



**ITg** INNOVATIVE  
Therapy Group

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## Proposal Fee Structure

2016-2017 School Year

Specialty	Rates
Speech-Language Pathologist	\$67.00-\$72.00/hr
Occupational Therapist	\$70.00/hr
Physical Therapist	\$75.00/hr
School Psychologist	\$62.00/hr
School Social Worker	\$55.00/hr
Learning Disability Teacher Consultant	\$62.00/hr
Paraprofessional/Home Health Aide	\$23.00/hr
Board Certified Behavior Analyst (BCBA)	\$90.00/hr
Bilingual Spanish Evaluations (Speech, Educational, Psychological)	\$600.00/per eval
Teacher of the Deaf	\$65.00/hr
Long Term School Nurse Substitute	\$50.00/hr

ATTACHMENT BDATE REQUESTED

**FACILITY REQUEST**

Nov-16

**CONTACT**

## ORGANIZATION

HS Guidance-College Reps Mock Admissions review	C. Tremaroli X8166	HS Auditorium	4/5/17-7:00 pm to 8:30 pm
Guidance Jr. Parents Night	C. Tremaroli X8166	HS Auditorium	3/2/17 7:00 pm to 8:00 pm
HS Music Parents Assoc Meeting	L. Ratkowski	HS Café	1/19/17,2/16,3/16,4/20, 5/18/17 7:00 pm to 8:00 pm
HS Sp. Ed Parents Committee Meeting	A. Lewites	HS Media Center	2/15/17 6-8:30 pm
HHILL Try outs	M. Capadona	201-637-0283	3/11/17 to 3/31/17 HS OLD gym 7 to 9 pm. LS & ES gyms from 3/1/17-3/31/17 from 6:15 pm (based on availability)
HHPTSA MIDDLE SCHOOL DANCES	P. MANIS	201-638-0024	3/24/17 7 PM TO 9 PM

**5111 ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS****M****A. Definitions**

1. "Affidavit pupil" means a pupil attending, or seeking to attend, school pursuant to N.J.S.A. 18A:38-1(b) and N.J.A.C. 6A:22-3.1(a)2.
2. "Commissioner" means the Commissioner of Education or his/her designee.
3. "Parent" means the natural or adoptive parent, legal guardian, foster parent, surrogate parent, and person acting in the place of a parent such as the person with whom the child legally resides or a person legally responsible for the child's welfare.

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

1. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend school in this school district if the pupil is domiciled within the district:
  - a. A pupil is domiciled in the district when he or she is living with a parent(s) or legal guardian(s) whose permanent home is located within the district. A home is permanent when the parent(s) or legal guardian(s) intends to return to it when absent and has no present intent of moving from it, notwithstanding the existence of homes or residences elsewhere.
    - (1) Where a pupil's parent(s) or legal guardian(s) are domiciled within different districts, and where there is no court order or written agreement between the parent(s) or legal guardian(s) designating the district for school attendance, the pupil's domicile is the district of the parent with whom the pupil lives for the majority of the school year, regardless of which parent has legal custody.
    - (2) Where a pupil's physical custody is shared on an equal-time, alternating week/month or other similar basis such that the pupil is not living with one parent for a majority of the school year, and where there is no court order or written agreement between the parents designating the district for school attendance, the pupil's domicile is the present domicile of the parent with whom the pupil resided on the last school day prior to October 16 preceding the date of the application.
      - (a) If a pupil resided with both parents, or with neither parent, on the last school day prior to the preceding October 16, the pupil's domicile is the domicile of the parent with whom the parents indicate the pupil will be residing on the last school day prior to the

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

- (b) The district shall not be required to provide transportation for a pupil residing outside the district for part of the school year, other than that based upon the home of the parent domiciled within the district to the extent required by law, as a result of being the district of domicile for school attendance purposes pursuant to the provisions of this section.
  - b. A pupil is domiciled in the district when he or she has reached the age of eighteen or is emancipated from the care and custody of a parent or legal guardian and has established a permanent home within the district. A home is permanent when the pupil intends to return to it when absent and has no present intent of moving from it, notwithstanding the existence of homes or residences elsewhere.
  - c. A pupil is domiciled in the district when the pupil has come from outside the state and is living with a person domiciled in the district who will be applying for legal guardianship of the pupil upon expiration of the six-month "waiting period" of State residency required pursuant to N.J.S.A. 2A:34-30(e) and N.J.S.A. 2A:34-31. However, any such pupil may later be subject to removal proceedings if application for legal guardianship is not made within a reasonable period of time following expiration of the mandatory waiting period.
  - d. A pupil is domiciled in the district when his or her parent(s) or legal guardian(s) resides within the district on an all-year-round basis for one year or more, notwithstanding the existence of a domicile elsewhere.
  - e. A pupil is domiciled in the district if the Division of Child Protection and Permanency in the Department of Human Services is acting as the pupil's legal guardian and has placed the pupil in the district.
2. When a pupil's dwelling is located within two or more local school districts, or bears a mailing address that does not reflect the dwelling's physical location within a municipality, the district of domicile for school attendance purposes will be that of the municipality to which the resident pays the majority of his or her property tax, or to which the majority of property tax for the dwelling in question is paid by the owner of a multi-unit dwelling.
- a. Where property tax is paid in equal amounts to two or more municipalities, and where there is no established assignment for pupils residing in the affected dwellings, the district of domicile for school attendance purposes will be determined through assessment of individual proofs as provided pursuant to



N.J.A.C. 6A:22-3.4 et seq. This provision shall not preclude the attendance of currently enrolled pupils who were permitted to attend school in the district prior to the provision's initial promulgation on December 17, 2001.

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

1. A pupil is entitled by law to a free public education in the district if that pupil is kept in the home of a person other than the pupil's parent(s) or legal guardian(s), where the person is domiciled in the school district and is supporting the pupil without remuneration as if the pupil were his or her own child;
  - a. A pupil is not eligible to attend school in this district pursuant to this provision unless:
    - (1) The pupil's parent(s) or legal guardian(s) has filed, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the pupil due to family or economic hardship and that the pupil is not residing with the other person solely for the purpose of receiving a free public education; and
    - (2) The person keeping the pupil has filed, when required by the district:
      - (a) A sworn statement that he or she is domiciled within the district, is supporting the child without remuneration and intends to do so for a longer time than the school term, and will assume all personal obligations for the pupil relative to school requirements; and
      - (b) A copy of his or her lease if a tenant, or a sworn landlord's statement if residing as a tenant without a written lease.
  - b. A pupil shall not be deemed ineligible under this section because required sworn statements(s) cannot be obtained, where evidence is presented that the underlying requirements of the law are being met notwithstanding the inability of the resident or pupil to obtain the sworn statement(s).
  - c. A pupil shall not be deemed ineligible under this section where evidence is presented that the pupil has no home or possibility of school attendance other than with a non-parent district resident who is acting as the sole caretaker and supporter of the pupil.
  - d. A pupil shall not be deemed ineligible under this section solely because a parent(s) or legal guardian(s) gives gifts or makes limited contributions, financial or otherwise, toward the welfare of the pupil, provided the resident keeping the pupil receives no payment or other remuneration from the parent(s) or legal guardian(s) for regular maintenance of the pupil.

2. A pupil is entitled by law to a free public education in the district if the pupil is kept in the home of a person domiciled in the district, other than the parent(s) or legal guardian(s), where the parent(s) or legal guardian(s) is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency. Eligibility under this provision shall cease at the end of the current school year upon the parent(s) or legal guardian(s) return from active military duty.
3. A pupil is entitled by law to a free public education in the district if the pupil's parent(s) or legal guardian(s) temporarily resides within the district, notwithstanding the existence of a domicile elsewhere:
  - a. The parent or legal guardian, when required by the district, shall demonstrate that such temporary residence is not solely for purposes of a pupil's attending school within the district of temporary residence;
  - b. Where one of a pupil's parents temporarily resides in the district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school will be determined in accordance with N.J.A.C. 6A:22-3.1(a)1i. However, no pupil shall be eligible to attend school based upon a parent's temporary residence in a district unless the parent(s) or legal guardian(s) demonstrates, when required by the district, that such temporary residence is not solely for purposes of a pupil's attending school within the district.
4. A pupil is entitled by law to a free public education in the district:
  - a. If the pupil's parent(s) or legal guardian(s) moves to another district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2, Education of Homeless Children;
  - b. If the pupil is placed in the home of a district resident by court order pursuant to N.J.S.A. 18A:38-2;
  - c. If the pupil previously residing in the district parent(s) or legal guardian(s) is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency pursuant to N.J.S.A. 18A:38-3(b); and
  - d. If the pupil resides on federal property within the State pursuant to N.J.S.A. 18A:38-7.7 et seq.

D. Housing and Immigration Status

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

2. Immigration/visa status shall not affect eligibility to attend school for a pupil who is domiciled in the district or otherwise eligible to attend school in the district pursuant to N.J.A.C. 6:22-3.2 and the pupil shall be enrolled without regard to, or inquiry concerning, immigration status. However, the provisions of N.J.S.A. 18A:38-1 shall not apply to pupils who have obtained or are seeking to obtain a Certificate of Eligibility for Nonimmigrant Status (INS form I-20) from the district in order to apply to the INS for issuance of a visa for the purpose of limited study on a tuition basis in a United States public secondary school ("F-1 Visa").

E. Nothing in Policy and Regulation 5111 or N.J.A.C. 6A:22-1.1 et seq. will be construed to limit the discretion of the Board to admit nonresident pupils, or the ability of a nonresident pupil to attend school with or without payment of tuition, with the consent of the district Board pursuant to N.J.S.A. 18A:38-3(a).

F. Proof of Eligibility

1. The district shall accept a combination of any of the following or similar forms of documentation from persons attempting to demonstrate a pupil's eligibility for enrollment in the district:
  - a. Property tax bills, deeds, contracts of sale, leases, mortgages, signed letters from landlords and other evidence of property ownership, tenancy or residency;
  - b. Voter registrations, licenses, permits, financial account information, utility bills, delivery receipts, and other evidence of personal attachment to a particular location;
  - c. Court orders, State agency agreements and other evidence of court or agency placements or directives;
  - d. Receipts, bills, cancelled checks, insurance claims or payments, and other evidence of expenditures demonstrating personal attachment to a particular location, or, where applicable, to support of the pupil;
  - e. Medical reports, counselor or social worker assessments, employment documents, unemployment claims, benefit statements, and other evidence of circumstances demonstrating, where applicable, family or economic hardship, or temporary residency;
  - f. Affidavits, certifications and sworn attestations pertaining to statutory criteria for school attendance, from the parent, legal guardian, person keeping an "affidavit pupil," adult pupil, person(s) with whom a family is living, or others as appropriate;
  - g. Documents pertaining to military status and assignment; and
  - h. Any other business record or document issued by a governmental entity.

2. The district may accept forms of documentation not listed above, and shall not exclude from consideration any documentation or information presented by a person seeking to enroll a pupil.
3. The district shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form of documentation, or a particular subset of documents, without regard to other evidence presented.
4. The district shall not require or request, as a condition of enrollment in school, any information or document protected from disclosure by law, or pertaining to criteria which are not legitimate bases for determining eligibility to attend school. These include:
  - a. Income tax returns;
  - b. Documentation or information relating to citizenship or immigration/visa status, except as set forth in N.J.A.C. 6A:22-3.3(b);
  - c. Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and
  - d. Social security numbers.
5. Documents or information of the type referenced in paragraph 4 above, or pertinent parts thereof, may be voluntarily disclosed by the person seeking enrollment. However, the district may not, directly or indirectly, require or request such disclosure as a condition of enrollment.

G. Initial Assessment and Enrollment

1. The district shall use registration forms provided by the Commissioner, or locally developed forms that:
  - a. Are consistent with the forms provided by the Commissioner;
  - b. Do not seek information prohibited by any provision of statute, Code or rule;
  - c. Summarize the criteria for attendance set forth in N.J.S.A. 18A:38-1 for applicant reference, and specify the nature and form of any sworn statements to be filed;
  - d. Clearly state the purpose, in relation to such criteria, for which requested information is being sought; and
  - e. Provide notice to applicants that any initial determination of eligibility is subject to a more thorough review and re-evaluation, and that there is a potential for

assessment of tuition in the event that an initially admitted applicant is later found ineligible.

2. The district shall ensure that sufficient numbers of registration forms, and sufficient numbers of trained registration staff, are available to ensure prompt determinations of eligibility and enrollment.
  - a. If the district uses separate forms for "affidavit pupil" applications, rather than a single form for all types of application for enrollment, such forms shall comply in all respects with the provisions of G.1. above. Where such forms are used, the district shall provide them to any person attempting to register a pupil of whom he or she is not the parent(s) or legal guardian(s), whether or not they are specifically requested. The district shall not demand or suggest that legal guardianship or custody shall be obtained before enrollment will be considered for a pupil living with a person other than the parent(s) or legal guardian(s), nor shall they demand or suggest that "affidavit pupil" proofs be produced by an applicant seeking to enroll a pupil of whom the applicant has legal guardianship or custody.
  - b. The district level school administrator designated by the Superintendent shall be available, and clearly identified to applicants, to assist persons who are experiencing difficulties with the enrollment process.
3. Initial determinations of eligibility shall be made upon presentation of an application for enrollment, and enrollment shall take place immediately in all cases except those of clear, uncontested denials.
  - a. Where an applicant has provided incomplete, unclear or questionable information, enrollment shall take place immediately, but the applicant shall be placed on notice that removal will result if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2.
  - b. Where an applicant appears ineligible based on information provided in the initial application, a preliminary written notice of ineligibility shall be provided, including an explanation of the right to appeal to the Commissioner of Education. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the district's determination and an intent to appeal to the Commissioner.
    - (1) A pupil enrolled pursuant to this provision will be notified that he or she will be removed, without a hearing before the Board, if no appeal is filed within the twenty-one day period established by N.J.S.A. 18A:38-1.
4. Where enrollment is denied and no intent to appeal is indicated, applicants shall be advised that they shall comply with compulsory education laws and shall, where the pupil is between the ages of six and sixteen, be asked to complete a written statement indicating the pupil will be attending school in another district, attending a nonpublic school, or

receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of this written statement from the parent or legal guardian, the district level school administrator designated by the Superintendent shall notify the school district of actual domicile or residence, or the Division of Child Protection and Permanency based on "neglect" pursuant to N.J.S.A. 9:6-1, with the pupil's name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission to the district based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere, for purposes of ensuring compliance with such laws.

5. Where enrollment is denied and an intent to appeal is indicated, or where enrollment is provisional subject to further review or information, enrollment or attendance at school will not be conditioned on advance payment of tuition in whole or part.
6. The Superintendent or designee, shall ensure that information suggesting an applicant may be homeless is identified during the registration process, so that, where appropriate, procedures may ensue in accordance with N.J.A.C. 6A:17-2 - Education of Homeless Children.
7. Enrollment or attendance in the district shall not be denied based upon absence of the certified copy of birth certificate or other proof of a pupil's identity required within thirty days of initial enrollment pursuant to N.J.S.A. 18A: 36-25.1.
8. Enrollment in the district shall not be denied based upon absence of pupil medical information, although actual attendance at school may be deferred as necessitated by compliance with rules regarding immunization of pupils, N.J.A.C. 8:57-4.
9. Enrollment in the district, attendance at school, or educational services where attendance in the regular education program appears inappropriate, shall not be denied based upon absence of a pupil's prior educational record. However, the applicant shall be advised that the initial educational placement of the pupil may be subject to revision upon receipt of records or further assessment of the pupil by the district.

#### H. Notice of Ineligibility

1. If the district finds the applicant ineligible to attend the schools of the district pursuant to N.J.A.C. 6A:22-1.1 et seq., or the application initially submitted is found to be deficient upon subsequent review or investigation, notice shall immediately be provided to the applicant consistent with sample form(s) to be provided by the Commissioner. Notices shall be in writing, in English and in the native language of the applicant, issued by the Superintendent and directed to the address at which the applicant claims to reside.
2. Notices of ineligibility shall include:
  - a. In cases of denial, a clear description of the specific basis on which the determination of ineligibility was made, sufficient to allow the applicant to understand the basis

for the decision and determine whether to appeal. Such description shall identify the specific section of N.J.S.A. 18A:38-1 under which the application was decided;

- b. In cases of provisional eligibility, a clear description of the missing documents or information that shall be provided in order to attain final eligibility status under the applicable provision of N.J.S.A. 18A:38-1;
- c. A clear statement of the applicant's right to appeal to the Commissioner of Education within twenty-one days of the date of the notice, along with an informational document provided by the Commissioner describing how to file an appeal;
- d. A clear statement that the pupil is entitled to attend school for the twenty-one day period during which an appeal can be made to the Commissioner, but that, if missing information is not provided or an appeal is not filed, the pupil shall not be permitted to attend school beyond the 21st day following the date of the notice;
- e. A clear statement that the pupil is entitled to continue attending school during the pendency of an appeal to the Commissioner;
- f. A clear statement that, if an appeal is filed with the Commissioner and the applicant does not sustain the burden of demonstrating entitlement to attend the schools of the district, or the applicant abandons the appeal through withdrawal, failure to prosecute or any means other than settlement, the applicant may be assessed, by order of the Commissioner enforceable in Superior Court, tuition for any period of ineligible attendance, including the initial twenty-one day period and the period during which the appeal was pending before the Commissioner;
- g. A clear statement of the approximate rate of tuition, pursuant to N.J.A.C. 6A:22-6.3, that an applicant may be assessed for the year at issue if the applicant does not prevail on appeal, or elects not to appeal;
  - (1) If removal is based on the pupil having moved from the district, the notice of ineligibility shall also provide information as to whether district policy permits continued attendance, with or without tuition, for pupils who move from the district during the course of the school year.
- h. The name of a contact person in the district who can provide assistance in explaining the contents of the notice; and
- i. Notice that, where no appeal is filed, the parent(s) or legal guardian(s) must still comply with compulsory education laws, and that, in the absence of a written statement from the parent(s) or legal guardian(s) that the pupil will be attending school in another district, attending a nonpublic school, or receiving instruction elsewhere than at a school, the district level administrator designated by the Superintendent shall notify the school district of actual domicile/residence, or the Division of Child Protection and Permanency based on "neglect" pursuant to

N.J.S.A. 9:6-1, of the pupil's name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission to the district based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere, for purposes of facilitating enforcement of the State compulsory education requirement (N.J.S.A. 18A:38-25).

#### Disputes Over Residency:

When the residency of a pupil is in dispute, the pupil shall be permitted to attend school in the district until the matter is resolved. **The matter must be resolved within 30 calendar days.** The burden of providing proof of residence shall rest with the parent or guardian.

Pupils declared as non-residents shall be given a period of time **(30 calendar days)** to withdraw and enroll in the new school depending on the age and circumstances of the child, on a case by case basis determined by the Building Principal in concert with the Superintendent.

The Residency Officer will send the Notice of Initial Determination of Ineligibility Letter to the parent(s) or legal guardian(s) or adult pupil informing the parties of their rights and outlining the procedures that the Board of Education will follow. If the parent(s) or legal guardian(s) or adult pupil does not accept the reasons for denial of eligibility the Board of Education will conduct a Due Process hearing at which time the parent(s) or legal guardian(s) or adult pupil may present his/her case to the full Board of Education. If the Board of Education upholds the initial determination of ineligibility the pupil will be removed from the rolls and tuition will be assessed for the days the pupil was enrolled.

#### Residency Investigations:

1. An "Application for Residency Investigation" form must be submitted for any pupil suspected to be a non-resident. The form must be completed, signed and submitted to the Superintendent of Schools in a sealed enveloped marked confidential. The form will be made available in the Superintendent's Office, the Office of the School Business Administrator/Board Secretary and the Principal's office of the four schools. All information included in this form will remain confidential, to the extent allowed by law.
2. Upon receipt of the "Application for Residency Investigation" form, the Superintendent will review the request and contact the Attendance Officer who will be assigned the case.
3. The Superintendent's office will complete the "Request for Residency Investigation Form, and forward it to the Attendance Officer for investigation.
4. The Attendance Officer will complete the "Disposition of Investigation" form and submit the findings to the Superintendent in a timely fashion.
5. The Superintendent will review all material and send the individual originating the request, a copy of the original "Application for Residency Investigation" form which will indicate



the status of the pupil's residency. Copies of the report of the Attendance Officers findings will be forwarded to other buildings where siblings are in attendance.

6. The Superintendent or designee shall contact the parent/guardian directly to inform him/her of the decision, giving a specific amount of time for the family to initiate a transfer. A registered letter shall be forwarded to the new district indicating that it was determined that the pupil has been declared a resident of that school district and has been/will be transferred.
7. The Superintendent shall present to the Board the name(s) of the individuals found to be non-residents of the school district. The Board will then discuss the possibility of entering into litigation to recover the lost tuition.
8. The individual who ~~initiated~~ **completed the investigation the "Application for Residency Investigation" form** shall be entitled to up to \$250 payment if the pupil is found to be a non-resident of the school district. In the case of an infant pupil, payment will be made to the infant pupil and legal guardian. If more than one individual submits an "Application for Residency Investigation" form for the same pupil, partial payment will be made to each individual making the request if the pupil is found to be a non-resident. All payments will be made by the Board Secretary from the Board of Education petty cash account.
9. Yearly residency checks will be performed according to the following guidelines:
  - A full residency check will be completed on every child during the summer for children entering grades three, six and nine.
    - This residency check will include:
      1. Proof of residence;
      2. Attachment to the address;
      3. Photo ID;
      4. Proof of custodial relationship (Birth certificate, custodial papers, etc.)
  - The four Building Principals are responsible for this residency check. The Director of Special Services will do a residency check on all pupils placed in out-of-district placements for children either in grades three, six and nine or of equivalent age.
  - This process will start with a letter sent to parent(s) or legal guardian(s) on the last day of school from the Superintendent of Schools. The Principals will process all submissions and report to the Superintendent of Schools by September 30<sup>th</sup> of each year.

10. The person(s) responsible for registration in each school will follow the following protocols:

- Register all pupils who provide sufficient documentation for residency.
- Register all pupils who provide proof of residency (lease, mortgage statement, tax bill, etc.) but have not provided the necessary documents for attachment to address. In these cases the intake person will provide the parent(s) or legal guardian(s) or adult pupil with a Notice of Defect in Application/Potential Ineligibility letter and inform them that they have thirty days to provide the school with the required documents.
- Pass on all registration documents to the Principal to review who will in turn send to the Superintendent for his/her review.
- Forward all questionable cases to the residency officer for review including:
  - All cases in which the parent(s) or legal guardian(s) or adult pupil does not provide proof of residency.
  - All cases regarding custody including all affidavit cases.
  - All cases in which the Notice of Defect in Application/Potential Ineligibility letter has been presented and the requirements have not been met within the thirty day time period.

11. See the following subsections of NJ 6A chapter 22:

- 6A:22-3.1 Pupils domiciled within the school district
- 6A:22-2.2 Discretionary admission of nonresident pupil
- 6A:22-3.2 Other pupils eligible to attend school
  - 1. Pursuant to N.J.S.A. 18A:38-1(c) any person who fraudulently allows a child of another person to use his or her residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his or her child to a person in another district commits a disorderly persons offense.
- 6A:22-3.3 Housing and immigration status
- 6A:22-3.4 Proof of eligibility
- 6A:22-4.1 Registration forms and procedures for initial assessment

- 6A:22-4.2 Notices of ineligibility
- 6A:22-4.3 Removal of currently enrolled pupil
- 6A:22-5.1 Appeal to the Commissioner
- 6A:22-6.1 Assessment of tuition where no appeal is filed
- 6A:22-6.2 Assessment of tuition where appeal is filed
- 6A:22-6.3 Calculation of tuition

12. Custody/ Affidavit Pupils- Other pupils eligible to attend school

- a. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to free public education, is eligible to attend school in the school district if that pupil is kept in the home of a person other than the pupil's parent or legal guardian, where the person is domiciled in the school district and is supporting the pupil without remuneration as if the pupil were his or her own child.

A pupil is not eligible to attend school in a school district pursuant to this provision unless:

- (1) The pupil's parent or guardian has filed, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the pupil due to family or economic hardship and that the pupil is not residing with the other person solely for the purpose of receiving a free public education; and
- (2) The person keeping the pupil has filed, if so required by the district Board of Education:
  - i. A sworn statement that he or she is domiciled within the school district, is supporting the child without remuneration and intends to do so for a longer time than the school term, and will assume all personal obligations for the pupil relative to school requirements; and
  - ii. A copy of his or her lease if a tenant, or a sworn landlord's statement if residing as a tenant without written lease.

- b. A pupil shall not be deemed ineligible under this provision because required sworn statements(s) cannot be obtained, where evidence is presented that

the underlying requirements of the law are being met notwithstanding the inability of the resident or pupil to obtain the sworn statement(s).

