancy, **impermissible** ~~impermissive~~ disclosure, inclusion of improper information, or denial of access to organizations, agencies, and persons. The parent or adult student may **request:** ~~seek to: expunge inaccurate, irrelevant, or otherwise improper information from the student record; insert additional data as well as reasonable comments as to the meaning and/or accuracy of the records; and/or request an immediate stay of disclosure pending final determination of the challenge procedure as described in N.J.A.C. 6A:32-7.~~

- a. **Expungement of inaccurate, irrelevant, or otherwise improper information from the student record;**
- b. **Insertion of additional data, as well as reasonable comments regarding the meaning and/or accuracy of the student record;**
- c. **The immediate stay of disclosure pending final determination of the challenged procedure as described in N.J.A.C. 6A:32-7; and/or**
- d. **Immediate access to student records for organizations, agencies, and persons denied access, pending final**



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determination of the challenged procedure, as described in N.J.A.C. 6A:32-7.

2. To request a change in the **student** record or to request a stay of disclosure pending final determination of the challenged procedure, **a parent or adult student shall notify, in writing, the Superintendent of the specific issues relating to the student record** ~~the process shall be as follows:~~
 - a. ~~A parent or adult student shall notify in writing the Superintendent of the specific issues relating to the student record.~~
 - ab. Within ten school days of notification, the Superintendent or designee shall notify the parent or adult student of the school district's decision. If the school district disagrees with the request, the Superintendent or designee shall meet with the parent or adult student to resolve the issues set forth in the request.
 - c. ~~If the school district disagrees with the request, the Superintendent or designee shall meet with the parent or adult student to resolve the issues set forth in the appeal.~~
 - bd. If the matter is not satisfactorily resolved, the parent or adult student has ten school days to appeal **the district's** ~~this decision to the Board of Education.~~
 - ce. If an appeal is made to the Board of Education, **the Board shall render a decision** ~~a decision shall be rendered~~ within twenty school days. ~~The decision of the Board of Education may be appealed to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3, Controversies and Disputes.~~
 - d. The decision of the Board may be appealed to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3, Controversies and Disputes. At all stages of the appeal process, the parent or adult student shall be afforded a full and fair opportunity to present evidence relevant to the issue.
 - e. A record of the appeal proceedings and outcome shall be made a part of the student record with copies made available to the parent or adult student.



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~~f. — At all stages of the appeal process, the parent or adult student shall be afforded a full and fair opportunity to present evidence relevant to the issue. A record of the appeal proceedings and outcome shall be made a part of the student's record with copies made available to the parent or adult student.~~

3. Appeals relating to student records of students with disabilities shall be processed in accordance with the requirements of **N.J.A.C. 6A:32-7.7(b) and I.2.** above.

4. Regardless of the outcome of any appeal, a parent or adult student shall be permitted to place in the student record a statement commenting upon the information in the student record or setting forth any reasons for **contesting a portion of the student record, including the decision made in the appeal. The parent's or adult student's statement shall be maintained as part of the student record, as long as the contested portion of the student record is maintained. If the contested portion of the student record is disclosed to any party, the statement commenting upon the information shall also be disclosed to that party** ~~disagreement with the decision made in the appeal.~~

~~a. — Such statements shall be maintained as part of the student record as long as the contested portion of the record is maintained. If the contested portion of the record is disclosed to any party, the statement commenting upon the information shall also be disclosed to that party.~~

IJ. Retention and Disposal of Student Records (N.J.A.C. 6A:32-7.8)

1. A student's record is considered to be incomplete and not subject to the provisions of the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq., while the student is enrolled in the ~~school~~ district.

a. The **Board** ~~school district~~ shall retain the student health record and the health history and immunization record according to the School District Records Retention Schedule, as determined by the New Jersey State Records Committee.

2. Student records of currently enrolled students, other than the records ~~that must be maintained for one hundred years as described at in~~ N.J.A.C. 6A:32-7.8(**fe**) and **I.5.** below, may be disposed of



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after the information is no longer necessary to provide educational services to a student. **The disposition shall be carried out only after the parent or adult student has been notified in writing and written permission has been granted, or after reasonable attempts to notify the parent or adult student and to secure permission have been unsuccessful.**

a. ~~Such disposition shall be accomplished only after written parental or adult student notification and written parental or adult student permission has been granted or after reasonable attempts of such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful.~~

3. Upon graduation or permanent departure of a student from the ~~school~~ district:

a. The parent or adult student shall be notified in writing that a copy of the entire student record will be provided to them upon request.

b. Information in student records, other than that described at ~~in~~ N.J.A.C. 6A:32-7.8(f) and I.5. below, may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq. **The disposition shall be carried out only after the parent or adult student has been notified in writing and written permission has been granted, or after reasonable attempts to notify the parent or adult student and to secure permission have been unsuccessful and prior written authorization has been obtained from the New Jersey State Records Committee in the New Jersey Department of the Treasury.**

c. ~~Such disposition shall be accomplished only after written parental or adult student notification and written parental or adult student permission has been granted, or after reasonable attempts at such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful and prior written authorization has been obtained from the New Jersey State Records Committee in the New Jersey Department of State.~~

4. No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult student.



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5. The ~~New Jersey public school~~ district of last enrollment, graduation, or permanent departure of the student from the ~~school~~ district shall keep, for one hundred years, a mandated record of a student's name, date of birth, name of parents, gender, health history and immunization, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

Revised (First Reading): January 26, 2023