- c. A pupil shall not be deemed ineligible under this provision where evidence is presented that the pupil has no home or possibility of school attendance other than with a non-parent district resident who is acting as the sole caretaker and supporter of the pupil.
- d. A pupil shall not be deemed ineligible under this subsection solely because a parent or legal guardian gives gifts or makes limited contributions, financial or otherwise, toward the welfare of the pupil, provided that the resident keeping the pupil receives no payment or other remuneration from the parent or guardian for regular maintenance of the pupil.
- e. Pursuant to N.J.S.A. 18A:38-1(c) any person who fraudulently allows a child of another person to use his or her residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his or her child to a person in another district commits a disorderly persons offense.

#### I. Removal of Currently Enrolled Pupils

- 1. Nothing in N.J.A.C. 6A:22-1.1 et seq. and this Regulation shall preclude the Board from seeking to identify, through further investigation or periodic requests for current validation of previously determined eligibility status, pupils enrolled in the district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances or newly discovered information.
- 2. When a pupil, enrolled and attending school in the district, is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board for removal of the pupil.
  - a. The Superintendent shall issue a preliminary notice of ineligibility meeting the requirements of N.J.A.C. 6A:22-4.2. However, such notice shall also provide for a hearing before the Board prior to a final decision on removal.
- 3. No pupil shall be removed from school unless the parent, legal guardian, adult pupil or resident keeping an "affidavit pupil," as the case may be, has been informed of his or her entitlement to a hearing before the Board of Education.
- 4. Once the hearing is held, or if the parent, legal guardian, adult pupil or resident keeping an "affidavit pupil," as the case may be, does not respond to the Superintendent's notice within the designated time frame or appear for hearing, the Board shall make a prompt determination of the pupil's eligibility or ineligibility and shall immediately provide notice thereof in accordance with the requirements of N.J.A.C. 6A:22-4.2.

5. Hearings required pursuant to N.J.A.C. 6A:22-4.3 et seq. may be conducted by a committee, at the discretion of the full Board, which will make a recommendation to the full Board for action. No pupil may be removed except by vote of the Board taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

J. Appeal to the Commissioner

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

K. Assessment and Calculation of Tuition

1. If no appeal to the Commissioner is filed following notice of a determination of ineligibility, the Board may assess tuition for any period of a pupil's ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner.
  - a. The district may obtain an order of the Commissioner of Education for tuition, enforceable pursuant to N.J.S.A. 2A:58-10 through recording on the judgment docket of the Superior Court, Law Division, by filing a petition of appeal pursuant to N.J.A.C. 6A:3.
2. If an appeal to the Commissioner is filed, where the appellant does not sustain the burden of demonstrating entitlement to attend the schools of the district, or abandons the appeal through withdrawal, failure to prosecute or any means other than settlement agreeing to waive or reduce tuition, the Commissioner may order assessment of tuition for any period of a pupil's ineligible attendance in a district, including the twenty-one day period for filing of an appeal and the period during which the hearing and decision on appeal were pending.
  - a. An order of the Commissioner is enforceable through recording on the judgment docket of the Superior Court, Law Division, pursuant to N.J.S.A. 2A:58-10.
3. Tuition assessed pursuant to the provisions of this section shall be calculated on a per pupil basis for the period of a pupil's ineligible enrollment, by applicable grade/program category and consistent with the provisions of N.J.A.C. 6A:23-3.1. The individual pupil's record of daily attendance shall not impact on such calculation.

4. Nothing in N.J.A.C. 6A:22-1.1 et seq. precludes an equitable determination, by the Board or the Commissioner, that, when the particular circumstances of a matter so warrant, tuition shall not be assessed for all or part of any period of a pupil's ineligible attendance in the district.

Issued: 20 November 2014

Revised (First Reading): February 16, 2017

## 2415.03 HIGHLY QUALIFIED TEACHERS

### **M**

~~The No Child Left Behind Act (NCLB) requires all teachers be or become highly qualified in the core academic content area(s) they teach in accordance with the United States Department of Education and the New Jersey Department of Education highly qualified teacher requirements.~~

~~Teachers who have achieved highly qualified status retain highly qualified status permanently for the teaching assignment designated on the approved highly qualified teacher forms. No teacher providing direct instruction in core content areas is grandfathered or exempt from this process.~~

~~The district shall maintain the appropriate highly qualified documentation for all teachers who provide direct instruction in core content areas. When a teacher changes teaching assignments, which requires different content expertise, additional highly qualified teacher forms must be completed and kept on file within the district. Highly qualified teacher documentation should be completed for all new teachers and for those with new teaching assignments at the beginning of each school year.~~

~~When a teacher obtains employment in a new school district, the new district must contact the previous place of employment to have the teacher's official highly qualified teacher forms sent to the new district. A teacher hired from another State must hold New Jersey certification and must meet New Jersey's highly qualified teacher requirements. Out of State teachers may provide documentation to support their highly qualified teacher status from the previous State in which they taught.~~

~~All Title I schools must send out a Right to Know letter in the beginning of every school year informing parent(s) or legal guardian(s) that they have the right to know the qualifications of their child's teacher. The letter should be sent by all Title I and non Title I districts. In addition, in all Title I schools, the parent(s) or legal guardian(s) of pupils whose teacher is not yet highly qualified must be notified. Copies of these letters must be kept on file in the school.~~

~~No Child Left Behind Act of 2001, §1119~~

~~Adopted: 20 November 2014~~

~~Abolished (First Reading): February 16, 2017~~

#### 5330.04 ADMINISTERING AN OPIOID ANTIDOTE

New Jersey's "Overdose Prevention Act" encourages the wider prescription and distribution of an opioid antidote to prevent opioid overdose. The New Jersey Department of Education informed school districts they may develop and adopt policies and procedures to maintain and administer an opioid antidote to any student, school personnel, or other person believed to be experiencing an opioid overdose during school hours or during on-site school-sponsored activities to block the opioid's life-threatening effects.

In accordance with N.J.S.A. 24:6J-4.a.(1)(e), the school district's physician, as a health care practitioner as defined in N.J.S.A. 24:6J-3, may prescribe or dispense an opioid antidote directly or through a standing order to the school district for a school district certified school nurse to administer to overdose victims, provided the school physician deems a school district certified school nurse is capable of administering the opioid antidote to an overdose victim in an emergency. The physician's standing order must specify a school district certified school nurse is authorized to administer the opioid antidote to overdose victims. In accordance with N.J.S.A. 24:6J-5.a.(1), the school physician issuing the standing order shall ensure that overdose prevention information is provided to the school district and the certified school nurse(s) authorized to administer an opioid antidote. The overdose prevention information shall include, but not be limited to: information on opioid overdose prevention and recognition; instructions on how to perform rescue breathing and resuscitation; information on opioid antidote dosage and instructions on opioid antidote administration; information describing the importance of calling 911 emergency telephone service for assistance with an opioid overdose; and instructions for appropriate care of an overdose victim after administration of the opioid antidote.

Upon receiving a report of a possible opioid overdose during school hours or during an on-site school-sponsored activity, the Principal, Principal's designee, or supervising staff member will immediately call 911. The school nurse, during school hours and if available at an on-site school-sponsored activity, will also be immediately called. In accordance with the provisions of N.J.S.A. 24:6J-4.d.(1), the school nurse who has received overdose prevention information pursuant to N.J.S.A. 24:6J-5.a.(1) and has been deemed capable of administering the opioid antidote by the school physician may administer the opioid antidote to a student, school personnel, or other person in an emergency if the school nurse believes, in good faith, that the person is experiencing an opioid overdose.

The school nurse and/or other school staff members shall keep the student, school personnel, or other person comfortable until emergency medical responders arrive on the scene. Any student who receives an opioid antidote by the school nurse or by an emergency medical responder shall be transported to the nearest hospital with a school staff member designated by the Principal, Principal's designee, or supervising staff member of the on-site school-sponsored activity.

The Principal, Principal's designee, or supervising staff member will notify the parent of any student or a family member or other contact person for a school staff member who may be experiencing a possible opioid overdose as soon as practicable. The Principal,



Principal's designee, or supervising staff member of the on-site school-sponsored activity shall notify the Superintendent of Schools whenever an opioid antidote is administered by a school nurse or an emergency medical responder.

The school nurse shall be responsible to store the opioid antidote that has been prescribed by the school physician in a safe and secure location; document the administration of an opioid antidote on a student's health record; monitor the on-site inventory and replacement of the opioid antidote supply; and plan for the disposal of administered opioid antidote and expired opioid antidote applicator.

Any student or school staff member who is found to be under the influence of a controlled dangerous substance shall be subject to the provisions of applicable statutes and administrative codes and Board policies and regulations regarding substance use.

In accordance with the provisions of N.J.S.A. 24:6J-4.d.(2), the school district and the school nurse shall not, as a result of any acts or omissions, be subject to any criminal or civil liability for administering an opioid antidote in accordance with the provisions of N.J.S.A. 24:6J-1 et seq.

Nothing in this Policy shall prohibit the administration of an opioid antidote to a student, school personnel, or other person in an emergency during school hours or during on-site school-sponsored activities by an emergency medical responder or by a person authorized to administer an opioid antidote in accordance with N.J.S.A. 24:6J-1 et seq.

This Policy shall be reviewed and approved by the school physician and Board Attorney prior to Board adoption and whenever the Policy is revised. This Policy shall be made available to school staff members, parents, and students in staff and student handbooks, published on the district's website, or through any other appropriate means.

N.J.S.A. 24:6J-1 et seq.

May 24, 2016 New Jersey Department of Education Memorandum - Information for Schools Regarding Opioid Overdose Prevention

First Reading: January 25, 2017

Second Reading: February 16, 2017

## 2624 GRADING SYSTEM

### Elementary School Grades K - Five

The Hasbrouck Heights Board of Education believes that the Elementary School report card should reflect the degree to which a student has mastered the content of the core curricula. As such, it is essential that each individual's grades are calculated and allocated independently of any other student. It is the responsibility of the classroom teacher to utilize multiple assessments to determine a student's degree of mastery regarding the content outlined in the Common Core and New Jersey Core Curricula Content Standards which is the curricula adopted by Hasbrouck Heights School District. Ultimately, the purpose of the Elementary School report card grade is to inform students and parents of the students' attained level of proficiency and mastery of core curricular content.

### General Elements of Grading

A student's grade in any course should reflect that student's skill proficiency and essential understanding of core content curricula at all grade levels. A balanced and regular schedule of formative and summative assessments is necessary to determine each student's skill proficiency and essential understanding of core content curricula standards. Rubrics for projects and some assignments will be provided by teachers in advance so students and/or parents/guardians understand the criteria by which students will be graded (e.g., the level of skill proficiency and/or essential understandings required to obtain an "A" or "B" or "C" or the deficiency of skills/essential understandings that constitutes a "D" or "F"). Note that attitude, cooperation, and compliance with classroom rules affect a student's proficiency and essential understandings.

### Kindergarten through Grade 2: Grading System

Numerical grades will not be assigned to a student's performance on the report card. Rather, a marking system (detailed below) will be used to rate a student's mastery of (but not limited to) specific academic skills, work habits, and social development. This system is devised to report on a student's attainment of a plethora of skills. It is highly recommended that parents utilize these skills based report cards to assist children at home.

\*Kindergarten through Grade 2 Marking System: Distributed three times per year

4 = Exceeds standards.

3 = Achieves standards.

2 = Approaching standards.

1 = Needs support.

N/A = Not assessed at this time.

### Third through Fifth Grade: Grading System

In the core subject areas a report card grade will reflect a student's skill proficiency and essential understanding of core content curricula standards (Common Core and New Jersey Core Curricula Content Standards) as outlined below.

#### Specific Elements of Grading

Grades for each marking period are to be determined on the basis of attainment (progress), preparation and participation. The following weights are to be given to each of the specific elements of grading.

80% Attainment: Formative and Summative assessment and/or assignments\* include written and oral quizzes, tests, lab write-ups, essays, reports, projects, etc. Assignments that span more than one marking period shall be graded during the process with the final grade being recorded/considered only in the marking period when due.

- Regular assessments are necessary to determine if each student has achieved the instructional objective established by the teacher during lesson planning for each instructional period of the day. Teachers should use at minimum of 6 graded assessments per marking period to gauge student progress in skill proficiency and/or essential understanding of core curricula content standards.
- In conjunction with the Principal, teachers at all grade levels will collaborate to create common formative and summative assessments that will determine if students have attained skill proficiency and essential content understanding as dictated by core curricula content standards. The types of formative and summative assessments must vary at each grade level and according to content areas. For example, teachers in K-3 may use non-written formative and summative assessments to determine student skill levels. Also, teachers of electives may create project-based formative and summative assignments (with rubrics) to assess student progress.
- A quiz is a formative assessment given in class that measures knowledge and skills pertaining to core curricula content standards and are meant to assist the student in attaining skill proficiency and core content understanding. Assignments completed outside of the classroom cannot be counted as a quiz. A test is a summative assessment that determines in a final and formal manner each student's skill proficiency and essential understanding of core content curricula.
- A balanced and regular schedule of formative and summative assessments including projects, labs, quizzes, tests, reports is required to determine skill proficiency and essential content understanding of core curricula content standards. Teachers should strive to achieve a balance among the types of formative assessments (quizzes, projects, assignments, blogs, drafts, etc.) and summative assessments (tests, reports, performances, culminating activities, and portfolio assignments) that best determine students' skill proficiency and essential understanding of content information.

- Teachers at each grade level will work cooperatively to stagger the due dates of formative and summative assessments and assignments including due dates for special projects, reports, and tests.

- No one assessment can count for more than 25% of the assessment portion of the grade.

\* Third through Fifth Grade Marking System for all subjects: Distributed four times per year

A 100- 93

A- 90- 92

B+ 87-89

B 83-86

B- 80- 82

C+ 77-79

C 73-76

C- 70- 72

D 65-69

F 55- 64 (For first three marking periods)

<65 (For marking period 4)

Progress reports will be available through GENESIS at the midpoint of each marking period for grades 3-5.

10% Participation: Includes factors such as displaying a positive interest in the classroom/presentation, displayed by active and inquisitive contributions contributing to establishing an academic or working atmosphere in the classrooms, lab, shop paying attention to the contributions of others....

10% Preparation: Includes all homework, bringing all necessary materials to class, being ready to participate in class discussions, and exhibiting a knowledge of previously covered work.

Homework will be graded on the following percentage system.

- 100 percent for completion or good effort;
- 75 percent for partial or average effort;
- 50 percent for an attempt, but not enough of the assignments is good to show that the student made a sincere effort for completions;
- 0 for no homework or nearly no homework;

For any subject in which no daily homework is traditionally assigned, class participation will be given a weight of 20%.

There will be one grade for participation per course per marking period. All students will start out with 100% and teachers will deduct points accordingly. Teachers will place comments in GENESIS to inform parents why the grade was lowered.

## Middle School and High School: Specific Elements of Grading

Grades for each marking period are to be determined on the basis of attainment (progress), preparation and participation. The following weights are to be given to each of the specific elements of grading.

80% Attainment: Formative and Summative assessment and/or assignments\* include written and/or oral quizzes, tests, lab write-ups, reports, projects, papers, etc. Assignments that span more than one marking period shall be graded during the process with the final grade being recorded/considered only in the marking period when due.

- Regular assessments are necessary to determine if each student has achieved the instructional objective established by the teacher during lesson planning for each instructional period of the day. Teachers should use at a minimum one of 6 assessments per marking period. Common Assessment will be utilized in all subject areas.
- No one assessment can count for more than 25% of the assessment portion of the grade.

## Procedures

At the mid-point in each marking period, students should have completed a number of formative assessments and summative assessments which will be accurately recorded in GENESIS to reflect each student's skill proficiency and essential understanding of core content curricula standards at that point in the marking period.

If a student is absent for a summative or formative assessment, the test/quiz should not be "made-up" during the following class period/instructional time. Before/after school is when make-up quizzes or tests should. Students will have up to three school days (or longer as per the teacher and/or Principal) to complete missed work or assessments.

10% Preparation: includes factors such as displaying a positive interest in the classroom/presentation, displayed by active and inquisitive contributions contributing to establishing an academic or working atmosphere in the classrooms, lab, shop paying attention to the contributions of others....

10% Preparation: Includes all homework, bringing all necessary materials to class, being ready to participate in class discussions, and exhibiting a knowledge of previously covered work.

## Homework will be graded on the following percentage system.

- 100 percent for completion or good effort;
- 75 percent for partial or average effort;
- 50 percent for an attempt, but not enough of the assignment is good to show that the student made a sincere effort for completions;
- 0 for no homework or nearly no homework;

For any subject in which no daily homework is traditionally assigned, class participation will be given a weight of 20%. There will be one grade for participation per course per marking period. All students will start out with 100% and teachers will deduct points accordingly. Teachers will place comments in GENESIS to inform parents why the grade was lowered.

### Numerical Grades

When calculating numerical grades, only a decimal remainder equal to or greater than .5 will be rounded up. Below is the grading scale used for converting numerical grades to letter grades.

#### Grading Scale

A+ 97-100

A 93-96

A- 90- 92

B+ 87-89

B 83-86

B- 80-82

C+ 77-79

C 73-76

C- 70- 72

D 65-69

F 55- 64 (For first three marking periods)

<64 (For marking period 4)

### Pass/Fail Grading

Not Applicable. The Superintendent in conjunction with the Building Principal may grant "pass/fail grading" under extenuating circumstances on a case-by-case basis.

### Incomplete Grades

Must be resolved within two weeks of the end of Marking Period. The Principal may grant an "incomplete grade" under extenuating circumstances on a case-by-case basis.

### Honor Roll: Criteria

The purpose of these criteria is to further motivate students to work to their academic potential and further reward students for their efforts in earning grades of excellence.

### High School

Criteria- The criteria for the three levels of honor roles is as follows: First Honors: All A's (defined as A+, A, A-)

Second Honors: At least three (3) A's (defined as A+, A, A-) and no grade below a B (numeric 83 or higher)

Third Honors: At least 3 B's (numeric 83 or higher and no grade below a B (numeric 80 or higher)

### Middle School

Criteria- The criteria for the two levels of honor roles is as follows:

High Honor Roll: A+, A or A- in every subject

Honor Roll: At least three (3) A+'s, A's or A-'s and all grades B- or better

### Determination of Class Rank 9 - 12

Rank in class is based upon a student's grade point average (G.P.A.), which is determined by multiplying the quality point equivalent for each grade received by the number of credits for that course. The sum of the quality points divided by the sum of the credits for all courses taken yields the G.P.A. Grading scales are used adding extra weights for courses that are pre-advanced placement or honors, or college level, dual-enrollment, or advanced placement courses, as these courses are more rigorous and academically challenging. See below.

- Only a student who has enrolled in Hasbrouck Heights High School PRIOR TO OR ON November 1 of that student's grade 9 year will be eligible for consideration as valedictorian, salutatorian, and third honors.
- Effective with the 2013-2014 School Year and thereafter, the three students with the highest GPAs will be designated Valedictorian, Salutatorian, and Third Honors, only after the seventh semester and after the release of seventh semester GPA and percentile rank.
- Effective in School Year 2013-2014 and thereafter, no number ranking (1, 2, 3, 4, etc.) will be provided to students and/or their parents/guardians, or staff members.
- Effective in School Year 2013-2014 and thereafter, rank will only be provided to students and their parents/guardians after the seventh semester at Hasbrouck Heights High School, and rank will only be provided in percentages: 10%, 20%, 30%, etc. to those students and their parents/guardians within those percentages.
- If a college/university requests a number rank, the guidance counselor will provide that number rank to the admissions office only.
- Under no circumstances will a number rank will be provided to any parent/guardian or student who requests that information, either from the Principal or administrator or guidance counselor.
- In determining a transfer student's class rank (a transfer student is defined as a student who enters Hasbrouck Heights High School after November 1 of that student's grade 9 year), only courses defined by the New Jersey Department of Education (NJ DOE) course codes from the

student's previous school(s) will be considered for GPA and thus for percentile rank. Transfer students are not eligible for valedictorian, salutatorian, or third honors.

- Effective with School Year 2013-2014 and thereafter, students are encouraged to take enrichment or advanced summer or online classes, but these classes will not be counted in the GPA of those students and thus will not be counted to the percentile rank. These summer and online courses will be placed on a student's transcript only if the summer or online courses are approved by the NJ DoE.

- Effective with School Year 2013-2014, credit recovery and/or online credit recovery courses will be used for GPA and thus percentile rank only when the credit recovery summer or online course is mandated by the Superintendent, Principal, or his/her designee and is approved by the NJ DoE.

#### Withdrawing From Courses

1. Students experiencing academic difficulty or seeking placement/level change must make an appointment to discuss the issue with their teacher. Parental permission would be required to make that change as well as approval by the supervisor/administrator.

2. If a course is dropped prior to a first quarter grade, the course will not be reflected on the transcript. After that time, a grade of "W or W/Fail" will be given for that course.

3. If a student is a senior, the quality points and credits for any course dropped after the close of marking period 1 grades will be included in the student's GPA and credit for the course up to the time of withdrawing will be included on the student's transcript. For example: a 5 credit course dropped at the end of marking period 2 will be shown on the student's transcript as 2.5 credits calculated in the GPA using the quality points earned based on the student's grade. Additionally, colleges to which the senior has applied will be notified of the change in program by the guidance counselor.

4. If a student is a senior and is requesting a change in course from a higher to lower level course, if the change is recommended by the teacher and counselor, then the student will receive credit for the lower level.

5. Students in grades 9, 10, and 11 who meet the criteria for the test taking skills courses are required to remain in the course for the entire school year. The grade and credits from test taking skills courses are included in GPA calculations.

6. No student may enter and be granted credit for a full year course after the start of the 2nd marking period. Exception could be necessitated for transfer students or with administrative approval.

7. No student may enter and be granted credit for a semester course after the 1st or 3rd quarter progress reports have been distributed.



8. All students must take at least 7 courses (or the equivalent if semester courses are involved). Seniors may take fewer than 7 with parental permission. Athletic eligibility must be considered before dropping a course.

### Scheduling and Program Changes

1. Students register for classes in the Spring using a course selection sheet. These forms are signed off by the student and parent/guardian indicating agreement with the schedule. If a student does not return the form, the schedule will be developed by the counselor.
2. No changes in requests will be considered after June 15 except for a change in the course offerings. After the second full week of school in September, students who want to drop an elective will only be permitted to do so upon parents signed approval; noting that the option may be a study hall with a loss of credits.
3. Prior to, and during the first week of school, scheduling errors are resolved. Schedule changes that will be made are for basic skills placement, adjustments for failures, and summer school results.
4. Change of teacher will not be honored.

### Weighted Grading Scale (Per Credit)

Standard Academic	Honors/Pre-AP Academic	College Level/Dual Enrollment or Advanced Placement
4.6	5.0	5.3
4.3	4.7	5.0
4.0	4.4	4.7
3.6	4.0	4.3
3.3	3.7	4.0
3.0	3.4	3.7
2.6	3.0	3.3
2.3	2.7	3.0
2.0	2.4	2.7
1.3	1.7	2.0
0.0	0.0	0.0

### Quality Points for a Five Credit Course

A	23.	25.	26.
A	21.	23.	25.
A-	20.	22.	23.
B+	18.	20.	21.
B	16.	18.	20.
B-	15.	17.	18.
C+	13.	15.	16.

C	11.	13.	15.
C-	10.	12.	13.
D	6.5	8.5	10.
F	0.0	0.0	0.0

### Quarterlies - Grades 6 – 8

Common Quarterly assessments are required to be taken by students in grades 6-8 (marking periods 1, 2, 3 and 4).

Students who are absent from school on the day of a quarterly is administered must provide the Principal with a verifiable and valid excuse. If the absence is not considered to be valid by the Principal the student will not be permitted to make up the exam and will fail the course for the year.

### Midterms and Finals Grades 9-12

**Students who are absent from school on the day that a midterm/final is administered must provide the Principal with a verifiable and valid excuse. If the absence is not considered to be valid by the Principal, the student will not be permitted to make up the exam and will fail the course for the year.**

### Examination Exemptions for Grade 12 Students

Exemptions for final examinations will be granted for grade 12 students who, in each course:

Attain a grade of 90 or higher in each of the four marking periods. Attain a grade of 90 or higher ~~on the first three quarterlies~~ **on the first midterm.**

Accumulate no more than six (6) total absences in a full year course or three (3) absences in a semester course.

Note: Five (5) or more consecutive days absent will not count in the total providing that the student provides proof from a licensed physician attesting to the injury or illness mandating the student is exempt from attending school. Attendance will be mandatory during the exam period for which the student is exempt. Students who are absent must adhere to the make-up policy as listed in number 5 of this policy.

AP Courses- In lieu of taking a ~~4th marking period quarterly~~ **final examination** in June, students may be required to take an AP test at the time approved by College Board. Fourth marking period grades will be left up to the discretion of the individual instructor on the criteria for which the student will be graded (project, etc.).

## Teacher Procedures

Teachers will complete the required exhibit for all students who will receive an exemption. A copy of the completed exhibit will be submitted to the guidance counselor and attendance administrator for verification purposes and forwarded to the Principal.

### Junior English

~~Exemptions from 4th quarterly the final examination in English 11 or English 11 H will be granted for Grade 11 students who score "Advanced Proficient" on the Language Arts section of the Required State Assessment.~~

~~o If the scores are not received from the State of New Jersey before the 4th quarterly period, all students will take the final quarterly.~~

~~o When scores arrive from the State, all students who scored "Advanced Proficient" on the State Assessment will receive an "A" as their English 11 final exam grade.~~

### Junior Math

~~Exemptions from 4th quarterly in Math courses will be granted for Grade 11 students who score "Advanced Proficient" on the math section of the Required State Exam.~~

~~o If the scores are not received from the State of New Jersey before the 4th quarterly period, all students will take the final quarterly.~~

~~o When scores arrive from the State, all students who scored "Advanced Proficient" on the State exam will receive an "A" as their Grade 11 final Math exam grade.~~

### **Junior English**

**Exemptions from 4th quarterly the final examination in English II or English II H will be granted for Grade II students according to the following criteria:**

- Attain a grade of 90 or higher in each of the four marking periods, and**
- Attain a grade of 90 or higher on the first two quarterlies midterm, and**
- Obtain a 4 or 5 on the previous school year's ELA PARCC assessment, and**
- Accumulate no more than six (6) total absences in a full year course or three (3) absences in a semester course.**

- If the scores are not received from the State of New Jersey before the 4th quarterly final examination period, all remaining criteria will be utilized to determine exemption eligibility.

### **Junior Math**

**Exemptions from 4th quarterly the final examination in any Math 11 courses will be granted for Grade 11 students according to the following criteria:**

- Attain a grade of 90 or higher in each of the four marking periods, and
- Attain a grade of 90 or higher on the first ~~two quarterlies~~ midterm, and
- Obtain a 4 or 5 on the previous school year's Math PARCC assessment, and
- Accumulate no more than six (6) total absences in a full year course or three (3) absences in a semester course.
- If the scores are not received from the State of New Jersey before the 4th quarterly final examination period, all remaining criteria will be utilized to determine exemption eligibility.

### Calculation of Semester 1 and final grades: Semester 1

First Marking Period Grade 20% Second Marking Period Grade 20%  
Mid-Year Assessment 10%

### Semester 2

Third Marking Period Grade 20% Fourth Marking Period Grade 20%  
Final Assessment 10%

Final Grade= (Semester 1 + Semester 2) /2

### Plagiarism

Pupils are expected to be honest in all of their academic work and must not at any time engage in any of the following acts:

1. Cheating on examinations, including but not limited to, the non-authorized use of books or notes, the use of crib sheets, copying from other pupils' papers, exchanging information with other pupils orally, in writing, or by signals, obtaining copies of the examination illegally and

other similar activities. Unless authorized by the classroom teacher, no student may use a cell phone during a formative or summative assessment. Use of an unauthorized cell phone or other electronic device (iPod, iPad, etc.) may be construed by the classroom teacher as an act of plagiarism.

2. Plagiarism is not permitted in term papers, themes, essays, reports, images, take home examinations, and other academic work. Plagiarism is defined as stealing or use without acknowledgement of the ideas, words, formulas, textual materials, on line services, computer programs, etc. of another person or in any way presenting the work of another person as one's own.

3. Falsification, including forging signatures, altering answers after they have been graded, the insertion of answers after the fact, the erasure of grader's markings, and other acts that allow for falsely taking credit.

A pupil found guilty of academic dishonesty may be subjected to a full range of penalties including, but not limited to, reprimand and loss of credit for all of the work that is plagiarized. The penalty for plagiarism and/or cheating is determined by the classroom teacher in conjunction with the Principal and/or Principal's designee. (see Code of Conduct)

A teacher who believes that a pupil has been academically dishonest in his/her class should resolve the matter in the following manner:

Reprimand the pupil orally and/or in writing. The teacher in conjunction with the Principal and/or Principal's designee may also authorize to withhold credit in the work tainted by the academic dishonesty.

If warranted, the teacher shall file a written complaint against the pupil with the Principal, requesting a more stringent form of discipline. The complaint must describe in detail the academic dishonesty that is alleged to have taken place, and must request that the matter be reviewed by the Principal.

The Principal will determine if further discipline of the pupil is appropriate, and will determine the nature of the discipline on a case-by-case basis.

If the pupil is not in agreement with the disciplinary action of the Principal, he/she may appeal the action to the Superintendent. If the pupil is dissatisfied with the Superintendent's disposition of the case, he/she may grieve the action in accordance with Board Policy.

Issued: 20 November 2014

Revised: March 26, 2015

Revised: May 26, 2016

Revised: October 20, 2016

Revised: December 22, 2016

Revised (First Reading): January 25, 2017

Revised (Second Reading): February 16, 2017

## 2624.1 AP/HONORS: ACADEMIC STANDARDS, ACADEMIC ASSESSMENTS and ACCOUNTABILITY

### Honors & AP Requirements for all Content Areas

All students who enroll in an AP course will take the AP test at the end of the course, or take a school administered 4<sup>th</sup> marking period Quarterly/Final Assessment. When taking the AP test, a score of 4 or 5 will result in a 100% reimbursement of the test fee. (A score of 3 will result in 50% reimbursement)

Starting with students graduating in 2018 - If a student does not pass their content area AP test (3 or higher), or school administered fourth marking period Quarterly/Final Assessment, they do not qualify to take a secondary AP class in that content area the following year.

Transfer Students – Placement in honors classes will be based on past academic records and required pre-requisites that have been achieved. A test may be given for a student to qualify into an Honor's class where transcripts do not match with our course progression/program.

(\*Students in the graduating class of 2017, must attain an assessment average of 80 in their current honors course along with the additional criteria stated below to remain in honors/AP)

\*\*All assessment averages will be based on the first three marking periods exclusive of exams.

\*\*\*The most current SAT and PSAT results will be utilized beginning with the SAT as the determining factor.

### SCIENCE COURSES

#### Honors Biology

Student attains an assessment average of 90 in 8<sup>th</sup> grade Science.

#### Honors Chemistry

- Student attains an assessment average of 83 in Honors Biology and student attains a minimum score of 40/22 on both PSAT Reading AND PSAT Mathematics or a minimum score of 400 on both SAT Reading AND SAT Mathematics.
- Student attains an assessment average of 90 in CP Biology. Student attains a minimum score of 40/22 on both PSAT Reading AND PSAT Mathematics or a minimum score of 400 on SAT Reading AND SAT Mathematics.

#### Honors Physics

- Student attains an assessment average of 83 in Honors Chemistry and student attains a minimum score of 40/22 on both PSAT Reading AND PSAT Mathematics or a minimum score of 400 on both SAT Reading AND SAT Mathematics.
- Student attains an assessment average of 90 in CP Chemistry. Student attains a minimum score of 40/22 on both PSAT Reading AND PSAT Mathematics or a minimum score of 400 on SAT Reading AND SAT Mathematics.

### AP Biology

Student attains an assessment average of 83 in Honors Biology and student attains a minimum score of 40/22 on both PSAT Reading AND PSAT Mathematics or a minimum score of 400 on both SAT Reading AND SAT Mathematics.

Student attains an assessment average of 90 in CP Biology. Student attains a minimum score of 40/22 on both PSAT Reading AND PSAT Mathematics or a minimum score of 400 on SAT Reading AND SAT Mathematics.

\*PSAT and SAT score criteria are subject to change based on new high school proficiency requirements to be set by the state of New Jersey.

### AP Chemistry

Student attains an assessment average of 83 in Honors Chemistry and student attains a minimum score of 40/22 on both PSAT Reading AND PSAT Mathematics or a minimum score of 400 on both SAT Reading AND SAT Mathematics.

Student attains an assessment average of 90 in CP Chemistry and student attains a minimum score of 40/22 on both PSAT Reading AND PSAT Mathematics or a minimum score of 400 on both SAT Reading AND SAT Mathematics.

\*PSAT and SAT score criteria are subject to change based on new high school proficiency requirements to be set by the state of New Jersey.

### AP Physics

Student attains an assessment average of 83 in Honors Physics and student attains a minimum score of 40/22 on both PSAT Reading AND PSAT Mathematics or a minimum score of 400 on both SAT Reading AND SAT Mathematics.

Student attains an assessment average of 90 in CP Physics and student attains a minimum score of 40/22 on both PSAT Reading AND PSAT Mathematics or a minimum score of 400 on both SAT Reading AND SAT Mathematics.

\*PSAT and SAT score criteria are subject to change based on new high school proficiency requirements to be set by the state of New Jersey

## SOCIAL STUDIES COURSES

### Honors Early US History (US I)

Student attains an assessment average of 90 in 8<sup>th</sup> grade Social Studies.

### Honors Modern US History (US II)

Student attains an assessment average of 83 in Honors Early US History I or an assessment average of 90 in CP Early US History I.

### Honors World History

Student attains an 83 assessment average in Honors Modern US History II or an assessment average of 90 in CP Modern US History II.

### AP US History /AP Human Geography/AP US Government and Politics/AP Government

- Student attains an assessment average of 83 in Honors Modern US History II and student attains a minimum PSAT Reading score of 40/22 or a minimum SAT Reading score of 400.
- Student attains an assessment average of 90 in CP Modern US History II and student attains a minimum PSAT Reading score of 40/22 or a minimum SAT Reading score of 400.

\*PSAT and SAT score criteria are subject to change based on new high school proficiency requirements to be set by the state of New Jersey.

#### AP World History

- Student attains an assessment average of 83 in Honors Modern US History II and student attains a minimum PSAT Reading score of 40/22 or a minimum SAT Reading score of 400.
- Student attains an assessment average of 90 in CP Modern US History II and student attains a minimum PSAT Reading score of 40/22 or a minimum SAT Reading score of 400.

\*PSAT and SAT score criteria are subject to change based on new high school proficiency requirements to be set by the state of New Jersey.

#### AP Psychology

- Student attains an assessment average of 90 in psychology, developmental psychology or particular topics in psychology and student attains a minimum PSAT Reading score of 40/22 or a minimum SAT Reading score of 400.

\*PSAT and SAT score criteria are subject to change based on new high school proficiency requirements to be set by the state of New Jersey.

### WORLD LANGUAGE COURSES

#### AP Spanish

- Student attains an assessment average of 90 in Spanish III

#### AP Italian

- Student attains an assessment average of 90 in Italian III

### ART AND MUSIC COURSES

#### AP MUSIC / ART COURSES

A teacher recommendation must be provided in order for a student to take an AP Music or AP Art course.

### LANGUAGE ARTS COURSES

#### Honors English 9

Student attains an assessment average of 83 in Honors 8<sup>th</sup> Grade English or an assessment average of 90 in regular 8<sup>th</sup> grade English.



### Honors English 10

Student attains an assessment average of 83 in Honors English 9 or an assessment average of 90 in CP English 9.

### Honors English 11

Student attains an assessment average of 83 in Honors English 10 or an assessment average of 90 in CP English 10.

### Honors English 12

Student attains an assessment average of 83 in Honors English 11 or an assessment average of 90 in CP English 11

### AP English Language and Composition

- Student attains an assessment average of 83 in Honors English 10 and student attains a minimum PSAT Reading score of 40/22 or a minimum SAT Reading score of 400.
- Student attains an assessment average of 90 in CP English 10 and student attains a minimum PSAT Reading score of 40/22 or a minimum SAT Reading score of 400.

\*PSAT and SAT score criteria are subject to change based on new high school proficiency requirements to be set by the state of New Jersey).

### AP English Literature and Composition

- Student attains an assessment average of 83 in Honors English 11 and student attains a minimum PSAT Reading score of 40/22 or a minimum SAT Reading score of 400.
- Student attains an assessment average of 90 in CP English 11 and student attains a minimum PSAT Reading score of 40/22 or a minimum SAT Reading score of 400.

\*PSAT and SAT score criteria are subject to change based on new high school proficiency requirements to be set by the state of New Jersey).

## MATHEMATICS COURSES

### Algebra 1 Honors

Student attains an assessment average of 83 in 8<sup>th</sup> grade Honors Mathematics or an assessment average of 90 in CP 8<sup>th</sup> grade Mathematics.

### Geometry Honors

Student attains an assessment average of 83 in Algebra 1 Honors or an assessment average of 90 in CP Algebra 1.

### Algebra II Honors

Student attains an assessment average of 83 in Geometry Honors or an assessment average of 90 in CP Geometry.

### Pre-Calculus Honors/ Trigonometry Honors

Student attains an assessment average of 83 in Algebra 2 Honors or an assessment average of 90 in Algebra 2.

### AP Calculus

- Student attains an assessment average of 83 in Pre-Calculus Honors and student attains a minimum PSAT Mathematics score of 40/22 or a minimum SAT Mathematics score of 400.
- Student attains an assessment average of 90 assessment in Pre-Calculus and student attains a minimum PSAT Mathematics score of 40/22 or a minimum SAT Mathematics score of 400.

\*PSAT and SAT score criteria are subject to change based on new high school proficiency requirements to be set by the state of New Jersey.

### AP Statistics

- Student attains an assessment average of 83 in Algebra II Honors / Pre Calc. Honors and student attains a minimum PSAT Mathematics score of 40/22 or a minimum SAT Mathematics score of 400.
- Student attains an assessment average of 90 in Algebra II / Pre Calc. and student attains a minimum PSAT Mathematics score of 40/22 or a minimum SAT Mathematics score of 400 and attains a minimum PSAT Reading score of 40/22 or a minimum SAT Reading score of 400.

\*PSAT and SAT score criteria are subject to change based on new high school proficiency requirements to be set by the state of New Jersey.

## BUSINESS COURSES

### AP Macroeconomics/AP Microeconomics/AP Economics

- Student attains an assessment average of 90 in math and language arts and student attains a minimum PSAT Mathematics score of 40/22 or a minimum SAT Mathematics score of 400.

\*PSAT and SAT score criteria are subject to change based on new high school proficiency requirements to be set by the state of New Jersey.

## MIDDLE SCHOOL

### MATHEMATICS COURSES

Students must be enrolled in both Math Honor classes in Middle School. Both classes will averaged in 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> grade to qualify.

~~\*\*All assessment averages will be based on the first three marking periods exclusive of exams.~~

### 6TH GRADE HONORS MATH

- Student attains an assessment average of 90 in 5<sup>th</sup> Grade Math AND passes a comprehensive mathematics assessment with a grade of an 83 or higher.

#### 7TH GRADE HONORS MATH

- Student attains an assessment average of 83 in 6<sup>th</sup> grade Math Honors courses.
- Student attains an assessment average of 90 in 6<sup>th</sup> grade Math courses AND passes a comprehensive mathematics assessment with a grade of an 83 or higher.

#### 8<sup>TH</sup> GRADE ALGEBRA 1 HONORS/MATH TOPICS HONORS

- Student attains an assessment average of 83 in 7<sup>th</sup> grade Math Honors courses.
- Student attains an assessment average of 90 in 7<sup>th</sup> grade Math courses AND passes a comprehensive mathematics assessment with a grade of an 83 or higher.

#### LANGUAGE ARTS COURSES

Student must be enrolled in both Language Arts Honor Classes in 6<sup>th</sup> and 7<sup>th</sup> Grade. Both classes will be averaged from 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> grades to qualify.

#### HONORS READING/WRITING 6

- Student attains an assessment average of 90 in 5<sup>th</sup> Grade Language Arts courses AND passes a comprehensive Language Arts assessment with a grade of an 83 or higher.

#### HONORS READING/WRITING 7

- Student attains an assessment average of 83 in 6<sup>th</sup> grade Language Arts Honors courses.
- Student attains an assessment average of 90 in 6<sup>th</sup> grade Language Arts courses AND passes a comprehensive Language Arts assessment with a grade of an 83 or higher.

#### HONORS LANGUAGE ARTS 8

- Student attains an assessment average of 83 in 7<sup>th</sup> grade Language Arts Honors courses.
- Student attains an assessment average of 90 in 7<sup>th</sup> grade Language Arts courses AND passes a comprehensive Language Arts assessment with a grade of an 83 or higher.

- Transfer Students — Placement in honors classes will be based on past academic records and required pre-requisites that have been achieved. A test may be given for a student to qualify into an Honor's class where transcripts do not match with our course progression/program.

## MIDDLE SCHOOL HONORS CRITERIA

### MATHEMATICS COURSES

Students must be enrolled in both Math Honor classes in Middle School. Both classes will be averaged in 6<sup>th</sup> and 7<sup>th</sup> grades to qualify.

#### 6TH GRADE HONORS MATH

**A Student qualifies by attaining all three items:**

- Student attains an assessment average of 90 in 5<sup>th</sup> Grade Math
- Student attains a four or five on their Mathematics PARCC assessment
- Passes a comprehensive Mathematics assessment with a grade of an 85 or higher.

#### 7TH GRADE HONORS MATH

**If currently in Honors:**

- Student attains an assessment average of 83 in 6<sup>th</sup> grade Math Honors courses.
- Student attains a four or five on their Mathematics PARCC assessment

**If currently in Non Honors:**

- Student attains an assessment average of 90 in 6<sup>th</sup> Grade Math
- Student attains a four or five on their Mathematics PARCC assessment
- Passes a comprehensive Mathematics assessment with a grade of an 85 or higher.

#### 8<sup>TH</sup> GRADE ALGEBRA 1 HONORS/MATH TOPICS HONORS

**If currently in Honors:**

- Student attains an assessment average of 83 in 7<sup>th</sup> grade Math Honors courses.
- Student attains a four or five on their Mathematics PARCC assessment

**If currently in Non Honors:**

- Student attains an assessment average of 90 in 7<sup>th</sup> Grade Math
- Student attains a four or five on their Mathematics PARCC assessment
- Passes a comprehensive Mathematics assessment with a grade of an 85 or higher.

## **LANGUAGE ARTS COURSES**

Student must be enrolled in both Language Arts Honor Classes in 6<sup>th</sup> and 7<sup>th</sup> Grade. Both classes will be averaged from 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> grades to qualify.

### **HONORS READING/WRITING 6**

**A Student qualifies by attaining all three items:**

- Student attains an assessment average of 90 in 5<sup>th</sup> Grade
- Student attains a four or five on their Language Arts PARCC assessment
- Passes a comprehensive Language Arts assessment with a grade of an 85 or higher.

### **HONORS READING/WRITING 7**

**If currently in Honors:**

- Student attains an assessment average of 83 in 6<sup>th</sup> grade Language Arts Honors courses.
- Student attains a four or five on their Language Arts PARCC assessment

**If currently in Non Honors:**

- Student attains an assessment average of 90 in 6<sup>th</sup> Grade Math
- Student attains a four or five on their Language Arts PARCC assessment
- Passes a comprehensive Language Arts assessment with a grade of an 85 or higher.

### **HONORS LANGUAGE ARTS 8**

**If currently in Honors:**

- Student attains an assessment average of 83 in 7<sup>th</sup> grade Language Arts Honors courses.
- Student attains a four or five on their Language Arts PARCC assessment

**If currently in Non Honors:**

- Student attains an assessment average of 90 in 7<sup>th</sup> Grade Math
- Student attains a four or five on their Language Arts PARCC assessment
- Passes a comprehensive Language Arts assessment with a grade of an 85 or higher.

## **SCIENCE COURSES**

### **HONORS SCIENCE 6**

**A Student qualifies by attaining three out of the four following items:**

- Student attains an assessment average of 90 in 5<sup>th</sup> Grade Mathematics courses
- Student attains an assessment average of 90 in 5<sup>th</sup> Grade Science course
- Student attains a four or five on their Mathematics PARCC assessment
- Passes comprehensive Language Arts assessment focusing on informational text and writing with a grade of an 85 or higher.

### **HONORS SCIENCE 7**

**A Student qualifies by attaining three out of the four following items:**

- Student attains an assessment average of 90 in 6<sup>th</sup> Grade Mathematics courses
- Student attains an assessment average of 90 in 6<sup>th</sup> Grade Science course
- Student attains a four or five on their Mathematics PARCC assessment
- Passes comprehensive Language Arts assessment focusing on informational text and writing with a grade of an 85 or higher.

### **HONORS SCIENCE 8**

**A Student qualifies by attaining three out of the four following items:**

- Student attains an assessment average of 90 in 7<sup>th</sup> Grade Mathematics courses
- Student attains an assessment average of 90 in 7<sup>th</sup> Grade Science course
- Student attains a four or five on their Mathematics PARCC assessment
- Passes comprehensive Language Arts assessment focusing on informational text and writing with a grade of an 85 or higher.

## **SOCIAL STUDIES COURSES**

### **HONORS SOCIAL STUDIES 6**

**A Student qualifies by attaining three out of the four following items:**

- Student attains an assessment average of 90 in 5<sup>th</sup> Grade Language Arts courses
- Student attains an assessment average of 90 in 5<sup>th</sup> Grade Social Studies course
- Student attains a four or five on their Language Arts PARCC assessment
- Passes comprehensive Language Arts assessment focusing on informational text and writing with a grade of an 85 or higher.

## HONORS SOCIAL STUDIES 7

**A Student qualifies by attaining three out of the four following items:**

- Student attains an assessment average of 90 in 6<sup>th</sup> Grade Language Arts courses
- Student attains an assessment average of 90 in 6<sup>th</sup> Grade Social Studies course
- Student attains a four or five on their Language Arts PARCC assessment
- Passes comprehensive Language Arts assessment focusing on informational text and writing with a grade of an 85 or higher.

## HONORS SOCIAL STUDIES 8

**A Student qualifies by attaining three out of the four following items:**

- Student attains an assessment average of 90 in 7<sup>th</sup> Grade Language Arts courses
  - Student attains an assessment average of 90 in 7<sup>th</sup> Grade Social Studies course
  - Student attains a four or five on their Language Arts PARCC assessment
  - Passes comprehensive Language Arts assessment focusing on informational text and writing with a grade of an 85 or higher.
- 
- **Transfer Students -Placement in honors classes will be based on past academic records and required pre-requisites that have been achieved. A test will be given for a student to qualify into an Honor's class where transcripts do not match with our course progression/program.**

Approved: February 26, 2015

Revised: March 31, 2016

Revised: June 23, 2016

Revised (First Reading): February 16, 2017

# District Policy

## 2363- PUPIL USE OF PRIVATELY-OWNED TECHNOLOGY

Section: Program

Date Created: November, 2014

Date Edited: November, 2014

For students in Grades Kindergarten through ~~eight~~ **twelve** the use of personal electronics is not permitted while in school.

### Media Devices

Whether a student owns a cell phone or any electronic device is at the discretion of the parent/guardian. This policy refers to those students whose parents/guardians allow them to take an electronic device to school. At all grade levels, the use of media devices is not permitted in the building during the school day ~~except in a classroom at the teacher's discretion~~. After a warning ~~for unauthorized use in the classrooms, hallways, or study halls~~, disciplinary action will occur and the item will be confiscated and returned at the end of the day. Repeat offenders will be subject to disciplinary action. This Policy references Policy 5701, specifically the section on Plagiarism, and Policy 5600, the Student Code of Conduct, students who use cell phones or other media devices for cheating or plagiarism are subject to the consequences as detailed in the student code of conduct. Specific instances are identified below in which media devices such as cell phones cannot be used under any circumstances by students in elementary or middle schools.

Parent permission must be given for a student to utilize their personal electronic device **for specialized programming**. When the school permits the use of student personal electronics, the student is required to use their own service provider, not the district's. All personal electronic devices must be registered.

### Cellular Tele**Ph**ones

The use of cellular tele**ph**ones is **not** permitted for students in Grades nine through twelve **in any part of the building, at any time during the instructional day**. ~~only when authorized by a teacher for classroom instruction or other purposes relating to school activities during class time or in extra-curricular or athletic activities including lunch, unless the usage poses a threat~~. **Cellular tele**ph**ones must be turned off while the student is in the school building and may only be turned on and used after school has concluded for the day. Any communication between students and their parents will take place via the telephone located in the main office. Cellular tele**ph**ones that are turned on in violation of this policy will be confiscated by a staff member and the student will be subject to appropriate disciplinary action.** Picture taking or any type of recording using any electronic device is prohibited on school grounds, unless granted by a teacher or administrator. ~~If a student misuses a cell phone in school, he/she will be subject to disciplinary action.~~ Cell phone use is prohibited in locker rooms at all times. For safety/security of all students, students must not use cellular tele**ph**ones for texting while walking in the hallways, particularly while walking down the stairs.



## **Paging Devices**

**The Building Principal may grant permission for a student to bring or possess a remotely activating communication device on any school property only if the student provides a written request to the Building Principal.**

**The student must establish to the satisfaction of the Building Principal a reasonable basis for the possession of the device. The written request must include the purpose for the student possessing and/or bringing the device on school property and the date or dates in which the student requests to possess and/or bring the device on school property. The written request must also include the date on which the student will no longer need to bring and/or possess the device on school property.**

**The Building Principal, upon reviewing the request from the student, will make a determination. The determination will be in writing and if approved, written permission for the student to bring and/or possess a remotely activating paging device will be provided to the student. Permission will only be provided for the school year.**

**The student must submit a new request if the time for which permission to bring and/or possess a device expires. The student that is granted permission to possess and/or bring the device must be in the possession of the device at all times.**

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

**In the event a student violates this policy as to paging devices, the Building Principal, or designee, will confiscate the device, take appropriate disciplinary actions, and immediately notify the Superintendent of Schools.**

## **Headphones**

**For students in Grades nine through twelve, the use of headphones in the classroom is up to the teacher's discretion, unless it is disruptive to the students in the classroom. Headphones cannot be utilized or visual in the hallways. After a warning for unauthorized use, disciplinary action will occur, and the item will be confiscated and returned at the end of the day. Repeat offenders will be subject to disciplinary action.**

**Adopted: 20 November 2014**


**Revised (First Reading): January 25, 2017**

**Revised (Second Reading): February 16, 2017**

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## District Regulation

### **5600 - STUDENT DISCIPLINE/CODE OF CONDUCT (M)**

Section: Students  
Date Created: November, 2014  
Date Edited: November, 2016

#### **M**

#### Purpose

The Student Code of Conduct and this Regulation are established to achieve the following purposes:

1. Foster the health, safety, social, and emotional well-being of students;
2. Support the establishment and maintenance of civil, safe, secure, supportive, and disciplined school environments conducive to learning;
3. Promote achievement of high academic standards;
4. Prevent the occurrence of problem behaviors;
5. Establish parameters for the intervention and remediation of problem student behaviors at all stages of identification; and
6. Establish parameters for school responses to violations of the code of student conduct that take into account, at a minimum, the severity of the offenses, the developmental ages of student offenders and students' histories of inappropriate behaviors in accordance with N.J.A.C. 6A:16-7.2 through 7.8, as appropriate.

#### Expectations for Academic Achievement, Behavior, and Attendance

All students have a responsibility to comply with State statutes and administrative codes for academic achievement, behavior, and attendance, pursuant to N.J.A.C. 6A:32-8 and 13.1.

#### Behaviors That May Result in Suspension or Expulsion

In accordance with the provisions of N.J.S.A. 18A:37-2, any student who is guilty of continued and willful disobedience, open defiance of the authority of any teacher or person having authority over the student, the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school. Conduct which shall constitute good cause for suspension or expulsion of a student guilty of such conduct shall include, but not be limited to, any of the following:

1. Continued and willful disobedience;
2. Open defiance of the authority of any teacher or person, having authority over the student;
3. Conduct of such character as to constitute a continuing danger to the physical well-being of other students;
4. Physical assault upon another student;
5. Taking, or attempting to take, personal property or money from another student, or from the student's presence, by means of force or fear;
6. Willfully causing, or attempting to cause, substantial damage to school property;
7. Participation in an unauthorized occupancy by any group of students or others of any part of any school or other building owned by any school district, and failure to leave such school or other facility promptly after having been directed to do so by the Principal or other person then in charge of such building or facility;
8. Incitement which is intended to and does result in unauthorized occupation by any group of students or others of any part of a school or other facility owned by any school district;
9. Incitement which is intended to and does result in truancy by other students;
10. Knowing possession or knowing consumption without legal authority of alcoholic beverages or controlled dangerous substances on school premises, or being under the influence of intoxicating liquor or controlled dangerous substances while on school premises; and
11. Harassment, intimidation, or bullying.

Students shall also be suspended from school for assault upon a school staff member in accordance with the provisions of N.J.S.A. 18A:37-2.1 and 2.2.

Students' Rights

Students subject to the consequences of the Student Discipline/Code of Conduct Policy and Regulation shall be informed of their rights, pursuant to N.J.A.C. 6A:16-7.1(c)3.i. through vii., that include:

1. Advance notice of behaviors that will result in suspensions and expulsions that have been identified under authority of N.J.S.A. 18A:37-2;
2. Education that supports students' development into productive citizens;
3. Attendance in safe and secure school environments;
4. Attendance at school irrespective of students' marriage, pregnancy, or parenthood;
5. Due process and appeal procedures, pursuant to N.J.A.C. 6A:3-1.3 through 1.17, N.J.A.C. 6A:4 and, where applicable, N.J.A.C. 6A:14-2.7 and 2.8, and N.J.A.C. 6A:16-7.2 through 7.5;
6. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3 and N.J.A.C. 6A:16-7.1 through 7.8; and
7. Protections pursuant to 20 U.S.C. § 1232g, Family Educational Rights and Privacy Act; 34 CFR Part 99, Family Educational Rights and Privacy; 20 U.S.C. § 1232h, Protection of Pupil Rights; 34 CFR Part 98, Student Rights in Research, Experimental Programs and Testing; P.L. 104-191, Health Insurance Portability and Accountability Act; 45 CFR Part 160, General Administrative Requirements; 20 U.S.C. § 7165, Transfer of school disciplinary records; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, Confidentiality of certain information provided by pupils, exceptions; N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Pupil records, creation, maintenance and retention, security and access, regulations, nonliability; N.J.S.A. 2A:4A-60, Disclosure of juvenile information, penalties for disclosure; N.J.A.C. 6A:32-7, Student Records; N.J.A.C. 6A:14-2.9, Student records, as well as other existing Federal and State laws and rules pertaining to student protections.

#### Comprehensive Behavioral Supports

Below are behavioral supports that promote positive student development and the students' abilities to fulfill the behavioral expectations established by the Board. These behavioral supports may include, but are not limited to, the following:

1. Positive Reinforcement for Good Conduct and Academic Success

A student will be provided positive reinforcement for good conduct and academic success.

2. Supportive Interventions and Referral Services

A student may be referred to the school's Intervention and Referral Services Team in accordance with the provisions of N.J.A.C. 6A:16-8.1 and 8.2 and Policy and Regulation 2417.

3. Remediation of Problem Behavior

The following actions may be taken to remediate problem behavior. These actions will take into account the behavior's nature, the students' developmental ages, and the students' histories of problem behaviors and performance.

a. Restitution and Restoration

(1) A student may be required to make restitution for any loss resulting from the student's conduct; or

(2) A student may be required, at the discretion of the school district and when appropriate, to restore to its former condition any damaged or defaced property resulting from the student's conduct.

b. Counseling

(1) A student may be required to consult with school guidance counselors or Child Study Team members.

(2) The counselor will explain why the student's conduct is unacceptable to the school and damaging to the student, what the consequences of continued misconduct are likely to be, and appropriate alternative behaviors.

(3) The counselor may refer the student, as appropriate, for additional counseling, evaluation, intervention, treatment, or therapy. Referrals may be made to the Child Study Team, the school's Intervention and Referral Services Team, a public or private social agency, a legal agency, or any other referral service that may assist the student.

c. Parent Conferences

(1) Students may be required to attend a meeting with their parent and appropriate school staff members to discuss the causes of the student's behavior, possible remediation, potential disciplinary measures, and alternative conduct.

d. Alternate Educational Program

- (1) Students may be assigned to an alternate educational program as recommended by the student's guidance counselor, classroom teacher, Child Study Team, and/or other school staff member.

4. Students with Disabilities

For students with disabilities, the remedial measures and behavioral interventions and supports shall be determined and provided pursuant to N.J.A.C. 6A:14.

School Responses to Violations of Behavioral Expectations

1. In accordance with the provisions of N.J.A.C. 6A:16-7.1(c)5, the Student Code of Conduct shall include a description of school responses to violations of behavioral expectations established by the Board of Education that, at a minimum are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their histories of inappropriate behavior that shall:
  - a. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;
  - b. Be consistent with other responses, pursuant to N.J.A.C. 6A:16-5.5;
  - c. Provide for equitable application of the Code of Student Conduct without regard to race; color; religion; ancestry; national origin; nationality; sex; gender; sexual orientation; gender identity or expression; marital, domestic-partnership, or civil union; mental, physical, or sensory disability; or any other distinguishing characteristic, pursuant to N.J.S.A. 10:5-1 et seq. and
  - d. Be consistent with provisions of N.J.S.A. 18A:6-1, Corporal Punishment of Students.

G. Description of School Responses

School responses to violations of behavioral expectations are listed below:

1. Admonishment/Reprimand

- a. A school staff member in authority may admonish or reprimand a student's unacceptable conduct and warn the student that additional misconduct may warrant a more severe penalty.

2. Temporary Removal from Classroom

- a. The classroom teacher may direct the student report to the office of the administrator in charge of student discipline.
- b. The teacher will complete a form that indicates the student's name and the conduct that has caused the student's removal from the teacher's room.
- c. The administrator in charge of discipline will interview the student and determine which, if any, additional consequences shall be imposed.

3. Meeting with School Administration and Parent

- a. The student's parent may be required to attend a meeting with the Principal or designee and the student to discuss the student's conduct and to ensure the parent and the student understand school rules and expectations.

4. Deprivation of Privileges

- a. Students may be deprived privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment. These privileges may include, but are not limited to:
  - (1) Moving freely about the school building;
  - (2) Participation in co-curricular or inter/intrascholastic activities;
  - (3) Attendance at a school-related social or sports activity;
  - (4) Participation in a graduation ceremony;
  - (5) Transportation to and from school on a school bus; or
  - (6) Any other privilege the Building Principal or designee determines may be appropriate and consistent with Policy and Regulation 5600 and N.J.A.C. 6A:16-7.1 et seq.

5. Detention

- a. A student may be required to report before or after the school day to detention. This detention may be assigned by the teacher or the Principal or designee.
- b. Transportation to detention before school or from detention after school will be the responsibility of the parent.

- c. A student may be excused from detention only for an unavoidable commitment previously made; any such excused detention must be made up on another day.
- 6. Grade Adjustment
  - a. A student who has cheated on a test or assignment, plagiarized material, falsified sources, refused to submit assignments, or otherwise indulged in academic dishonesty or negligence may suffer a reduced grade by virtue of the disqualified work. In no other instance may a student's grade be lowered as a direct penalty for misconduct.
- 7. In-school Suspension
  - a. If the school operates an in-school suspension program, a student may be removed from his/her regular classes and required to report to the in-school suspension program.
  - b. In-school suspension will not be imposed without the due process procedures set forth in Policy and Regulation 5610.
- 8. Suspension from School
  - a. A student may be denied the right to attend school for a period of time pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.2 and 6A:16-7.3, and Policy 5610.
  - b. Suspension from school will not be imposed without the due process procedures set forth in Policy and Regulation 5610.
- 9. Expulsion
  - a. The Board may expel a general education student from school, pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.4, and Policy 5620.
  - b. Expulsion is an extremely serious disciplinary measure and will not be imposed without the due process set forth in Policy and Regulation 5610 and Policy 5620.

#### Chart of Discipline

- 1. Below is a Chart of Student Discipline listing school responses to violations of behavioral expectations. These behavioral expectations and school responses include, but are not limited to:

Pupil Discipline/Code of Conduct – Grades Six through Twelve



- Students are expected to follow directions of administrators, teachers and other staff members.
- Students are expected to display that type of behavior, which contributes positively to the overall atmosphere of the school.
- Students are expected to demonstrate respect for staff and other students.
- Students are expected to attend school free of alcohol or illegal drugs.
- Students are expected not to be in possession of or sell alcohol or drugs.
- Students are expected to respect all personal and school property.
- Students are expected to conform to dress code policy.

This list represents the minimum actions to be taken. Penalties may vary according to the severity and frequency of the offenses. Any offenses not listed here shall be dealt with on an individual basis. Age, grade, maturity, and intellectual ability play a major role in student behavior. Every discipline problem is dealt with on a case by case basis, allowing for due process. Due process plays an important role of each infraction and may determine a different outcome other than the pre-determined consequences listed below. Clearance from a medical professional may be required before a child is able to return to school as dictated above.

Student Infraction	Offense	Action	Comments
Out of Class Without Pass	1 <sup>st</sup> offense	Warning	
	2 <sup>nd</sup> offense	Detention	
	3 <sup>rd</sup> offense	Detention	
Disorderly Behavior in Cafeteria	1 <sup>st</sup> offense	Warning	
	2 <sup>nd</sup> offense	Detention	
	3 <sup>rd</sup> offense	2 Detentions	
	Subsequent	Saturday school/ ISS or OSS	
Disrespect to School Personnel	1 <sup>st</sup> offense	Saturday School/ Parent Notified	
	2 <sup>nd</sup> offense	2 Saturday School/ Parent Notified	

	Subsequent	ISS OR OSS	
Excessive Display of Affection	1 <sup>st</sup> offense	Warning	
	2 <sup>nd</sup> offense	Detention	
	3 <sup>rd</sup> offense	Saturday School/ISS	
Forging any Official Document	1 <sup>st</sup> offense	1 day OSS	
	2 <sup>nd</sup> offense	2 days OSS	
	3 <sup>rd</sup> offense	3 days OSS	
Gambling/Card Playing	1 <sup>st</sup> offense	Warning	
	2 <sup>nd</sup> offense	Detention	
	3 <sup>rd</sup> offense	Saturday School	
Inappropriate Behavior at School Program	1 <sup>st</sup> offense	Saturday School	
	2 <sup>nd</sup> offense	2 Saturday School	
	3 <sup>rd</sup> offense	ISS/OSS	
Loitering on School Grounds While Absent/Suspended or Trespassing	1 <sup>st</sup> offense	1 Saturday School	
	2 <sup>nd</sup> offense	2 Saturday School	
	3 <sup>rd</sup> offense	OSS	
Refusal to Hand Over Unauthorized Device to School Personnel/Electronics/cell phone (High School only)	1 <sup>st</sup> offense	Detention	Students can pick up after detention
	2 <sup>nd</sup> offense	2 Detentions/ Parent notified	
	3 <sup>rd</sup> offense	Saturday School	
Pupil use of Privately-Owned Technology  Headphones cannot be utilized or visual in the hallways	1 <sup>st</sup> Offense	Warning	
	2 <sup>nd</sup> Offense	2 detentions	
	3 <sup>rd</sup> Offense		
	4 <sup>th</sup> Offense	Saturday School  ISS/OSS	
Cell Phones/Electronics Use in Middle School No MS student is allowed to use cell phones at any time, cell phones must be put away and remain unseen until student leaves the building. In case of emergencies, students must seek help from a teacher and from the Main office.	1 <sup>st</sup> offense	Warning	
	2 <sup>nd</sup> offense	Call Home/Detention	
	3 <sup>rd</sup> offense	Saturday school; parent must pick up	

<p><b>Cell Phones/Electronics Use in High School</b></p> <p>No HS Student is allowed to use cell phones at any time during the instructional day. Cell phones must be turned off and put away and remain unseen until the end of the day. In case of an emergency, students may use the phone in the main office.</p>	1 <sup>st</sup> offense	phone Saturday School	<p>Parents will be notified of every cell phone infraction. Phones will be taken and kept until the end of the day. At/after the 3<sup>rd</sup> offense, parents will be required to come pick up their child's phone.</p>
	2 <sup>nd</sup> offense	ISS	
	3 <sup>rd</sup> offense	ISS/OSS	
	Subsequent	OSS	
Insubordination	1 <sup>st</sup> offense	Detention	
	2 <sup>nd</sup> offense	Saturday School	
	3 <sup>rd</sup> offense	ISS/OSS	
Bias Incidents (Sexual Harassment, Racial/Ethnic Slurs)	1 <sup>st</sup> offense	Saturday School and Counseling	
	2 <sup>nd</sup> offense	2 days OSS/ISS and Counseling	
Truancy for Day of School	1 <sup>st</sup> offense	2 Saturday Schools "0" grade per class 1 cut for each class	Can be referred to Municipal Court. Police notified.
	2 <sup>nd</sup> offense	ISS/OSS 1 cut for each class	
	3 <sup>rd</sup> Offense	Denial of credit after/ ISS	
Harassment/Intimidation/Bullying (HIB)		<p>As indicated in Policy</p> <p>Students may be disciplined as per code of conduct</p> <p>Administrative prerogative may apply based on severity of the incident</p>	

		Destruction of Property/ Stealing/Arson/False Alarm	1 <sup>st</sup> offense	5 Days OSS and Restitution for Damages	Police called and parent notified. Possible charges.
			2 <sup>nd</sup> offense	10 Days OSS and Restitution for Damages	
		Possession/Distribution of Hate Material	1 <sup>st</sup> offense	2 Days OSS	
			2 <sup>nd</sup> offense	3 Days OSS	
		Vandalism	1 <sup>st</sup> offense	1 – 2 Days OSS	Parent notified and police contacted. Possible charges. Restitution.
			2 <sup>nd</sup> offense	1 – 4 Days OSS	
		Verbally Threatening a Staff Member	1 <sup>st</sup> offense	3 Days OSS and Parent Conference	Student may be sent to S.A.P. program. Police may be notified
			2 <sup>nd</sup> offense	10 Days OSS and Parent Conference	
		Fighting	Any offense	1 – 3 Days OSS/ISS (or more depending on severity). Parent/Police notified Peer mediation or Conflict Resolution	If definite self- defense is proven, only the instigator may be punished. S.A.P. may be set up for student to attend.
		Attire Gang Related in Nature	Any offense	Discretion of Administration, Paraphernalia confiscated	
		Possession of CDS	1 <sup>st</sup> offense	Indefinite suspended pending assessment and referral to S.A.C.	Referral to S.A.C. Police notified.
			2 <sup>nd</sup> offense	10 Days OSS	
		Sale and Distribution of CDS	Any offense	May include: 10 Days OSS/ Expulsion Meet with S.A.C. Referral to Community Agency Referral to CST	Seller of drugs and/or controlled dangerous substances while on school property

			Police Notification	or at school sponsored events, are to be suspended immediately pending an expulsion hearing.
	Use of Controlled Substance/Possession/Alcohol	1 <sup>st</sup> offense	Suspended pending assessment and referral to S.A.C.	
		2 <sup>nd</sup> offense	1 – 10 Days OSS Referral to S.A.C.	
	Dress Code Violation (Making appropriate changes may require students to leave school with parental consent)	All	Removal from class until change of clothes is available. Parent may be notified.	
		1 <sup>st</sup> offense	Warning	
		2 <sup>nd</sup> offense	Detention	
		3 <sup>rd</sup> offense	Saturday School	
	Late to Class	1 <sup>st</sup> offense	Teacher handles	
		2 <sup>nd</sup> offense	Teacher handles	
		3 <sup>rd</sup> offense	Central Detention	
	Smoking, Tobacco, E-Cigarettes	1 <sup>st</sup> offense	Saturday School	Police may be notified.
		2 <sup>nd</sup> offense	2 Saturday Schools	
		3 <sup>rd</sup> offense	4 Saturday Schools	
	Cutting Class/Leaving School Grounds	1 <sup>st</sup> offense	2 Detentions for each cut	If student behavior disrupts the learning process after being denied credit, the student may be removed. S.A.P. may be set
		2 <sup>nd</sup> offense	Saturday School	
		3 <sup>rd</sup> offense	ISS and Denial of Credit	

			up for student to attend.
Weapons/Firearms/Zero Tolerance	Any offense	Up to 10 Days OSS Parents notified Police complaint filed	
Misuse of Computers or any Electronic Devices/Social Media Misuse	Discipline based on severity of infraction	1 – 10 Days OSS/ISS	Parents notified. Possible police notification.
Disruptive Behavior	1 <sup>st</sup> offense	Teacher handles/ possible teacher detention Teacher writes up incident and submits to VP	Teacher should contact parent.  Student's schedules may be changed administratively due to chronic disruptions.
	2 <sup>nd</sup> offense	Warning Meeting with VP and teacher possible detention	
	3 <sup>rd</sup> offense	Central Detention	
	4 <sup>th</sup> offense	Saturday School VP/parent/teacher conference	
	Subsequent	ISS or OSS	
Eating/Drinking in Other than Cafeteria	1 <sup>st</sup> offense	Teacher issued Warning	
	2 <sup>nd</sup> offense	Central Detention	
	3 <sup>rd</sup> offense	Saturday School	
Language/Written/Gestures/Defamation of Cultural, Racial, or Religious Groups	1 <sup>st</sup> offense	Warning	Actions can be upgraded depending on severity of gesture.
	2 <sup>nd</sup> offense	Detention	
	3 <sup>rd</sup> offense	Detention/ Parent Conference	
Inappropriate Physical Contact	1 <sup>st</sup> offense	Saturday School	
	2 <sup>nd</sup> offense	2 Saturday Schools	
	3 <sup>rd</sup> offense	2 OSS	

Theft/Stealing	1 <sup>st</sup> offense	1 – 5 Day ISS/OSS	Restitution. Possible police notification.
	2 <sup>nd</sup> offense	1 – 10 Days ISS/OSS	Restitution
	Extortion	1 <sup>st</sup> offense	2 OSS
		2 <sup>nd</sup> offense	3 OSS
	Cheating	1 <sup>st</sup> offense	“0” for grade Parent notified
	Failure to Report to Activity Period	1 <sup>st</sup> offense	1 Detention
		2 <sup>nd</sup> offense	2 Detentions
		3 <sup>rd</sup> offense	3 Detentions
		4 <sup>th</sup> offense	Saturday School
			Actions can be upgraded depending on severity of gesture.
Tardy for School	1 to 3 offenses	Excused	Loss of school privileges for lunch, trips, etc.
	4 offenses	Detention	
	5 offenses	Detention	
	6 offenses	Detention	
	7 offenses	2 Detentions	
	8-20 offenses	Saturday School	
	>20 offenses	Potential loss of 1 <sup>st</sup> period credit	
Cutting Administration Detention	1 <sup>st</sup> offense	2 Detentions	
	2 <sup>nd</sup> offense	Saturday School	
	Subsequent offense	ISS/OSS	
Dating Violence at School	All incidents	Immediate separation of students involved. Students escorted to office.	At the discretion of administration, depending on the severity of the incident.
	In addition to:	Interview student involved and investigate incident (including interviewing witnesses). Set up meeting with SAC. Parent notification.	Consequences may include but not be limited to: 1. Changes in schedule. 2. Counseling – SAC. 3. Psychological

		At the discretion of administration, based on the severity of the incident, steps may be skipped.	evaluation. 4. Set up Behavior Plan. 5. I&RS. 6. Alternative placement (SAP/HI).
Verbally threaten another student (threat of physical violence)	1 <sup>st</sup> offense	Saturday School	At the discretion of administration, depending on the severity of the incident, consequences may include but not be limited to:  1. Parent notification 2. Counseling – SAC. 3. Psychological evaluation. 4. Set up Behavior Plan. 5. Referral to I&RS. 6. Schedule change 7. Alternative placement (SAP/HI).
	2 <sup>nd</sup> offense	2 Saturday Schools	
	3 <sup>rd</sup> offense	1-2 Days ISS/OSS	
	4 <sup>th</sup> offense	2-4 Days ISS/OSS	
Removal from class for disruptive / inappropriate behavior	1 <sup>st</sup> offense	Central Detention	Parent Notification for every incident.
	2 <sup>nd</sup> offense	2 Central Detentions	
	3 <sup>rd</sup> offense	Saturday School	
	4 <sup>th</sup> offense	2 Saturday Schools	
	Subsequent	ISS/OSS	

Pupil Discipline/Code of Conduct – Grades Pre-Kindergarten through Five



- Students are expected to follow directions of administrators, teachers and other staff members.
- Students are expected to display that type of behavior, which contributes positively to the overall atmosphere of the school.
- Students are expected to demonstrate respect for staff and other students.
- Students are expected to attend school free of alcohol or illegal drugs.
- Students are expected not to be in possession of or sell alcohol or drugs.
- Students are expected to respect all personal and school property.
- Students are expected to conform to dress code policy.
- Detention is a consequence issued by the Principal for grades 3, 4, and 5 only.
- Any act not listed in this "Infraction Grid" will be handled at the discretion of the Principal.

This list represents the minimum actions to be taken. Penalties may vary according to the severity and frequency of the offenses. Any offenses not listed here shall be dealt with on an individual basis. Age, grade, maturity, and intellectual ability play a major role in student behavior. Every discipline problem is dealt with on a case by case basis, allowing for due process. Due process plays an important role of each infraction and may determine a different outcome other than the pre-determined consequences listed below. Clearance from a medical professional may be required before a child is able to return to school as dictated above.

Student Infraction	Offense	Action	Comments
Disruptive Behavior	1 <sup>st</sup> offense	Teacher warning	Subsequent offense may
	2 <sup>nd</sup> offense	Teacher must notify parent	

			3 <sup>rd</sup> offense	Referral to the Principal/Parent Notification	include: ISS/OSS or Alternate Placement
			4 <sup>th</sup> offense		
			5 <sup>th</sup> offense	Referral to the Principal/Parent Notification/ Principal's Detention	
				Referral to the Principal/ Principal's Detention/ Parent Conference	
		Littering on School Property	1 <sup>st</sup> offense	Referral to the Principal/Warning	
			2 <sup>nd</sup> offense	Referral to the Principal/ Parent Notification	
			3 <sup>rd</sup> offense	Referral to the Principal/Parent Notification/ Principal's Detention	
		Offensive Language/Written/Gestures	1 <sup>st</sup> offense	Referral to the Principal/ Parent Notification	Subsequent offense may include: Referral to the Guidance Counselor
			2 <sup>nd</sup> offense	Referral to the Principal/Parent Notification/ Principal's Detention	
			3 <sup>rd</sup> offense	Referral to the Principal/ Principal's Detention/ Parent Conference	
		Inappropriate Physical Contact	1 <sup>st</sup> offense	Referral to the Principal/ Parent Notification	Subsequent offense may
			2 <sup>nd</sup> offense	Referral to the	

		3 <sup>rd</sup> offense	Principal/Parent Notification/ Principal's Detention  Referral to the Principal/ Principal's Detention Parent Conference	include: Referral to the Guidance Counselor
	Insubordination - Refusal to Hand Over Unauthorized Device to School Personnel/Electronics/cell phone	1 <sup>st</sup> offense	Referral to the Principal/ Parent	
		2 <sup>nd</sup> offense	Notification/ Principal's Detention	
		Subsequent	Referral to the Principal/ Principal's Detention/ Parent Conference  Referral to the Principal/ISS Parent Conference	
	Forging an Official Document	1 <sup>st</sup> offense	Referral to the Principal/ Parent Notification/ Principal's Detention	
		2 <sup>nd</sup> offense	Referral to the Principal/ Principal's Detention/ Parent Conference	
		3 <sup>rd</sup> offense	Referral to the Principal/ISS/ Parent Conference	
	Theft Personal/School Property	1 <sup>st</sup> offense	Referral to the Principal/ Parent Notification/ Principal's Detention	Police may be notified at any level of offense
		2 <sup>nd</sup> offense	Referral to the Principal/	

			Principal's Detention/ Parent Conference	
		Subsequent	Referral to the Principal/ISS/ Parent Conference	
	Destruction of Property/ Stealing/Arson/False Alarm	1 <sup>st</sup> offense	Up to 5 Days OSS and Restitution for Damages	Police Contacted/ Parent Notification
		2 <sup>nd</sup> and subsequent offense	Up to 10 Days OSS and Restitution for Damages	
	Vandalism/Graffiti	1 <sup>st</sup> offense	Referral to the Principal/ Parent Notification/ Principal's Detention	Police may be notified at any level of offense
		2 <sup>nd</sup> offense	Referral to the Principal/ISS/ Parent Conference	Possible Restitution.
	Verbally Threatening a Staff Member	1 <sup>st</sup> offense	Referral to the Principal and Guidance Counselor/ISS/ Parent Conference	Police may be notified at any level of offense
		2 <sup>nd</sup> offense	Referral to the Principal and Guidance Counselor/OSS/ Parent Conference	Subsequent offense may include: Alternate Placement
	Fighting	Any offense	Referral to the Principal and Guidance Counselor/ISS/ Parent Conference	If definite self- defense is proven, only the instigator may be punished.  Police may be notified.

				Subsequent offense may include: OSS or Alternative Placement
Possession of CDS	Any offense	Indefinite suspension pending assessment and referral to S.A.C.	Police will be notified.	Subsequent offense may include: Alternative Placement
Sale and Distribution of CDS	Any offense	May include: 10 Day OSS/ Expulsion Referral to S.A.C. Referral to Community Agency Referral to CST Police will be notified	Seller of drugs and/or controlled dangerous substances while on school property or at school sponsored events, are to be suspended immediately pending an expulsions hearing.	
Use of Controlled Substance/Possession/Alcohol	1 <sup>st</sup> offense  2 <sup>nd</sup> offense	Suspended pending assessment and Referral to S.A.C.  10 Days OSS and Referral to S.A.C.	Police will be notified  Subsequent offense may include: Alternative Placement	
Dress Code Violation (Making appropriate changes may require students to leave school with parental consent)	All	Referral to the Principal/ Parent Notification/ Removal from class until change of clothes is available		

		1 <sup>st</sup> offense	Warning Principal's Detention	
		Subsequent		
Smoking	1 <sup>st</sup> offense	Referral to the Principal/ Parent Notification/ Principal's Detention	Police may be notified.	
	2 <sup>nd</sup> offense	Referral to the Principal/ Principal's Detention/ Parent Conference	Possible referral to the SAC	
	3 <sup>rd</sup> offense	Referral to the Principal/ISS/ Parent Conference		
Leaving School Grounds without Permission	Any offense	Police will be notified Referral to the Principal/ISS Parent Conference	Subsequent offense may include: Alternative Placement	
Weapons/Fire-arms/Zero Tolerance	Any offense	Up to 10 Days OSS/ Parents notification/ Police complaint filed	Police charges may be filed. Possible Alternative Placement	
Tardy for School		Please refer to the Elementary School K – 5 Absences and Excuses section above	Referral to the Intervention and Referral Services Committee	
Cutting Detention	1 <sup>st</sup> offense	Referral to the Principal/ Parent Notification/ 2 Principal's Detentions	Subsequent offense may include: ISS and/or OSS	
	2 <sup>nd</sup> offense	Referral to the Principal/ 2 Principal's		

		Detentions/ Parent Conference	
Harassment/Intimidation/Bullying (HIB)		As indicated in Policy	

2. The school responses to violations of behavioral expectations that are subject to student discipline including suspension or expulsion pursuant to N.J.S.A. 18A:37-2 outlined in a Chart of Student Discipline shall be consistent with the Board's policies and regulations/procedures on attendance, pursuant to N.J.A.C. 6A:16-7.6 and harassment, intimidation, and bullying, pursuant to N.J.A.C. 6A:16-7.7.
3. The Principal or designee will maintain a list of community-based health and social service provider agencies available to support a student and a student's family, as appropriate, and a list of legal resources available to serve the community.
4. The Board of Education may deny participation in extra-curricular activities, school functions, sports, graduation exercises, or other privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment.
5. Nothing in Policy and Regulation 5600 shall prevent the school administration from imposing a consequence for unacceptable student conduct not listed or included in a Chart of Student Discipline.

#### Student Conduct Away from School Grounds

1. The Building Principal or designee has the right to impose a consequence on a student for conduct away from school grounds that is consistent with the Board's Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1.
  - a. This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security, and well-being or for reasons relating to the safety, security, and well-being of other students, staff, or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2.
  - b. This authority shall be exercised only when the conduct that is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school.
  - c. Consequences for conduct away from school grounds shall be handled in accordance with the Board approved Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1, Policy and Regulation 5600, and as appropriate, in accordance with N.J.A.C. 6A:16-7-2, 7.3, or 7.4.

2. School authorities shall respond to harassment, intimidation, or bullying that occurs off school grounds, pursuant to N.J.S.A. 18A:37-14 and 15.3 and N.J.A.C. 6A:16-1.3, 7.1, and 7.7.

#### School Bus Conduct

Violations of the rules regarding student conduct on school buses will be handled as follows:

1. The bus driver will report unacceptable conduct to the Principal of the school in which the student is enrolled by submission of a completed written report that includes the name of the student, the school, and the student's conduct.
2. The Principal or designee will investigate the matter, which may include meeting with the bus driver, bus aide, other students on the school bus, and the student who was reported by the bus driver.
3. The parent will be notified of the student's reported conduct.
4. The Principal or designee will make a determination if the student violated behavioral expectations and the discipline to be administered in accordance with the Code of Student Conduct.
5. If it is determined the misconduct is severe, the student may be suspended from the bus pending a conference with the parent.

#### Students with Disabilities

For students with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. § 1400 et seq., the Individuals with Disabilities Educational Improvement Act, N.J.A.C. 6A:14, and accommodation plans under 29 U.S.C. §§ 794 and 705(20), student discipline and the Code of Student Conduct shall be implemented in accordance with the components of the applicable plans.

#### Records

1. Instances of student discipline will be recorded in the student's file in strict compliance with N.J.A.C. 6A:32-7.1 et seq. and Policy and Regulation 8330.
2. When a student transfers to a public school district from another public school district, all information in the student's record related to disciplinary actions taken against the student by the school district and any information the school district has obtained pursuant to N.J.S.A. 2A:4A-60, Disclosure of Juvenile Information; Penalties for Disclosure, shall be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19(a), and N.J.A.C. 6A:32-7.5.



- a. The record shall be provided within two weeks of the date that the student enrolls in the receiving district.
  - b. Written consent of the parent or adult student shall not be required as a condition of the record transfer; however, written notice of the transfer shall be provided to the parent or the adult student.
3. When a student transfers to a private school, which includes all sectarian or nonsectarian, nonprofit, institutional day, or residential schools that provide education for students placed by their parents and that are controlled by other than public authority, all student disciplinary records with respect to suspensions or expulsions, shall be provided by the public school district of residence to the private school upon written request from the private school, in the same manner the records would be provided to a public school, pursuant to 20 U.S.C. § 6301, Title IV § 4155 of the Elementary and Secondary Education Act.
4. The Board shall not use a student's past offenses on record to discriminate against the student.
5. All student disciplinary records pursuant to N.J.A.C. 6A:16-7 shall conform with the requirements set forth in N.J.A.C. 6A:16-7.8(d).

#### Annual Review

The Superintendent will designate a school staff member to coordinate an annual review and update of Policy and Regulation 5600. The Superintendent's designee will:

1. Compile an annual summary report of violations of the student behavioral expectations and the associated school responses to the violations in the Student Discipline/Code of Conduct Policy and Regulation.
2. Convene a Student Discipline/Code of Conduct Committee comprised of parents, students, and community members that represent the composition of the district's schools and community to review the annual summary report and to develop recommendations, if any, to improve and update the Student Discipline/Code of Conduct Policy and Regulation.
3. The Superintendent's designee shall submit the Committee's recommendations, if any, to improve or update the Student Discipline/Code of Conduct Policy and Regulation.
4. The Superintendent will review the Committee's report with school administrators and will determine if the Student Discipline/Code of Conduct Policy and Regulation should be updated.

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|  | <p>5. The Superintendent will recommend to the Board revisions to the Student Discipline/Code of Conduct Policy, if needed.</p> |
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Policy and Regulation Publication and Distribution

The Student Discipline/Code of Conduct Policy and Regulation 5600, including the Chart of Student Discipline shall be disseminated annually to all school staff, students, and parents. These documents may be disseminated in handbooks, electronically, or in hard copy form. Principals will ensure these documents are made available to all students on or before the first day of each school year and to transferring students on the first day of their enrollment in this district.

Adopted: 20 November 2014

Revised: November 17, 2016

Revised (First Reading): January 25, 2017

Revised (Second Reading): February 16, 2017

1510 AMERICANS WITH DISABILITIES ACT RIGHTS OF PERSONS WITH  
HANDICAPS OR DISABILITIES/POLICY ON  
NON-DISCRIMINATION

It is the policy of the Board of Education that no qualified ~~handicapped or disabled person~~ **individual with a disability will** ~~shall~~, on the basis of ~~handicap or disability~~, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or under any program, activity, or ~~services vocational opportunities~~ sponsored by this Board. The Board ~~will~~ **shall** comply with §504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, **as amended by the Americans with Disabilities Amendments Act of 2008 (hereafter referred to as the Act)**. It ~~shall~~ also comply with the Individuals with Disabilities Education Act through the implementation of Policy No. 2460 and Regulations Nos. 2460 through 2460.14.

Notice of ~~the Board Policy 1530 – Equal Educational Opportunities and Board Policy 5750 – Equal Educational Opportunity~~ Board's policy on nondiscrimination in employment (Policy and Regulation No. 1530) and education (Policy and Regulation No. 5750) will be included in the Board policy manual, posted throughout the district, and referenced in any district statement regarding the availability of employment positions or educational services.

#### Employment

No employee or candidate for employment ~~will~~ **shall** be discriminated against in recruitment, hiring, advancement, discharge, compensation, **job** training, transfer, or any other term, condition, or privilege of employment solely **on the basis of a disability** because of his/her ~~handicap/disability~~, provided the employee or candidate can, with or without reasonable accommodation, perform the essential functions of the position sought or held.

No candidate for employment ~~will~~ **shall** be required to answer a question or submit to an examination regarding a ~~handicap/disability~~ except as such ~~handicap/disability~~ relates directly to **perform job-related functions** ~~the performance of the job sought~~. No candidate will be discriminated against on the basis of a ~~handicap/disability~~ that is not directly related to the essential function of the position for which he/she has applied.

Reasonable accommodations, not directly affecting the educational and/or instructional program, ~~will~~ **shall** be made to accommodate employment conditions to the needs of qualified ~~individuals~~ **persons** with ~~handicaps/disabilities~~. ~~sSuch accommodations may include, but are not limited to: rescheduling; restructuring jobs; making facilities accessible; acquiring or modifying equipment; modifying examinations; training materials; policies and procedures; and providing readers or interpreters making existing facilities~~ **used by employees readily assessable to and usable by individuals with disabilities, job restructuring, part-time modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of**

qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

**The district will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the district.**

~~The Board employment policies and procedures shall comply with the Americans with Disabilities Act.~~

#### **Facilities Maintenance and Accessibility**

No qualified **individual with a disability** ~~handicapped/disabled person will shall~~, because of the school district's facilities being inaccessible or unusable by ~~handicapped/disabled persons~~, be denied the benefits of, be excluded from participation in or otherwise be subjected to discrimination under any program or activity offered by the Board. No new facilities ~~will shall~~ be constructed that do not fully comply with §504 of the Rehabilitation Act of 1973 and the American with Disabilities Act. Alterations to existing facilities or part thereof, ~~will shall~~ be altered in such a manner to the maximum extent feasible, that the facilities are readily accessible and usable by individuals with ~~handicaps/disabilities~~ who have a need to access Board facilities.

**The district will maintain facilities and equipment required by the Act to be readily accessible to and usable by persons with disabilities.**

#### **Service, Program, and Activity Access Educational Program Accessibility**

**The district will make reasonable accommodations so that services, programs, and activities are readily accessible and usable by qualified individuals with disabilities. The district is not required to provide personal devices or services of a personal nature to qualified individuals with disabilities.**

~~No qualified handicapped/disabled person shall be denied the benefit of, be excluded from participation in, or otherwise be subjected to discrimination in any activity offered by this district.~~

~~The Board has an affirmative obligation to evaluate a student who is suspected of having a handicap/disability to determine the student's need for special education and related services. The Board directs that all reasonable efforts be made to identify unserved children with handicaps/disabilities in this district who are eligible for special education and/or related services in accordance with Policy No. 2460 and Regulations Nos. 2460 through 2460.14, the Individuals with Disabilities Education Act, §504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.~~

~~Section 504 of the Rehabilitation Act requires the Board to address the needs of children who are considered handicapped/disabled under §504 and do not qualify for services under the Individuals with Disabilities Education Act. A student may be handicapped/disabled~~

~~within the meaning of §504, and therefore entitled to regular or special education and related aids and services under the §504 regulation, even though the student may not be eligible for special education and related services under Part B of the Individuals with Disabilities Education Act.~~

~~No student will be denied, because of his/her educational handicap/disability, participation in co-curricular, intramural, or interscholastic activities or any of the services offered or recognitions rendered regularly to the students of this district.~~

~~There will be grievance procedures for persons alleging discriminatory acts by the Board and/or staff. The due process rights of students with handicaps/disabilities and their parents will be rigorously enforced.~~

### **Evaluation and Compliance**

**The Superintendent or designee will evaluate district programs and practices on nondiscrimination, in accordance with law, and will report to the Board accordingly. Assurances of compliance will be submitted as required by law.**

**The district, with the assistance of interested persons, who may include individuals with disabilities or members of organizations representing individuals with disabilities, or other interested community members and staff, will evaluate its current services, policies, practices, and the effects thereof with regard to the requirements of the Act and make necessary modifications to meet the Act requirements. If such modifications would result in a fundamental alteration of the nature of the affected program or activity, or undue financial or administration burden, the district will provide access through means which would not result in a fundamental alteration or undue financial or administrative burden. 28 CFR §35.150(a)**

**For a period of at least three years following completion of the self-evaluation, the district will maintain on file, available for public inspection, a list of those interested persons consulted, a description of the areas examined and problems identified, and modifications made.**

**Enforcement - 28 CFR §35.107**

**The Board will designate the Director of Special Services is designated as district coordinator for matters dealing with ADA compliance §504 and Title IX. The district coordinator shall act as a compliance officer and can be contacted at the following address or telephone number:**

**Office Address: 379 Boulevard  
Hasbrouck Heights, New Jersey 07604**

**Telephone Number: 201-393-8146**

## **Grievance procedures are outlined in Regulation 1510.**

~~A complaint regarding a violation of law and this policy will be subject to a complaint procedure that provides for the prompt and equitable resolution of disputes.~~

~~The complainant shall be notified of his/her rights of appeal at each step of the process, and accommodations to the needs of handicapped/disabled complainants shall be made. A complainant shall be informed of his/her right to file a formal action for redress with or without recourse to the complaint procedure established by this policy and its accompanying regulation.~~

~~A complaint regarding the identification, evaluation, classification, or educational program of a student with a handicap/disability shall be governed by the due process rules of the State Board of Education, N.J.A.C. 6A:14-2.7 and the Office of Administrative Law, N.J.A.C. 17:27-1 et seq., and by the procedural safeguard processes established by Board Policy No. 2460 and Regulation No. 2460.6 or the grievance procedures established in Regulation No. 1510.~~

## **Guarantee of Rights**

~~The Board will shall not interfere, directly or indirectly, with any person's exercise or enjoyment of the rights protected by the Act. §504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Individuals with Disabilities Education Act or Title IX.~~

~~The Board will shall not discriminate against any person for that person's opposition to any act or practice made unlawful by law or this Ppolicy or for that person's participation in any manner in an investigation or proceeding arising under the Act. §504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Individuals with Disabilities Education Act or Title IX.~~

**The district is not required to permit an individual to participate in or benefit from the district's services, programs, or activities when that individual poses a direct threat to the health or safety of others.**

## **Evaluation and Compliance**

~~The Board directs the Superintendent to evaluate district programs and practices on nondiscrimination, in accordance with law, and to report evaluations to the Board. The Board will submit such assurances of compliance as are required by law.~~

## **Notice Annual Publication**

**Policy and Regulation 1510 will be available to any member of the public in the district's Policy and Regulation Manual. This Policy will be published yearly prior to the beginning of the school year in a regional newspaper, magazine and/or other written communication that is available to the public.**

~~29 U.S.C. 794 (Sec. 504, Rehabilitation Act of 1973)~~

~~20 U.S.C. 1401 et seq. (Individuals with Disabilities Education Act)~~

42 U.S.C. 12101 (Americans with Disabilities Act of 1990, **as amended**)

N.J.S.A. 10:5-1 et seq.

N.J.S.A. 18A:18A-17

N.J.A.C. 6A:14-1 et seq.

34 CFR Part 104

Revised (First Reading): January 25, 2017

Revised (Second Reading): February 16, 2017

R 1510 AMERICANS WITH DISABILITIES ACT RIGHTS OF PERSONS  
WITH HANDICAPS OR DISABILITIES/NON DISCRIMINATION

The Board of Education will comply with the requirements of the Americans with Disabilities Act of 1990, including changes made by the ADA Amendments Act of 2008 (hereafter referred to as the "Act.")

A. Definitions

1. "Act" means the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008.
2. "Auxiliary aids and services" are identified based on the context of the communication and the individual's disability. 28 CFR §35.104

They include, but are not limited to:

- a. Effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;
  - b. Effective methods of making visually delivered materials available to individuals who are blind or have low vision;
  - c. Acquisition or modification of equipment or devices or similar services and actions; and
  - d. Other similar services and actions.
3. "Board" means the Board of Education of this school district.
  4. "Companion" means a family member, friend, or associate of an individual seeking access to a service, program, or activity of a school district, who, along with such individual, is an appropriate person with whom the district should communicate.
  5. "Complete complaint" means a written statement, signed by the complainant or someone authorized to do so on his/her behalf, containing the complainant's name and address and describing the public entity's alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation. 28 CFR §35.104
  6. "Current illegal use of drugs" means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.



7. "Direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services. 28 CFR §35.139
8. "Disability" means, with respect to an individual, that the individual meets one or more of the following three prongs:
  - a. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
  - b. A record of such an impairment; or
  - c. Being regarded as having such an impairment.
9. "District" means this school district.
10. "District Coordinator" means the district official responsible for the coordination of activities relating to compliance with the Act.
11. "Drug" means a controlled substance, as defined in schedules I through V of Section 202 of the Controlled Substances Act. 21 U.S.C. §812
12. "Employee" means an individual employed by the Board.
13. "Essential functions of the employment position" are based upon the employer's judgment and can include an employer's written description, prepared before advertising or interviewing applicants for the job.
14. "Existing facility" means a facility in existence on any given date, newly constructed or altered.
15. "Facility" means all or any portion of buildings, property, or structures, including the site where the building, property, structure, or equipment is located.
16. "Illegal use of drugs" means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act. 21 U.S.C. §812
17. "Individual with a disability" means a person who has a disability and does not include an individual currently engaging in the illegal use of drugs, when the district acts on the basis of such use.
18. "Major life activities" means those of central importance to daily life and include, but are not limited to, functions such as: caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sitting, reaching, writing, standing, reaching, lifting, sleeping, bending, speaking, breathing, reading, concentrating, thinking, communicating, interacting with others, learning, and working. "Major life activities" also includes physical or

mental impairments that substantially limit the operation of a major bodily function, including, but not limited to: functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, reproductive systems, and the operation of an individual organ within a body system. 28 CFR §35.108; 28 CFR §36.105

19. “Mitigating measures” means steps taken to eliminate or reduce the symptoms or impact of an impairment. “Mitigating measures” include, but are not limited to: medication; medical equipment/appliances; mobility devices; low vision devices (not including ordinary eyeglasses or contact lenses); prosthetics (including limbs and devices); hearing aids, cochlear implants, or other implantable hearing devices; oxygen therapy equipment and supplies; the use of assistive technology; reasonable modifications or auxiliary aids or services; learned behavioral or adaptive neurological modifications; and psychotherapy, behavioral, or physical therapies. 42 U.S.C. 126 §12102
  - a. Mitigating measures, must not be used when determining whether an impairment is a disability except for the use of corrective eyeglasses or contact lenses. Mitigating measures may be considered in assessing whether someone is entitled to reasonable accommodation or poses a direct threat.
20. “Office for Civil Rights” (OCR) means the United States Department of Education Office for Civil Rights.
21. “Other power-driven mobility device” means any mobility device powered by batteries, fuel, or other engines used by individuals with mobility disabilities for the purpose of locomotion, including any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair. 28 CFR §35.104
22. “Physical or mental impairment” means any physiological disorder or condition such as, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 28 CFR §35.108(b)(2) and 28 CFR§36.105(b)4

- a. Physical or mental impairments may include, but are not limited to: contagious and noncontagious diseases and conditions; orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Human Immunodeficiency Virus (HIV) (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.
  - b. Physical or mental impairments do not include: transvestism; transsexualism; homosexuality or bisexuality; gender identity disorders; sexual behavior disorders; pedophilia; exhibitionism; environmental, cultural, and economic disadvantages; pregnancy; physical characteristics; personality traits or behaviors; normal deviations in height, weight, or strength; compulsive gambling; kleptomania; pyromania; and psychoactive substance use disorders resulting from current illegal use of drugs.
  - c. An impairment that is episodic or in remission may be considered a "disability" if it would substantially limit a major life activity when active.
  - d. Not all impairments are disabilities.
23. "Public entity" means this Board of Education.
24. "Qualified individual" for the purposes of employment, means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position (based upon the employer's judgment) that such individual holds or desires. An employer's written description, prepared before advertising or interviewing applicants for the job, shall be considered evidence of the essential functions of the job. 42 U.S.C. 126 §12111(8)
25. "Reasonable accommodation" may include making existing facilities used by employees readily assessable to and usable by individuals with disabilities and job restructuring, part-time modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

26. "Record of such an impairment" means the individual has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
27. "Regarded as having an impairment" means the individual establishes that he or she has been subjected to a prohibited action under the Act because of an actual or perceived physical or mental impairment, whether or not that impairment substantially limits or is perceived to substantially limit a major life activity.
- a. For this prong only, the public entity must demonstrate the impairment is or would be both transitory (lasting or expected to last six months or less) and minor to show an individual is not regarded as having such an impairment. 42 U.S.C. 126 §12102(3)(B)
  - b. A public entity is not required to provide a reasonable modification to an individual meeting the definition of "disability" solely under the "regarded as" prong.
28. "Substantially limits" means the extent to which the impairment limits an individual's ability to perform a major life activity as compared to most people in the general population, whether or not an individual chooses to forgo mitigating measures. 42 U.S.C. 126 §12102(4); 28 CFR §35.108(d); 28 CFR §35.105(d) The rules of construction when determining whether an impairment substantially limits performance of a major life activity include:
- a. That it is broadly construed in favor of expansive coverage, to the maximum extent permitted under the Act.
  - b. That it does not demand extensive analysis.
  - c. That it substantially limits one major life activity, but not necessarily other major life activities.
  - d. That it may be episodic or in remission, as long as the impairment would substantially limit a major life activity when active.
  - e. That it need not prevent, or significantly or severely restrict, an individual from performing a major life activity.
  - f. That it requires an individualized assessment which does not create an "inappropriately high level of limitation" and is based upon the conditions, manner, or duration under which the individual can perform the major life activity 42 U.S.C. 12102(4)(B).

- g. That it generally will not require scientific, medical, or statistical evidence (although such evidence can be required where appropriate evidence that can be considered may include statements or affidavits of affected individuals and school records).
  - h. That the determination is made without regard to ameliorative effects of mitigating measures, except for the use of ordinary eyeglasses or contact lenses intended to fully correct visual acuity or eliminate refractive error. Non-ameliorative effects, such as the negative side effects of medication or a medical procedure, may also be considered.
  - i. That the effects of an impairment lasting or expected to last less than six months can be substantially limiting for establishing a disability under the first two prongs: "actual disability" or "record of".
29. "Undue hardship" means an action requiring significant difficulty or expense when considered in light of factors which include: the nature and cost of the needed accommodation; the overall financial resources of the district or facility providing the reasonable accommodation; the size of the district with respect to the number of employees; effect on expenses and resources, or the impact otherwise of accommodation upon the operation of the facilities; and the type/location of facilities. 42 U.S.C. 126 §12111 (10)
30. "Wheelchair" means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability.

## B. General Requirements

### 1. Prohibitions Against Discrimination

- a. Discrimination is prohibited against a qualified individual on the basis of a disability. Such individual will not be excluded from participation in or denied the benefits of district services, programs, or activities or be subjected to discrimination by the district in accordance with 28 CFR §35.130. The district must ensure that:
  - (1) When services, programs, and activities are viewed in their entirety, they are accessible to and usable by individuals with disabilities; and
  - (2) Access to services, programs, and activities is provided in an integrated setting unless separate programs are necessary to ensure equal benefits.

- b. The district is not required to take any action that would result in a fundamental alteration of the nature of the program or activity or undue financial or administrative burden. However, claiming undue burden still requires the district to provide access through means that would not result in a fundamental alteration or undue financial or administrative burden.

2. Direct Threat - 28 CFR §35.139

- a. The district is not required to permit an individual to participate in or benefit from the district's services, programs, or activities when that individual poses a direct threat to the health or safety of others.
- b. To determine whether an individual poses a direct threat to the health or safety of others, the district must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence to ascertain:
  - (1) The nature, duration, and severity of the risk;
  - (2) The probability that the potential injury will actually occur; and
  - (3) Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

3. Illegal Use of Drugs - 28 CFR §35.131

- a. The district will not discriminate on the basis of past illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who:
  - (1) Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;
  - (2) Is participating in a supervised rehabilitation program; or
  - (3) Is erroneously regarded as engaging in such use.
- b. While the Act does not prohibit discrimination against an individual based on that individual's current illegal use of drugs, the district will not deny health services or services provided in connection with drug rehabilitation to an individual on the basis of that individual's

current illegal use of drugs, if the individual is otherwise entitled to such services.

- c. The Act does not prohibit the district from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.

C. Personal Devices and Services

1. The district will permit individuals with mobility disabilities to use wheelchairs and manually powered mobility aids such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use. 28 CFR §35.137
2. The district will make reasonable modifications to permit the use of other power-driven mobility devices by individuals with mobility disabilities unless the district can demonstrate that the power-driven device cannot be operated in accordance with legitimate safety requirements pursuant to 28 CFR §35.137. The district will not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability. The district may require the individual to provide credible assurance that the device is required because of the person's disability.
3. The district is not required to provide individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing pursuant to 28 CFR §35.135.

D. Employment - 42 U.S.C. 126 §12112

1. Discrimination in Employment
  - a. The Board will not discriminate against a qualified individual on the basis of disability in regard to job application procedures; hiring, advancement, or discharge; compensation; job training; and other terms, conditions, and privileges of employment.
  - b. Applicants and employees working for or applying to work for the district who qualify for a job and are able to perform the essential functions of that job are entitled to reasonable accommodations provided that such accommodations do not pose undue hardship for the district.

- c. Nothing in the Act shall be construed to preempt, modify, or amend any State, county, or local law, ordinance, or regulation as outlined in N.J.A.C. 6A:32-4.1 et seq.
- d. The school district may not, on the basis of disability:
  - (1) Limit, segregate, or classify a qualified individual in a way that adversely affects his/her opportunities or status of such employee, applicant, or participant in a contractual or other arrangement;
  - (2) Utilize standards, criteria, or methods of administration that have the effect of discrimination on the basis of disability or perpetuate the discrimination of others subject to common administrative control;
  - (3) Exclude or otherwise deny equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to associate or have a relationship;
  - (4) Fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual with a disability or deny employment opportunities to such qualified individual unless the district can demonstrate that the accommodation would impose undue hardship to district operations;
  - (5) Use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out individuals with disabilities unless the standard, test, or other selection criteria, as used by the district, is shown to be job-related for the position in question and consistent with business necessity; and/or
  - (6) Select and administer tests concerning employment to otherwise qualified individuals who possess impaired sensory, manual, or speaking skills, unless done in an effective manner to ensure that, when such tests are administered to a job applicant or employee who has a disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the skills, aptitude, or other factors such tests purport to measure rather than reflecting the impaired sensory, manual, or speaking skills of the employee or applicant (except where such skills are the factors that the test purports to measure).



2. Medical Examinations and Inquiries - (42 U.S.C. 126 §12112)

a. Pre-employment

(1) Prohibited examination or inquiries:

- (a) Whether such an applicant is an individual with a disability; or
- (b) The nature or severity of such disability.

(2) Acceptable inquiry:

- (a) The ability of an applicant to perform job-related functions.

b. Employment Entrance Examinations

(1) The district may require a medical examination after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant, and may condition an offer of employment on the results of such examination, if:

- (a) All entering employees are subject to such an examination regardless of disability;
- (b) Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:
  - i. Supervisors and managers may be informed regarding necessary restrictions on work or duties of the employees and necessary accommodations;
  - ii. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
  - iii. Government officials investigating compliance with this Act, will be provided relevant information on request.

- (2) The results of such examination shall only be used in accordance with these provisions.

c. Examination and Inquiry:

- (1) Prohibited examinations and inquiries:

- (a) The district will not require a medical examination and will not make inquiries of an employee as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless such examination or inquiry is shown to be job-related and consistent with business necessity.

- (2) Acceptable examinations and inquiries:

- (a) The district may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees in the district.
- (b) The district may make inquiries into the ability of an employee to perform job-related functions.

3. Defenses - 42 U.S.C. 126 §12113

a. Qualification Standards

- (1) It may be a defense to a charge of discrimination under the Act that an alleged application of qualification standards, tests, or selection criteria that screen out, tend to screen out, or otherwise deny a job or benefit to an individual with a disability has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation, as required under the Act.
  - (a) The term "qualification standards" may include a requirement that an individual will not pose a direct threat to the health or safety of other individuals in the workplace.
  - (b) Notwithstanding 42 U.S.C. 126 §12102 (4)(E)(ii), the Board will not use qualification standards, employment tests, or other selection criteria based on

an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity.

b. Infectious and Communicable Diseases

- (1) In any case in which an individual has an infectious or communicable disease included on the list developed by the United States Secretary of Health and Human Services in accordance with the Act, and which cannot be eliminated by reasonable accommodation, and that is transmitted to others through the handling of food, the Board and its administration may refuse to assign or allow such individual to continue to work in a job involving food handling.

c. Illegal Use of Drugs and Alcohol - 42 U.S.C. 126 §12114

- (1) An individual with a disability shall not include any employee or applicant who is currently engaging in the illegal use of drugs, with exceptions noted in section B.3. of this Regulation.
- (2) The Board will hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior as other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee.

d. Drug Testing

- (1) For the purposes of the Act, a test to determine the illegal use of drugs will not be considered a medical examination.
- (2) No provision of the Act shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on such test results.

E. Program Accessibility

1. Discrimination Prohibited

a. Except as otherwise provided in 28 CFR §35.150, no qualified individual with a disability will, because the district's facilities are inaccessible to or unusable by individuals with disabilities, including inside or outside access to such facilities, may be excluded from participation in, or be denied the benefits of the services, programs, or activities of the district, or be subjected to discrimination by the district.

b. The district will maintain facilities and equipment required by the Act to be readily accessible to and usable by individuals with disabilities. This provision does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. 28 CFR §35.133

(1) In regard to existing facilities, the district will operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

(a) The district is not required to fundamentally alter the nature of a service, program, or activity, or assume undue financial or administrative burdens, or take any action threatening the historic significance of a historic property and has the burden of proving that compliance with the Act would result in such alterations or burdens. 28 CFR §35.150(a)

(b) Should the Board and Superintendent of Schools or his/her designee determine, after considering all resources available, that compliance would result in such alteration or burden, a written statement of reasons must accompany such a determination.

(c) The Board will take any other action, including, but not limited to redesign or acquisition of equipment, or reassignment of services or staff, that would not result in such alteration or burden, but would, nevertheless, ensure that individuals with disabilities receive the benefits/services provided by the district.

(2) In regard to new construction and alterations, each facility or part of a facility constructed by, on behalf of, or for the use of the district will be designed and constructed in such manner, in accordance with 28 CFR §35.151, that the facility or part of the facility is readily accessible to and usable by individuals with disabilities.

- (a) Full compliance with the requirements of 28 CFR §35.151 is not required where the district can demonstrate that it is structurally impracticable to meet the requirements.
- (b) If providing accessibility in conformance with 28 CFR §35.151 to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities, (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with 28 CFR §35.151.

F. Communications - 28 CFR §35.160

1. The district will take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.
2. The district will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the district.
  - a. Auxiliary aids and services will be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.
  - b. The district will not require an individual with a disability to bring another individual to interpret with a disability. The district will not rely on an adult accompanying an individual with a disability or on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or where the individual with a disability specifically requests that the accompanying adult interprets or facilitates communication, the accompanying adult agrees to provide such assistance, and reliance on that adult is appropriate under the circumstances.
3. Where the district communicates by telephone with applicants and beneficiaries who are deaf, hard of hearing, or who have speech impairments, text telephones (TTYs) or equally effective telecommunications systems equipped with emergency service access will

be used to communicate, in the same time and manner as with other telephone systems (including automated systems). 28 CFR §35.161

4. The district will ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities, including signage at all inaccessible facility entrances. 28 CFR §35.163

G. Grievance Procedure - 28 CFR §35.107(b)

1. A complainant who believes that he/she has been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy shall first discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.
2. If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the District Coordinator. The complaint will include:
  - a. The complainant's name and address;
  - b. The specific act or practice of which the complainant complains;
  - c. The employee, if any, responsible for the allegedly discriminatory act;
  - d. Results of discussions conducted in accordance with paragraph G.1. above; and
  - e. Reasons why those results are not satisfactory.
3. The District Coordinator will investigate the matter informally and will respond to the complainant in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.
4. The response of the District Coordinator may be appealed to the Superintendent in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily.
5. On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven working

days after the request for a hearing has been submitted. The Superintendent may also require at the hearing the presence of the staff member charged with a discriminatory act and any other person with knowledge of the complained act.

6. The Superintendent will render a written decision in the matter no later than seven working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties.
7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the School Business Administrator/Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal shall include:
  - a. The original complaint;
  - b. The response to the complaint;
  - c. The Superintendent's decision;
  - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented; and
  - e. The complainant's reason for believing the Superintendent's decision should be changed.
8. If a staff member is charged with a discriminatory act, the Board will provide a copy of the appeal to that staff member.
9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
11. The complainant will be informed of his/her right to appeal the Board's decision to the:

U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Civil Rights Division  
Disability Rights Section – 1425 NYAV  
Washington, D.C. 20530

12. An individual who believes he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by the district may, by himself/herself, or an authorized representative, at any time, file a complaint directly with OCR.
13. Record:
  - a. The record of any complaint processed in accordance with this procedure will be maintained in a file kept by the District Coordinator.
  - b. A copy of the decision rendered at the highest level of appeal will be kept in the employee's personnel file.

Revised (First Reading): January 25, 2017

Revised (Second Reading): February 16, 2017



2415.30 TITLE I – EDUCATIONAL STABILITY FOR  
CHILDREN IN FOSTER CARE

The Federal Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act (ESEA), initiated protections for children in foster care that further enhanced the requirements of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act). These provisions require school districts to work with child welfare agencies to ensure the educational stability of children in foster care. New Jersey statutes support and implement Federal legislation and require New Jersey's child welfare agencies and school districts to collaborate and to keep children placed in foster care in the same school when their living placements change if remaining in that school is in the child's best interest. The educational stability of children in foster care is the joint responsibility of both the educational and child welfare systems.

The Supervisor of Special Programs shall be designated as the Board of Education's point of contact person for all matters related to the educational stability for children in foster care. The point of contact person for the school district shall not be the same person designated as the school district liaison for the education of homeless children.

For the purpose of this Policy, "child welfare agency" shall be the New Jersey Department of Children and Families.

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

For the purpose of this Policy, "school of origin" is the school district in which the child is enrolled at the time of placement in foster care or the school district of residence as per N.J.S.A. 30:4C-26 and N.J.S.A. 18A:7B-12.

A child in foster care shall remain in his/her school of origin if it is determined to be in the best interest of the child for the duration of time in foster care.

If a student attending the school district in accordance with the provisions of N.J.S.A. 18A:38-1 et seq. is placed in foster care, the school district contact person will collaborate with child welfare agencies to determine whether it is in the child's best interest to remain in the school district taking into consideration all factors relating to the child's best interest. These factors shall include the appropriateness of the current educational setting and proximity of placement (ESEA Section 1111(g)(1)(E)(i)). These factors may include, but are not limited to:

1. Preferences of the child;
2. Preferences of the child's parent(s) or educational decision maker(s);

3. The child's attachment to the school, including meaningful relationships with staff and peers;
4. The proximity of the resource family home to the child's present school;
5. The age and grade level of the child as it relates to the other best-interest factors;
6. The needs of the child, including social adjustment and well-being;
7. The child's performance, continuity of education, and engagement in the school the child presently attends;
8. The child's special education programming if the child is classified;
9. The point of time in the school year;
10. The child's permanency goal and likelihood of reunification;
11. The anticipated duration of the placement;
12. Placement of the child's sibling(s);
13. Influence of the school climate on the child, including safety;
14. The availability and quality of the services in the school to meet the child's educational and socio-emotional needs;
15. History of school transfers and how they have impacted the child;
16. How the length of the commute would impact the child, based on the child's developmental stage;
17. Whether the child is a student with a disability under the Individuals with Disabilities Act (IDEA) who is receiving special education and related services or a student with a disability under Section 504 who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin; and
18. Whether the child is an English language learner (ELL) and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin, consistent with Title VI and the Equal Educational Opportunities Act of 1974 (EEOA).

The school district's point of contact person will discuss these factors and will make every effort to gather meaningful input and participation from the relevant parties, including appropriate school personnel, in the best-interest determination.

Eligible students with disabilities retain their right to receive a free appropriate public education in the least restrictive environment. When making a best-interest determination regarding the educational placement of a student with a disability under IDEA and Section 504, the Board must ensure that all required special education and related services are provided in the least restrictive placement where the child's unique needs, as described in the student's Individualized Education Program (IEP) or Section 504 Plan, can be met. The school district will identify and assess all potential ELL students and provide all ELL students, including ELL students in foster care, with a language assistance program that is educationally sound and proven successful. When a best-interest determination is made for an ELL student in foster care, the Board of Education will comply with its obligations under Title VI and the EEOA.

To the extent feasible, a child shall remain in his/her school of origin until a final best-interest determination is made. The child welfare agency will notify the school district of origin of the child's school placement after collaboration with the Board of Education's point of contact person and after the child's best-interest determination has been made. If a change of school is recommended by the child welfare agency, the new school shall immediately contact the school of origin to obtain relevant academic and other records of the foster care child. The financial responsibility for the payment of tuition for a foster care child placed outside the school district of origin and attending school outside the school district of origin shall be determined by the Commissioner of Education in accordance with N.J.S.A. 18A:7B-12 -- Determination of District of Residence.

A foster care child who has been placed in this district and exits foster care during the school year will not be permitted to continue in this school district for the remainder of the school year.

In the event there is a disagreement regarding school placement for a child in foster care, the school district will comply with the legal requirements for resolving the dispute. A parent can appeal a best-interest determination whenever the child changes schools.

Children placed in foster care outside the school district of origin, attending a school in that district, will be provided transportation to and from school in accordance with N.J.A.C. 6A:27-6.1 et seq. and the Transportation Policy of that district. The district of origin is financially responsible for transportation costs to and from school.

Children placed in foster care outside the school district of origin, but remaining in a school within the school district of origin, shall receive transportation to and from school on a "cost-efficient" manner and in accordance with Section 475(4)(A) of the Social Security Act for the duration of the time the child is in foster care. The district of origin is financially responsible for transportation costs to and from school.

The cost of transportation shall not be considered when determining the best interest of the child.

Section 475(4)(A) of the Social Security Act provides guidance on “cost-effective” transportation as it relates to the cost of reasonable travel for foster care children placed outside the school district of origin to their school of origin indicating: the child may be dropped off at a bus stop just within the school district of origin to be transported to a school in the district of origin; the school district may offer a public transportation option; the foster care parents or other families may be willing to drive the child to school in the school district of origin; the school district may utilize pre-existing bus routes or stops close to the out-of-district foster care placement that cross school district boundaries; or the foster care child may be eligible for transportation under other Federal or State requirements.

In the event there is a disagreement regarding transportation for a child in foster care, the school district will comply with the New Jersey Department of Education requirements for resolving the dispute. The Board of Education shall provide or arrange for adequate and appropriate transportation for foster care children while any disputes are being resolved.

In all cases regarding student data and records, the Board of Education will comply with all statutory requirements to protect student privacy, including Family Education Rights and Privacy Act (FERPA), and all other privacy requirements under Federal laws, State statutes, and administrative codes.

N.J.S.A. 18A:7B-12

N.J.S.A. 30:4C-26

New Jersey Department of Education Memorandum dated October 4, 2016 –

Ensuring Educational Stability for Children in Foster Care

United States Departments of Education and Health and Human Services – Non-

Regulatory Guidance - Ensuring Educational Stability for Children in Foster

Care – June 23, 2016

First Reading: January 25, 2017

Second Reading: February 16, 2017

2418 SECTION 504 OF THE REHABILITATION ACT OF 1973 -  
STUDENTS

The Board will comply with Section 504 of the Rehabilitation Act of 1973, the purpose of which is to eliminate discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

Guarantee of Rights

The Board will provide a free appropriate public education to each student with a disability regardless of the nature or severity of the disability.

The Board will make reasonable accommodations to ensure that no student with a disability, solely on the basis of the disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by this Board, including participation in non-academic and extracurricular services and activities.

The administration will undertake to identify and locate all students with disabilities between the ages of three and twenty-two, who are residing within the district, but not receiving a public school education. The administration will take steps to notify such students and their parents of the district's duty to provide accommodations for students with disabilities as well as procedures to determine eligibility for such accommodations.

Educational Setting

The Board will ensure that a student with a disability participates with nondisabled students in activities and services to the maximum extent appropriate to the needs of the student with a disability.

The school administration will place a student with a disability in the regular educational environment within the district unless the district demonstrates that the education of the student with a disability in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily.

Evaluation and Placement

The Board will establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need accommodations, special education, and/or related services because of a disability. Evaluations may include, but are not limited to, a review of work samples, direct observation, interviews, and/or administration of assessment measures.

## Enforcement

The Building Principal is designated by the Board as the District 504 Coordinator for matters dealing with Section 504 of the Rehabilitation Act of 1973 and can be contacted at the following address or telephone number:

Euclid School  
1 Burton Avenue  
Hasbrouck Heights, NJ 07604  
201-393-8176

Lincoln School  
302 Burton Avenue  
Hasbrouck Heights, NJ 07604  
201-393-8182

Hasbrouck Heights Middle/High School  
365 Boulevard  
Hasbrouck Heights, NJ 07604  
201-393-8155 – High School  
201-393-8170 – Middle School

## Procedural Safeguards

The district will establish and implement a system of procedural safeguards with respect to the identification, evaluation, or provision of services under Section 504. This system includes notice, an opportunity for the parent to examine relevant records, an impartial hearing with the opportunity for participation by the parent and representation by counsel, and a review procedure. These procedural safeguards shall be in accordance with N.J.A.C. 6A:14 et seq., Policy 2460, Regulation 2460.8, and/or the grievance procedures outlined in Regulation 2418.

## Notice

The Board will notify members of the community that the Board does not discriminate on the basis of a disability in violation of Section 504 of the Rehabilitation Act of 1973. Policy and Regulation 2418 may be reprinted in part or in full and distributed to serve as adequate notice.

## State or Local Law

The obligation to comply with the Rehabilitation Act of 1973 is not obviated or alleviated by the existence of any State or local law or other requirement that, on the basis of disability, imposes prohibitions or limits upon the eligibility of a student with a disability to receive services.

29 U.S.C. 794 (Section 504 Rehabilitation Act of 1973)  
20 U.S.C. 1401 et seq. (Individuals with Disabilities Education Act)  
42 U.S.C. 12101 (Americans with Disabilities Act of 1990, as amended)

First Reading: January 25, 2017  
Second Reading: February 16, 2017

R 2418 SECTION 504 OF THE REHABILITATION ACT OF 1973 - STUDENTS

It is the policy of the Board of Education that no qualified student with a disability will, solely on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by this Board. The Board will also comply with the Individuals with Disabilities Education Act through the implementation of Policy 2460 and Regulations 2460 through 2460.16.

A. Definitions

1. "Accommodation" means a change in the educational setting, instructional strategies, materials, and/or supplementary/related aids and services that does not significantly alter the content of the curriculum or level of expectation for a student's performance, but which allows the student to access the regular general education curriculum.
2. "Act" means the Rehabilitation Act of 1973.
3. "Aids and Services" means aids and services designed to meet the individual student's educational needs to the same extent as the needs of students without disabilities are met. 34 CFR §104.33
4. "Board" means the Board of Education of this school district.
5. "Complainant" means a parent of a student with a disability who files a grievance in accordance with the grievance procedure.
6. "Day" means either calendar or working day, as specified in the Act.
7. "Disability" means, with respect to an individual, that the individual meets one or more of the following three prongs:
  - a. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
  - b. A record of such an impairment; or
  - c. Being regarded as having such an impairment.
8. "District" means this school district.
9. "District 504 Coordinator" means the district official responsible for the coordination of activities relating to compliance with the Act.
10. "FAPE" means free appropriate public education. FAPE consists of the provision of regular or special education and related aids and services designed to meet the educational needs of a student with a disability to the same extent as the needs of non-disabled students are met.



11. "Grievance" means an unresolved problem concerning the interpretation or application of law and regulations regarding discrimination by reason of a disability by an officer or employee of this district.
12. "Individuals with Disabilities in Education Act" (IDEA) identifies eligible children and young adults who have specific types of disabilities and, thus, require special education and related services. If they qualify, students receiving services through IDEA may also be eligible for services under Section 504 and ADA.
13. "Major life activities" means those of central importance to daily life and include, but are not limited to, functions such as: caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sitting, writing, standing, reaching, lifting, sleeping, bending, speaking, breathing, reading, concentrating, thinking, communicating, interacting with others, learning, and working. "Major life activities" also include physical or mental impairments that substantially limit the operation of a major bodily function, including, but not limited to: functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, reproductive systems, and the operation of an individual organ within a body system. 28 CFR §35.108; 28 CFR §36.105
14. "Mitigating measures" means steps taken to eliminate or reduce the symptoms or impact of an impairment. "Mitigating measures" include, but are not limited to: medication; medical equipment/appliances; mobility devices; low vision devices (not including ordinary eyeglasses or contact lenses); prosthetics (including limbs and devices); hearing aids, cochlear implants, or other implantable hearing devices; oxygen therapy equipment and supplies; the use of assistive technology; reasonable modifications or auxiliary aids or services; learned behavioral or adaptive neurological modifications; and psychotherapy, behavioral, or physical therapies. 42 U.S.C. 126 §12102
  - a. Mitigating measures, must not be used when determining whether an impairment is a disability except for the use of corrective eyeglasses or contact lenses. Mitigating measures may be considered in assessing whether someone is entitled to reasonable accommodation or poses a direct threat.
15. "Physical or mental impairment" means any physiological disorder or condition such as, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic and lymphatic, skin,

and endocrine; or any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 28 CFR §35.108(b)(2) and 28 CFR§36.105(b)4

- a. Physical or mental impairments may include, but are not limited to: contagious and noncontagious diseases and conditions; orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; intellectual disability; emotional illness; dyslexia and other specific learning disabilities; Attention Deficit Hyperactivity Disorder (ADHD); Human Immunodeficiency Virus (HIV) (whether symptomatic or asymptomatic); tuberculosis; drug addiction; and alcoholism.
  - b. Physical or mental impairments do not include: transvestism; transsexualism; homosexuality or bisexuality; gender identity disorders; sexual behavior disorders; pedophilia; exhibitionism; environmental, cultural, and economic disadvantages; pregnancy; physical characteristics; personality traits or behaviors; normal deviations in height, weight, or strength; compulsive gambling; kleptomania; pyromania; and psychoactive substance use disorders resulting from current illegal use of drugs.
  - c. An impairment that is episodic or in remission may be considered a “disability” if it would substantially limit a major life activity when active.
  - d. Not all impairments are disabilities.
16. “Qualified student with a disability” means a student with a disability at the preschool, elementary, or secondary level, who is: (1) of an age at which students without disabilities are provided educational services; (2) of an age at which it is mandatory under State law to provide educational services to students with disabilities; or (3) a student to whom a State is required to provide a free appropriate public education under the Individuals with Disabilities Education Act (IDEA).
17. “Record of such an impairment” means has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
18. “Regarded as having an impairment” means the individual establishes that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment, whether or not that impairment substantially limits or is perceived to substantially limit a major life activity.

- a. For this prong only, the public entity must demonstrate the impairment is or would be both transitory (lasting or expected to last six months or less) and minor to show an individual is not regarded as having such an impairment. 42 U.S.C. 126 §12102(3)(B)
  - b. A public entity is not required to provide a reasonable modification to an individual meeting the definition of “disability” solely under the “regarded as” prong.
19. “Section 504” means Section 504 of the Act.
20. “Student” means an individual enrolled in any formal educational program provided by the school district.
21. “Substantially limits” means the extent to which the impairment limits a student’s ability to perform a major life activity as compared to most people in the general population, whether or not an individual chooses to forgo mitigating measures. 42 U.S.C. 126 §12102 (4); 28 CFR §35.108(d); 28 CFR §35.105(d) The rules of construction when determining whether an impairment substantially limits a student in a major life activity include:
- a. That it is broadly construed in favor of expansive coverage, to the maximum extent permitted under the Act.
  - b. That it does not demand extensive analysis.
  - c. That it substantially limits one major life activity, but not necessarily other major life activities.
  - d. That it may be episodic or in remission, as long as the disability would substantially limit a major life activity when active.
  - e. That it need not prevent, or significantly or severely restrict, an individual from performing a major life activity.
  - f. That it requires an individualized assessment which does not create an “inappropriately high level of limitation” and is based upon the conditions, manner, or duration under which the individual can perform the major life activity 42 U.S.C. 12102(4)(B).
  - g. That it generally will not require scientific, medical, or statistical evidence (although such evidence can be required where appropriate - evidence that can be considered may include statements or affidavits of affected individuals and school records).
  - h. That the determination is made without regard to ameliorative effects of mitigating measures, except for the use of ordinary

eyeglasses or contact lenses intended to fully correct visual acuity or eliminate refractive error. Non-ameliorative effects, such as the negative side effects of medication or a medical procedure, may also be considered.

- i. That the effects of an impairment lasting or expected to last less than six months can be substantially limiting for establishing a disability under the first two prongs: "actual disability" or "record of".

B. District 504 Coordinator - 34 C.F.R. §104.7(a)

1. The District 504 Coordinator will be responsible for the initial evaluation of all allegations, reasonable accommodations (if required), and re-evaluations.
2. The District 504 Coordinator will comply with the mediation and due process requirements pursuant to N.J.A.C. 6A:14-2.6 and 6A:14-2.7 where applicable in cases arising from Section 504.

C. Educational Program

1. General:
  - a. The Board will not, on the basis of a disability, exclude a student with a disability from a program or activity and will take into account the needs of such student in determining the aid, benefits, or services to be provided under a program or activity.
  - b. Identification for special education services under IDEA and accommodations under Section 504 are not mutually exclusive.
  - c. Students not otherwise eligible for special education programs and/or related services pursuant to N.J.A.C. 6A:14-1 et seq. may be referred to the District 504 Coordinator by the parent or staff member.
  - d. The Board will provide reasonable accommodation(s) to students with disabilities notwithstanding any program and/or related services required pursuant to N.J.A.C. 6A:14-1 et seq.

D. Free Appropriate Public Education (FAPE) - 34 CFR §104.33

1. FAPE must be provided without cost to the student's parent, except for those fees imposed on a parent of a non-disabled student.

2. The district may place a student with a disability in or refer such student to a program other than one it operates as its means of carrying out the provisions of this Regulation.
  - a. The district will continue to maintain responsibility for ensuring the requirements of the Act are met in respect to any student with a disability so placed or referred.
  - b. The district will ensure adequate transportation to and from the program, provided at no greater cost than would be incurred by the parent if the student were placed in a program operated by the district.
    - (1) The administration will consider the proximity of any alternative setting to the student's home.
    - (2) If a public or private residential placement is necessary to provide FAPE to a student with a disability, the placement, including non-medical care, room, and board, shall be provided at no cost to his/her parent.

E. Evaluation and Placement - 34 CFR §104.35

1. The Board will establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need special education and/or related services on the basis of disability.
  - a. Section 504 evaluations may encompass record and work sample review; direct observation in the natural setting; interviews with the student, parent, and school personnel; and/or administration of assessment measures. They do not include independent evaluations.
  - b. It may be determined that additional data is required, including the administration of formal standardized instruments and data on conditions in remission or episodic in nature. Tests and other evaluation materials must meet the following criteria:
    - (1) Validated for the specific purpose for which they are used and administered by trained personnel;
    - (2) Tailored to assess specific areas of educational need and not merely those designed to provide a single intelligence quotient; and

- (3) Accurately reflect aptitude or achievement or whatever else the tests purport to measure, rather than the student's impaired sensory, manual, or speaking skills (unless the test is designed to measure these particular factors).
2. In interpreting evaluation data and in making placement decisions, the district will:
  - a. Draw information from a variety of sources, including, but not limited to: aptitude and achievement tests, medical evaluations, teacher recommendations, physical condition, social and cultural background, and adaptive behavior;
  - b. Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;
  - c. Ensure that placement decisions are made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and placement options; and
  - d. Ensure that placement decisions are made in conformity with this Regulation and 34 CFR §104.34.
3. The District 504 Coordinator will establish timelines for re-evaluations of students receiving reasonable accommodation(s). A parent may request a re-evaluation at any time upon written request to the District 504 Coordinator.
4. Copies of requests for evaluation and related documents will be maintained in a designated Section 504 file folder placed in the student's cumulative record.

F. Section 504 and Special Education

1. A student who qualifies for Section 504 services may not qualify for special education under IDEA; likewise, a student who qualifies under IDEA may not qualify under Section 504.
2. A referral for a Section 504 evaluation may be made concurrently with a pending special education evaluation. In such instances, the Section 504 evaluation should be conducted during the same timeline utilized for the special education assessment. Generally, the Section 504 evaluation should be conducted in less than sixty days.
3. If a student is found eligible under Section 504 prior to the special education team's findings, a Section 504 Accommodation Plan will be developed pending the special education team's findings. If the student is then found eligible for special education, an Individualized Education Program (IEP)

will be developed and the IEP team can incorporate into the IEP any accommodations/services provided in the Section 504 Accommodation Plan.

4. A separate Section 504 team meeting will be convened when a student is identified as eligible for special education and no longer requires accommodations/services under Section 504.
5. When an IEP team determines a student is not eligible or no longer eligible for special education, there may be circumstances when a Section 504 referral for evaluation may be appropriate and should be considered. The IEP team may document the student is being referred for a Section 504 evaluation, and the eligibility evaluation shall be addressed in a separate Section 504 team meeting.

G. Section 504 Accommodation Plan

1. The District 504 Coordinator will assist in organizing a team of individuals responsible for receiving referral documents; securing evaluation information; and determining eligibility and appropriate accommodations, related aids or services for eligible students with disabilities. The team must be comprised of people who:
  - a. Are knowledgeable about the student;
  - b. Understand the meaning of evaluation data; and
  - c. Are familiar with placement options.
2. The District 504 Coordinator, based on the evaluation of the student eligible for services under Section 504, will prepare a Section 504 Accommodation Plan which may include as relates to the student:
  - a. Name;
  - b. Date of birth;
  - c. Current educational placement;
  - d. Name of the District 504 Coordinator preparing the Section 504 Accommodation Plan;
  - e. Disabling condition:
    - (1) Major life activity impaired;

- (2) Educational impact; and
- (3) Impact on related educational progress.

f. Accommodation (as appropriate):

- (1) Physical and learning environment;
- (2) Instructional;
- (3) Behavioral;
- (4) Evaluation;
- (5) Medical; and/or
- (6) Transportation.

g. Other:

- (1) List of individuals participating in the development of the plan, along with their titles and the date(s) of their participation.
- (2) Certification by the student's parent that he or she has participated in the development of the plan and provided consent to its implementation.
- (3) A waiver of the fifteen days' notice prior to the implementation of the plan by the parent if the plan is to be implemented sooner than the fifteen days.

3. A Section 504 Accommodation Plan should not:

- a. Modify the curriculum;
- b. Exempt a student from a course or subject required for graduation;
- c. Alter the level of expectation for a student's performance;
- d. Provide an extended time accommodation only for standardized testing when it is not required as part of the regular program of evaluation;
- e. Include any testing accommodations unless authorized by the testing agency; and



- f. Assign responsibility for implementing Section 504 accommodations to another student.
- 4. A Section 504 Accommodation Plan should:
  - a. Directly relate to a student's identified needs;
  - b. Be specific, measurable, and tailored to meet students' identified needs to allow for consistent implementation;
  - c. Be written to incorporate specific symptoms, behavior, or triggers that elicit implementation of the accommodation or service if required only occasionally; and
  - d. Clearly state how much extended time is required based upon a student's identified needs, if the Section 504 team determines such an accommodation is appropriate.
- 5. Students needing medication:
  - a. Not all students needing medication administered by school staff will require a Section 504 Accommodation Plan. It is not necessary to qualify a student as having a disability that substantially limits a major life activity under Section 504 in order to provide a service that schools perform for all general education students.
  - b. A Section 504 referral with the potential for a subsequent Section 504 Accommodation Plan is appropriate when a student is found to have a disability that substantially limits a major life activity and needs medication administered on a systematic basis to receive equal access to the educational program.

H. Nonacademic/Extracurricular Services - 34 CFR §104.37

- 1. Nonacademic and Extracurricular Services may include counseling, physical recreational athletics, transportation, health services, recreational activities, special interest groups or school clubs, and/or referrals to agencies which provide assistance to students with disabilities and student employment.
- 2. The Board and administration will ensure that students with disabilities are not counseled toward more restrictive career objectives than are nondisabled students with similar interests and abilities.
- 3. The Board will provide to students with disabilities equal opportunity as afforded nondisabled students for participation in physical education courses, athletics, and similar programs and activities.

- a. The district may offer students with disabilities physical education and athletic activities that are separate or different from those offered to nondisabled students only if the separation or differentiation is consistent with the requirements of 34 CFR §104.34 and only if no student with a disability is denied the opportunity to compete or to participate.

I. Grievance Procedure - 34 CFR §104.7(b)

1. This grievance procedure shall apply to a student with a disability alleging discrimination under the provisions of Section 504 of the Rehabilitation Act of 1973.
2. The parent who believes his or her child has a valid basis for a grievance under Section 504 shall file an informal complaint in writing with the District 504 Coordinator stating the specific facts of the grievance and the alleged discriminatory act.
3. The District 504 Coordinator will make reasonable efforts to resolve the matter informally by reviewing the grievance with appropriate staff including, but not limited to: the Principal, Child Study Team staff, and/or classroom teacher(s).
4. The District 504 Coordinator will investigate and document the complaint including dates of meetings, dispositions, and date(s) of dispositions. The District 504 Coordinator will provide a written decision to the complainant within seven working days of the written complaint.
5. If the complainant is not satisfied with the District 504 Coordinator's written decision, the complainant may appeal the decision in writing, setting out the circumstances that give rise to the alleged grievance. This written appeal must be filed with the District 504 Coordinator within three working days of the complainant's receipt of the written decision. The written appeal must state the basis for the appeal and the remedy sought by the complainant.
6. The District 504 Coordinator will appoint a qualified hearing officer within seven working days of the receipt of the written appeal. The hearing officer will conduct a hearing within seven working days of receipt of the written appeal. The hearing officer will give the parent a full and fair opportunity to present evidence relevant to the issues raised under the initial grievance. The parent may, at his or her own expense, be assisted or represented by individuals of their choice, including legal counsel. The hearing officer will present a written decision to the District 504 Coordinator and aggrieved individual within seven working days of the hearing.

7. The complainant may file a written appeal to the Board if not satisfied with the hearing officer's decision provided the written appeal is submitted to the Superintendent within three working days of the complainant's receipt of the hearing officer's written decision. The Board may, but is not required to, conduct a Board hearing on the appeal.
8. The complainant may request mediation and due process in accordance with N.J.A.C. 6A:14-2.6 and 2.7 if unsatisfied with the written decision of the Board. If specifically requested by the parent, the aforementioned N.J.A.C. 6A:14-2.6 and 2.7 grievance procedures must be followed.

First Reading: January 25, 2017

Second Reading: February 16, 2017

## 5116 EDUCATION OF HOMELESS CHILDREN

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

**The Board of Education** ~~The district will~~ **shall** determine **that** a child is homeless when he or she resides in a publicly or privately operated shelter designed to provide temporary living accommodations, including: hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers. A child is also determined homeless when he or she resides in a public or private place not designated for or ordinarily used as a regular sleeping accommodation, including: cars or other vehicles ~~excluding~~ **including** mobile homes; tents or other temporary shelters; **parks; abandoned buildings; bus or train stations;** temporary shelters provided to migrant workers and their children on farm sites; and the residence of relatives or friends ~~with whom~~ **where** the homeless child **resides** ~~is temporarily residing~~ out of necessity because **his or her** ~~the~~ family lacks a regular or permanent residence of its own. **A child is also determined homeless when he or she resides in substandard housing or any temporary location wherein children and youth are awaiting foster care placement.**

The **school** district of residence for a homeless child is responsible for the education of the child and ~~shall will~~ assume all responsibilities as required in N.J.A.C. 6A:17-2.34 ~~et seq.~~ The **school** district of residence **for a homeless child means** is the **school** district in which the parent(s) or legal guardian(s) of a homeless child **resided** ~~last resided~~ prior to becoming homeless.

The **school** district liaison **designated by the Superintendent of Schools** for the education of homeless children is **Supervisor of Special Programs**. The liaison will facilitate communication and cooperation between the **school** district of residence and the **school** district where the homeless child **resides and shall assume all responsibilities as outlined in N.J.A.C. 6A:17-2.4(a).** ~~is temporarily residing and will develop procedures to ensure that a homeless child temporarily residing in the district is enrolled and attending school pursuant to N.J.A.C. 6A:17-2.6.~~

When a homeless child **resides in a school district** ~~is living temporarily in the school district~~, the **school** district liaison **shall notify the liaison of the school district of residence within twenty-four hours of receiving notification from the parent, the Department of Human Services or the Department of Children and Families, a shelter director, an involved agency, or a case manager.** ~~upon receiving notification from the parent(s) or legal guardian(s), the Department of Human Services, a shelter director, an involved agency, or a case manager, will notify the liaison of the district of residence within twenty-four hours of the notification.~~ Upon notification of the need for enrollment of a homeless child, the liaison in the **school** district of residence ~~shall will~~ coordinate

enrollment procedures immediately based upon the best interest of the child pursuant to N.J.A.C. 6A:17-2.56(b).

The Superintendent **of the school district of residence** or designee ~~of the district of residence~~ shall decide **in which school** the district of enrollment of the homeless child **shall be enrolled** in accordance with **the provisions of N.J.A.C. 6A:17-2.56 et seq.**

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

**When** ~~If~~ a dispute occurs regarding the determination of homelessness **or the determination of the school district of enrollment made by the school district of residence**, the Superintendent(s) **or the designee(s)** of the involved district(s) or the **child's** parent(s) ~~or legal guardian(s) of the child must~~ **shall** immediately notify the Executive County Superintendent of Schools, who, **in consultation with the Department of Education's McKinney-Vento Homeless Education Coordinator or designee**, shall **immediately** ~~will~~ decide the **child's** status ~~of the child within two working days~~. If a dispute remains between the parent(s) ~~or legal guardian(s) and/or~~ **and the involved the** school district(s) following the Executive County Superintendent's determination, the parent(s) ~~or legal guardian(s) or the involved district Board(s) of Education may appeal to the Commissioner of Education for determination pursuant to N.J.A.C. 6A:3, Controversies and Disputes et seq.~~

**When a school** ~~If the district is designated as the school district of residence and disputes its such designation as the school district of residence~~, or where no designation can be agreed upon by **the involved school districts**, the Superintendent(s) **or designee(s)** of the involved school districts shall immediately notify the Executive County Superintendent of Schools, who **shall immediately** ~~will~~ make a determination, **if possible, but no later than within forty-eight hours** ~~within two working days~~. The district ~~may appeal the County Superintendent's determination to the Department of Education pursuant to N.J.A.C. 6A:23-5.2(d), (e), and (f).~~

If ~~a the~~ dispute occurs regarding the determination of the district of **residence enrollment** **does not involve the determination of homelessness and/or district enrollment**, the school district ~~made by the district of residence, disputing the Executive County Superintendent's determination may appeal to the Department of Education pursuant to N.J.A.C. 6A:23A-19.2(d), (e), and (f) and request a determination from the Division of Administration and Finance.~~ ~~of the district of residence shall immediately notify the County Superintendent of Schools. The County Superintendent will determine within two working days where the child shall be enrolled based on the child's best interest pursuant to N.J.A.C. 6A:17-2.6(b).~~ ~~If the County Superintendent's decision is disputed, the Department of Education shall provide for mediation in accordance with N.J.A.C. 6A:17-2.8(e)1.~~ **If an appeal of a determination of district of residence also includes an appeal of the determination of homelessness and/or school district of enrollment, the appeal shall be submitted to the Commissioner of Education pursuant to N.J.A.C. 6A:3, Controversies and Disputes.**

**Any** ~~A~~ dispute or appeal ~~shall will~~ not delay the homeless child's immediate **enrollment or continued enrollment in the school district entrance into school**. The homeless child ~~shall will~~ be enrolled in the **school district in which enrollment or continued enrollment is sought by the parent, pending resolution of the dispute or appeal designated by the County Superintendent pending resolution of the dispute or appeal**. Disputes and appeals involving the services provided to a homeless child with **a disability educational disabilities** ~~shall will~~ be made pursuant to N.J.A.C. 6A:14.

Financial responsibility, including the payment of tuition for the homeless child, will be in accordance with N.J.A.C. 6A:17-2.89 ~~et seq.~~ The **school** district of residence shall list the child on its annual Application for State School Aid (ASSA) pursuant to N.J.S.A. 18A:7F-33 **until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence shall no longer list the student on its ASSA.** ~~as long as the parent(s) or legal guardian(s) remains homeless and the child is enrolled in another school district. If a district of residence cannot be determined for a homeless child or if a district of residence is outside of the State, T~~he State ~~shall will~~ assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12.1(e) **and shall pay the tuition to the school district in which the child is currently enrolled until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. under the circumstances outlined in N.J.A.C. 6A:17-2.8(c).** ~~The State will pay the tuition, in accordance with N.J.A.C. 6A:17-2.9(c)1., to the school district in which the child is currently enrolled for as long as the child and his or her parent(s) or legal guardian(s) remain homeless.~~

**N.J.S.A. 18A:7B-12; 18A:7B-12.1**

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

Revised (First Reading): January 25, 2017

Revised (Second Reading): February 16, 2017

R 5116 EDUCATION OF HOMELESS CHILDREN

A. Definitions (N.J.A.C. 6A:17-1.2)

1. **"School d**~~District~~ **liaison for the education of homeless children"** means the person identified in **the each** school district that facilitates all ~~of the~~ activities needed to ensure the enrollment **and attendance** of homeless children.
2. **"School d**~~District~~ **of residence" for a homeless child** means the school district in which the parent **of a homeless child** last resided prior to becoming homeless. **It may not be the school district in which the student currently resides. This is synonymous with the term "school district of origin" referenced in the McKinney-Vento Homeless Education Assistance Act. "School district of residence" for a student in a State facility means the school district in which the parent with whom the student lived prior to placement in a State facility currently resides pursuant to N.J.S.A. 18A:7B-12.b.**
3. "Homeless child" means a child or youth who lacks a fixed, regular, and adequate residence, pursuant to N.J.S.A. 18A:7B-12 and N.J.A.C. 6A:17-2.32.
4. **"Immediate" or "immediately" means at the instant the need for placement is made known.**
54. "Parent" means the natural or adoptive parent, legal guardian, foster parent, surrogate parent, ~~or and~~ person acting in the place of a parent such as the person with whom the child legally resides or a person legally responsible for the child's welfare.
65. "Superintendent" means Superintendent and/or Chief School Administrator.

B. Determination of ~~Homelessness~~ Homeless Status (N.J.A.C. 6A:17-2.2)

1. **The Board of Education** ~~The district shall will~~ determine **that** a child is homeless **for the purposes of N.J.A.C. 6A:17-2** when he or she resides in any of the following:
  - a. A publicly or privately operated shelter designed to provide temporary living accommodations, including: hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers;
  - b. A public or private place not designated for or ordinarily used as a regular sleeping accommodation, including: cars or other vehicles

**including excluding** mobile homes; tents or other temporary shelters; **parks; abandoned buildings; bus or train stations;** or temporary shelters provided to migrant workers and their children on farm sites-;

- c. The residence of relatives or friends ~~where with whom~~ the homeless child **resides is temporarily residing** out of necessity because **his or her** the family lacks a regular or permanent residence of its own-;
- d. **Substandard housing; or**
- e. **Any temporary location wherein children and youth are awaiting foster care placement.**

C. Responsibilities of the **School** District of Residence (N.J.A.C. 6A:17-2.3)

- 1. The **school** district of residence for a homeless child is responsible for the education of the child and **shall will**:
  - a. Determine the **school** district in which the child shall be enrolled after consulting with the parent pursuant to N.J.A.C. 6A:17-2.56;
  - b. Pay the cost of tuition pursuant to ~~N.J.A.C. 6A:23-3.1~~ **N.J.S.A. 18A:38-19**, when the child attends school in another **school** district; and
  - c. Provide for transportation for the child pursuant to N.J.A.C. 6A:27-6.2.
- 2. The determination of the homeless child's **school** district of residence ~~will~~ **shall** be made by the Superintendent **of the school district of residence** or designee ~~of the school district(s) involved~~ pursuant to N.J.A.C. 6A:17-2.45. ~~This determination will be based upon information received from the parent, the Department of Human Services or the Department of Children and Families, a shelter provider, another school district, an involved agency, or a case manager.~~
- 3. The district Board of Education identified **in accordance with N.J.S.A. 18A:7B-12** as the **school** district of residence ~~in accordance with N.J.S.A. 18A:7B-12~~ for a homeless child ~~shall be~~ **is the school** district of residence **until the parent establishes a permanent residence for as long as the parent remains homeless. Financial responsibility will remain with the homeless child's school district of residence until the family is deemed domiciled in another jurisdiction, pursuant to N.J.S.A. 18A:38-1.d.**

D. Designation of **School** District Liaisons and Their Responsibilities (N.J.A.C. 6A:17-2.4)



1. The Superintendent identifies \_\_\_\_\_ as the district liaison for the education of homeless children. The **school district** liaison ~~shall: will facilitate communication and cooperation between the district of residence and the district where the homeless child is temporarily residing. The district liaison will develop procedures to ensure a homeless child temporarily residing in the district is enrolled and attending school pursuant to N.J.A.C. 6A:17-2.6.~~

- a. **Facilitate communication and cooperation between the school district of residence and the school district where the homeless child resides;**
- b. **Develop procedures to ensure a homeless child residing in the school district is enrolled and attending school pursuant to N.J.A.C. 6A:17-2.5;**
- c. **Ensure homeless families, children, and youth receive educational services for which they are eligible, including Head Start and Even Start programs, preschool programs administered by the local education agency, and referrals to health care, dental, mental health, and other appropriate services;**
- d. **Inform parents of homeless children and youth of the educational and related opportunities available to their children and ensure that they are provided with meaningful opportunities to participate in the education of their children;**
- e. **Ensure that public notice of the educational rights of homeless children and youth is disseminated where such children receive services, such as schools, family shelters, and soup kitchens;**
- f. **Ensure enrollment disputes are resolved pursuant to N.J.A.C. 6A:17-2.7;**
- g. **Ensure the parent of a homeless child or youth, or any unaccompanied youth, is fully informed of all transportation services, including transportation to the school district of residence, and is assisted in accessing transportation to the school selected under N.J.A.C. 6A:17-2.5;**
- h. **Assist the parent to obtain the homeless child or youth's medical records or required immunizations; and**
- i. **Assist an unaccompanied youth to ensure he or she is enrolled and is receiving all services.**

2. When a homeless child ~~resides is living temporarily~~ in a school district, the district liaison **shall notify the liaison of the school district of residence within twenty-four hours**, ~~upon~~ of receiving notification from the parent, the Department of Human Services **or the Department of Children and Families**, a shelter director, an involved agency, or a case manager, ~~will notify the liaison of the district of residence within twenty-four hours of the notification.~~
3. Upon notification of the need for enrollment of a homeless child, the liaison in the **school** district of residence **shall** ~~will~~ coordinate enrollment procedures immediately based upon the best interest of the child pursuant to N.J.A.C. 6A:17-2.56(b).

E. **School District Enrollment (N.J.A.C. 6A:17-2.5)**

1. The Superintendent ~~or designee~~ of the **school** district of residence **or designee shall** ~~will~~ decide in which district the homeless child **shall** ~~will~~ be enrolled as follows:
  - a. **Enroll** ~~To continue~~ the homeless child's education in the school district of **residence to the extent feasible, except when doing so is contrary to the wishes of the homeless child's parent last attendance if the district of last attendance is not the district of residence;**
  - b. **Continue the homeless child's education in the school district of last attendance if it is not the school district of residence** ~~To enroll the homeless child in the district of residence; or~~
  - c. **Enroll the homeless child in the school district where the child resides** ~~To enroll the homeless child in the school district where the child is temporarily living.~~
2. The Superintendent of the **school** district of residence **or designee shall** ~~will~~ decide the **school** district of enrollment of a homeless child based on what is determined to be in the best interest of the child after considering:
  - a. **The enrollment of the homeless child in the school district of residence to the extent feasible, except when doing so is contrary to the wishes of the child's parent.**
  - ba. The continuity of the child's educational program;
  - b. ~~The preference of the parent as to where the child should attend school;~~

- c. The eligibility of the child for special instructional programs, including but not limited to bilingual, gifted and talented, special education, early childhood, **and career and technical education** vocational programs; and
  - d. The distance, travel time, and safety factors in coordinating transportation services from the ~~temporary~~ residence to the school.
3. The Superintendent of the **school** district of residence **or designee shall will** determine the child's **school** district enrollment **immediately in a timely manner** after consultation with the parent ~~as follows~~. **The school district of residence shall adhere to the following procedures:**
- a. Enrollment decisions **shall will** be made **immediately within three school days of** **upon** notification of the need for enrollment. When the decision is made, the child will be enrolled immediately. **If a dispute arises regarding enrollment of a homeless child, the homeless child shall be immediately enrolled in the school district in which enrollment is sought by the parent, pending resolution of the dispute pursuant to N.J.A.C. 6A:17-2.7. ; and**
  - ba. Consultation with the parent regarding the enrollment decision and the right to appeal the decision **shall will** be documented in writing.
  - c. **A decision to enroll a homeless child in a school district other than the school district of residence or the school district requested by the parent shall be explained in writing and provided to the parent.**
4. When a decision is made to enroll the child in a **school** district other than the **school** district of residence, the Superintendent **or designee** of the **school** district of residence **shall will** forward to the new **school** district all relevant school and health records **consistent with the provisions of N.J.A.C. 6A:32, School District Operations**. ~~When the parent is homeless due to conditions of domestic violence, the transfer of student records will be subject to the provisions of N.J.A.C. 6:3-6.~~
5. When a homeless child with a **disability** ~~educational disabilities~~ is enrolled in a **school** district other than the **school** district of residence, the **school district of enrollment shall treat the student as a transfer student pursuant to N.J.A.C. 6A:14, Special Education** ~~child will be placed in a program consistent with the goals and objectives of the child's individualized educational program. Within thirty days after placement, the district where the child is placed will review and revise the individualized educational program pursuant to N.J.A.C. 6A:14.~~

6. When the **school** district of residence for a homeless child cannot be determined, the Superintendent **or designee** of the **school** district in which the child **currently resides** ~~is temporarily residing will~~ **shall** enroll the child immediately in the **school** district of **the current** temporary residence or the **school** district of last attendance.
7. The **school** district selected pursuant to N.J.A.C. 6A:17-2 **shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment such as previous academic records, medical records, proof of residency, or other documentation.**
8. **Enrollment in the school district of residence, the school district of last attendance if not the school district of residence, or the school district where the child resides shall continue for the duration of homelessness, including when a family becomes homeless between academic years, and also for the remainder of the academic year if the homeless child becomes permanently housed during the academic year.**

F. Parental Rights (N.J.A.C. 6A:17-2.6)

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

G. Disputes and Appeals (N.J.A.C. 6A:17-2.7)

1. **When** ~~If~~ a dispute occurs regarding the determination of homelessness **or the determination of the school district of enrollment made by the school district of residence,** the Superintendent(s) **or designee(s)** of the involved **school** district(s) or the **child's** parent(s) ~~of the child will~~ **shall** immediately notify the **Executive** County Superintendent of Schools, who, **in consultation with the Department's McKinney-Vento Homeless Education Coordinator or designee, shall immediately will** decide the **child's** status ~~of the child within two working days.~~ If a dispute remains between the parent and the involved **school** district(s) following the **Executive** County Superintendent's determination, the parent or the involved **district** Board(s) of Education may appeal to the Commissioner of Education for a determination pursuant to N.J.A.C. 6A:3, **Controversies and Disputes.**
2. **When** ~~If~~ a **school** district designated as the **school** district of residence disputes ~~its such~~ **designation as the school district of residence,** or where no designation can be agreed upon by the involved **school** districts, the Superintendent(s) **or designee(s)** of the involved **school** districts ~~shall will~~ immediately notify the **Executive** County Superintendent of Schools, who ~~shall will~~ make a determination **immediately, if possible, but no later**

than within forty-eight hours within two working days. The district may appeal the County Superintendent's determination to the Department of Education pursuant to N.J.A.C. 6A:23-5.2 (d), (e), and (f).

- a3. If a ~~the~~ dispute occurs regarding the determination of the district of residence enrollment does not involve the determination of homelessness and/or district enrollment, the school made by the district of residence disputing the Executive County Superintendent's determination may appeal to the Department of Education pursuant to N.J.A.C. 6A:23A-19.2(d), (e), and (f), and request a determination from the Division of Administration and Finance the Superintendent of the district of residence will immediately notify the County Superintendent of Schools. The County Superintendent will determine within two working days where the child will be enrolled based on the child's best interest pursuant to N.J.A.C. 6A:17-2.6(b).
  - b. If an appeal of a determination of district of residence also includes an appeal of the determination of homelessness and/or school district of enrollment, the appeal shall be submitted to the Commissioner pursuant to N.J.A.C. 6A:3, Controversies and Disputes.
    - a. ~~If the County Superintendent's decision is disputed, the Department of Education will provide for mediation as follows:~~
      - (1) ~~The request must be made to the Department of Education in writing.~~
      - (2) ~~Requests for mediation will cite the issues in dispute and the relief sought.~~
      - (3) ~~A mediation conference must be conducted within five school days after the request is made at a time and place reasonably convenient to all parties in the dispute.~~
      - (4) ~~If the mediation does not result in an agreement, an appeal may be made to the Commissioner of Education pursuant to N.J.A.C. 6A:3 et seq.~~
34. Any dispute or appeal shall not delay the homeless child's immediate enrollment or continued enrollment in the school district entrance into school. The homeless child shall will be enrolled in the school district in which enrollment or continued enrollment is sought by the parent,

~~designated by the County Superintendent~~ pending resolution of the dispute or appeal.

45. Disputes and appeals involving the services provided to a homeless child with **a disability** ~~educational disabilities will~~ **shall** be made pursuant to N.J.A.C. 6A:14.

H. Tuition (N.J.A.C. 6A:17-2.8)

1. **When** ~~If~~ the homeless child is enrolled in a **school** district other than the **school** district of residence, the **school** district of residence **shall** ~~will~~ pay to the **school district of enrollment** the **tuition** costs ~~of tuition for the child to that district pursuant to N.J.S.A. 18A:38-19 and N.J.A.C. 6A:23-3.1~~ **until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence shall no longer pay tuition to the school district of enrollment.**
2. The **school** district of residence **shall** ~~will~~ list the child on its annual Application for State School Aid (ASSA) pursuant to N.J.S.A. 18A:7F-33 **until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence shall no longer list the student on its ASSA** ~~for as long as the parent remains homeless and the child is enrolled in another school district.~~
3. **The State shall assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12.1 and shall pay the tuition to the school district in which the child is currently enrolled until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d, under the following circumstances:**
  - a3. ~~If the school district of residence cannot be determined for the a homeless child; or~~
  - b. ~~If the school district of residence is outside of the State; or~~
  - c. **If a child resides in a Department of Community Affairs-licensed emergency shelter or transitional living facility due to domestic violence for more than a year combined for the duration of the placement pursuant to N.J.S.A. 18A:7B-12.d. the State will assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12(d). The State will pay the tuition to the school district in which the child is currently enrolled for as long as the child and his or her parent remain homeless.**

- (1)a. When the State assumes fiscal responsibility for the tuition of a homeless child, the State **shall** ~~will~~ pay to the school district in which the child is enrolled the **weighted base per pupil amount calculated appropriate T&E amount,** pursuant to N.J.S.A. 18A:7F-493, and **the appropriate security and special education categorical aids per pupil pursuant to N.J.S.A. 18A:7F-55 and 56** ~~any appropriate additional cost factor for special education, pursuant to N.J.S.A. 18A:7F-19.~~

Revised (First Reading): January 25, 2017

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## 8330 STUDENT RECORDS

The Board of Education believes that information about individual students must be compiled and maintained in the interest of the student's educational welfare and advancement. The Board will strive to balance the student's right to privacy against the district's need to collect, retain, and use information about individual students and groups of students. The Board authorizes the establishment and maintenance of student files that include only those records mandated by law, rules of the State Board of Education, authorized administrative directive, and those records permitted by this Board.

The Superintendent shall prepare, present to the Board for approval, and distribute regulations that implement this Policy and conform to applicable State and Federal law and rules of the State Board of Education.

For purposes of this Policy:

1. ~~“Adult student” means a student who is at least eighteen years of age, or is attending an institution of postsecondary education, or is an emancipated minor.~~
2. ~~“Parent” means the natural or adoptive parent, the legal guardian, surrogate parent, or a person acting in place of a parent in accordance with N.J.A.C. 6A:32-2.1. Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights under N.J.A.C. 6A:32. “Parent” shall also include, for the purposes of N.J.A.C. 6A:32, the adult student. A foster parent may act as a parent 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.~~

### General Considerations

**The Board of Education shall compile and maintain student records and regulate access, disclosure, or communication of information contained in educational records in a manner that assures the security of such records in accordance with the provisions of N.J.A.C. 6A:32-7.1 et seq.** Student records shall contain only such information as is relevant to the education of the student and is objectively based on the personal observations or knowledge of **the** certified school personnel who originate(s) the record. The **school** district shall **provide annual, written notification to notify** parents, **and adult students, and emancipated minors annually in writing** 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 local policies shall be made available upon request. The **school** district shall make every effort to notify parents and adult students in their dominant language.

Nothing in this Policy shall be construed to prohibit certified school personnel, ~~at their discretion,~~ from disclosing student records to non-adult students or to appropriate persons



in connection with an emergency, if such knowledge is necessary to protect the health or safety of the student or other persons.

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. Department of Education rules.

#### Student Information Directory

A student information directory is a publication of a ~~the school district~~ **Board of Education** that includes student information **relating to a student** as defined in N.J.A.C. 6A:32-2.1. **This information includes: 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.** The student information directory 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. In the event the school district publishes ~~information included in the~~ a student information directory, the Superintendent or designee will **provide a parent or adult student a ten-day period** ~~inform parents or adult students of such publication, and parents or adult students will be afforded a ten-day period to submit a written statement to~~ **submit to** the Superintendent a **written statement** prohibiting the school district from including any ~~or~~ and all types of information about the student in any student information directory before allowing access to such directory to educational, occupational, and military recruiters pursuant to N.J.S.A. 18A:36-19.1 and P.L. 107-110 sec. 9528, Armed Forces Recruiter Access to Students and Student Recruiting Information of the No Child Left Behind Act of 2001.

#### School Contact Directory for Official Use

A school contact directory for official use is a compilation by the school district that includes the following information for each student: **name; address; telephone number; date of birth; and school enrollment.** The district shall compile and maintain, ~~but need not publish,~~ a school contact directory for official use, ~~that which~~ is separate and distinct from the student information directory. **The student contact directory may be provided** ~~School personnel shall provide information from the school contact directory for official use only to judicial and ; law enforcement personnel, and to medical personnel who are currently providing services to the student in question. In order for a parent or adult student T~~ to exclude any information from the school contact directory for official use the parent, ~~or~~ adult student, **or emancipated minor** shall notify the Superintendent or designee in writing ~~on a form prescribed by the Commissioner of Education.~~

#### Mandated and Permitted Student Records

Mandated student records are those records school districts have been directed to compile by State statute, regulations, or authorized administrative directive in accordance with N.J.A.C. 6A:32-7.3.

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 be collected in order to promote the student's educational welfare of the student.~~ The Board shall authorize the permitted records to be collected by adopting ~~at a regular public Board meeting a resolution listing such permitted records or~~ **Policy and Regulation 8330, which will list such permitted records.**

#### Maintenance and Security of Student Records

The Superintendent or designee shall be responsible for the security of student records maintained in the school district. Policy and Regulation 8330 assure that access to such records is limited to authorized persons.

Records for each individual student ~~may shall be stored electronically or in paper format maintained in a central file at the school attended by the student. When records are maintained in different locations, a notation in the central file as to where such other records may be found is required.~~ **When student records are stored electronically, proper security and back-up procedures shall be administered.**

~~Student health records shall be maintained and located in a locked cabinet or room in the school building or complex where the student is assigned. Records kept in electronic form shall be both accessible and secure. Student health records, whether stored on paper or electronically, shall be maintained 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. Records shall be accessible during the hours in which the school program is in operation.~~

~~Security blocks will be installed for records stored in any computer system to protect against any security violations of the records stored therein. To guard against the loss of student records, the district shall maintain an updated hard copy and backup versions of student records.~~

Any district internet website shall not disclose any personally identifiable information about a student **without receiving prior written consent from the student's parent**, in accordance with **the provisions of N.J.S.A. 18A:36-35. Personally identifiable information means student names; student photos; student addresses; student e-mail addresses; student phone numbers; and locations and times of class trips.**

#### Access to Student Records

**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 et seq. within ten days of a request, but prior to any review or hearing conducted in accordance with N.J.A.C. 6A.**

The district shall control access to, disclosure of, and communication regarding information contained in student health records to assure access only to **people** ~~those~~

~~authorized organizations, agencies, and persons under the conditions permitted by Federal and State statute and regulations in accordance with N.J.A.C. 6A:32-7.5.~~

The district [~~will or may~~] **may** charge a reasonable fee for reproduction of **student records**, not to exceed the schedule of costs set forth in N.J.S.A. 47:1A-52, 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** ~~under~~ rules and regulations regarding students with disabilities, **including N.J.A.C. 6A:14.**

Access to and disclosure of a student's health record shall meet the requirements of the Family Education Rights and Privacy Act, 34 C.F.R. Part 99 (FERPA).

**Only** ~~The following~~ authorized organizations, agencies, ~~or and~~ persons **as defined in N.J.A.C. 6A:32-7.5** shall have access to student records, **including student health records.**

- ~~1. The student who has the written permission of a parent and the parent of a student under the age of eighteen whether or not the child resides with that parent except per N.J.S.A. 9:2-4; the place of residence shall not be disclosed and 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 district because they will graduate secondary school at the end of the term or no longer plan to continue their education.~~
- ~~3. The adult student and the student's parent who has the written permission of such 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 have 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:16-1.5.~~
- ~~5. Certified educational personnel who have assigned educational responsibility for the student and who are employed by agencies as indicated in N.J.A.C. 6A:32-7.5(e)5 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:16-1.5.~~
- ~~6. In order to fulfill its legal responsibility as a Board, the Board has 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.~~

- ~~7. Secretarial and clerical personnel under the direct supervision of certified school personnel shall be permitted access to those portions of the record to the extent that is necessary for the entry and recording of data and the conducting of routine clerical tasks. Access shall be limited only to those student files 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, the Commissioner of Education and members of the New Jersey Department of Education staff who have assigned responsibility which necessitates the review of such records.~~
- ~~9. 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 school districts 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 permitted student records which the Board 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 all student records in writing from the school district of last attendance within two weeks from the date that the student enrolls in the new school district;~~
  - ~~e. The Superintendent or designee of the school district of last attendance shall upon request, 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, shall be requested at the time of enrollment in a new school district.~~
- ~~10. Officials of the United States Department of Education who have assigned responsibilities which necessitate review of such records.~~

11. ~~Officers and employees of a State agency who are 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 district shall ask such State agency for its cooperation in sharing the findings of the investigation.~~
12. ~~Organizations, agencies, and persons from outside the school if they have the written consent of the parent or adult student, except that these organizations, agencies, and persons shall not transfer student record information to a third party without the written consent of the parent or adult student.~~
13. ~~Organizations, agencies, and individuals outside the school, other than those specified in N.J.A.C. 6A:32-7.5(e), upon the presentation of a court order.~~
14. ~~Bona fide researchers who explain in writing, in advance to the Superintendent, the nature of the research project and the relevance of the records sought and who satisfy the Superintendent or designee that the records are to 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.~~

Nothing in N.J.A.C. 6A:32-7.1 et seq. or in Policy and Regulation 8330 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.

In complying with N.J.A.C. 6A:32-7 – Student Records ~~providing access to student records in accordance with N.J.A.C. 6A:32-7.5~~, individuals shall adhere to requirements pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act (OPRA) and 34 CFR Part 99, the Family Educational Rights and Privacy Act (FERPA).

#### Conditions for Access to Student Records

All authorized organizations, agencies, and persons **defined in N.J.A.C. 6A:32-7.1 et seq.** ~~with access to student records~~ shall have access to the records of a student subject to the following conditions **outlined in N.J.A.C. 6A:32-7.6(a):**.

1. ~~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.~~
2. ~~Authorized organizations, agencies, and persons from outside the school whose access requires the consent of parents or adult students shall submit their request in writing together with any required authorization to the Superintendent or designee.~~
3. ~~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, or individuals who have assigned educational responsibility for the individual student, an entry shall be made in the student's record of the names of persons granted access; the reason access was granted, the time and circumstances of inspection, the records studied, and the purposes for which the data will be used.~~

- ~~4. Unless otherwise judicially instructed, the district shall, prior to the disclosure of any student records to organizations, agencies, or persons outside the school district pursuant to a court order, give the parent or adult student at least three days' notice of the name of the requesting agency and the specific records requested. Such notification shall be provided in writing if practicable. Only those records related to the specific purpose of the court order shall be disclosed.~~
- ~~5. A record may be withheld from a parent of a student under eighteen or from an adult student only when the district obtains a court order or is provided with evidence that there is a court order revoking the right to access. Only that portion of the record designated by the court may be withheld. 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 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.~~

#### Rights of Appeal for Parents and Adult Students

Student records are subject to challenge by parents and adult students on the grounds of inaccuracy, irrelevancy, impermissible disclosure, inclusion of improper information or denial of access to organizations, agencies, and persons in accordance with N.J.A.C. 6A:32-7.7(a).

To request a change in the record or to request a stay of disclosure pending final determination of the challenged procedure, the **parent or adult student shall follow the procedures pursuant to N.J.A.C. 6A:32-7.7(b).** ~~process shall be as follows:~~

- ~~1. A parent or adult student shall notify the Superintendent in writing of the specific issues relating to the student's record.~~
- ~~2. Within ten days of notification, the Superintendent or designee shall notify the parent or adult student of the school district's decision.~~
- ~~3. If the school district disagrees with the request, the Superintendent or designee shall meet with the parent or adult student to revise the issues set forth in the appeal.~~
- ~~4. If the matter is not satisfactorily resolved, the parent or adult student may appeal this decision either to the Board of Education or the Commissioner of Education within ten days.~~

5. ~~If appeal is made to the Board of Education, a decision shall be rendered within twenty days. 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:4, Appeals.~~
6. ~~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 part of the student's record with copies made available to the parent or adult student.~~

Appeals relating to student records for students with disabilities shall be processed in accordance with the requirements of **N.J.A.C. 6A:32-7.7(b)**~~1~~ through ~~6~~ above.

Regardless of the outcome of any appeal, a parent or adult student shall be permitted to place **in the student record** a statement ~~in the student's record~~ commenting upon the information in the student's record or setting forth any reasons for disagreement with the decision **made in the appeal of the agency**. Such statements shall be maintained as part of the student's 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.

#### Retention and Disposal of Student Records

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. The 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.

Student records of currently enrolled students, other than that described in **N.J.A.C. 6A:32-7.8(e)** ~~1. below~~, may be disposed of after the information is no longer necessary to provide educational services to a student **and in accordance with the provisions of N.J.A.C. 6A:32-7.8(b)**. ~~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.~~

Upon graduation or permanent departure of a student from the school district, the parent or adult student shall be notified in writing that a copy of the entire student's record will be provided to them upon request. Information in student records, other than that described in **N.J.A.C. 6A:32-7.8(e)** ~~1. 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. Such disposition shall be **in accordance with the provisions of N.J.A.C. 6A:32-7.8(c)2** ~~accomplished only after written parental or adult student notification and written parental or 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 Department of State, Records Committee.

1. ~~In accordance with N.J.A.C. 6A:32-7.8(e), the New Jersey public school district of last enrollment, graduation, or permanent departure of the student from the school district shall keep for 100 years a mandated record of a student's name, date of birth, name of parents, gender, citizenship, address, telephone number, health history and immunization, standardized assessment and test answer sheet (protocol), grades, attendance, classes attended, grade level completed, year completed, and years of attendance.~~

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

In accordance with N.J.A.C. 6A:32-7.8(e), the New Jersey public school district of last enrollment, graduation, or permanent departure of the student from the school district shall keep for 100 years a mandated record of a student's name, date of birth, name of parents, gender, ~~citizenship, address, telephone number,~~ health history and immunization, standardized assessment **results** and ~~test answer sheet (protocol),~~ grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

N.J.S.A. 18A:36-19; 18A:36-19.1; 18A:40-4; 18A:40-19

N.J.A.C. 6A:32-7.1; 6A:32-7.2; 6A:32-7.3; 6A:32-7.4; 6A:32-7.5;  
**6A:32-7.6; 6A:32-7.7; 6A:32-7.8**

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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 the~~ student record.
2. "Adult student" means a **person** ~~student~~ who is at least eighteen years of age, or is attending an institution of postsecondary education, or is an emancipated minor.
3. "Mandated student records" means ~~these~~ student records that school districts ~~have been directed to~~ compile **pursuant to** by State statute, regulation, or authorized administrative directive.
4. "Parent" means the natural or adoptive parent, ~~the~~ legal guardian, surrogate **appointed according to N.J.A.C. 6A:14-2.2** ~~parent~~, 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**) ~~in accordance with N.J.A.C. 6A:32-2.1~~. Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights under N.J.A.C. 6A:32. ~~"Parent" shall also include, for the purposes of N.J.A.C. 6A:32, the adult student.~~ **In addition, a** foster parent may act as a parent 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.
5. "Permitted student records" means records that the Board of Education has authorized, by resolution adopted at a regular public meeting, to be collected ~~in order~~ to promote the educational welfare of ~~the~~ students.
6. "Student record" means information related to an individual student gathered within or outside the school **district system** ~~and maintained within the school district system~~ regardless of the physical form in which it is maintained. **Essential in this definition is the idea that a**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.
7. ~~"Parent surrogate(s)" means an individual or individuals approved by the Board in accordance with N.J.A.C. 6A:14-2.2 to act on behalf of a student whose parent(s) is not available to assure the student's educational rights.~~
78. "Student information directory" means a publication of the ~~district~~ **Board of Education that** ~~which~~ includes ~~the following~~ 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 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.**

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, disclosure, or communication of information contained in educational records in a manner that assures the security of such records in accordance with the provisions of N.J.A.C. 6A:32-7.1. et seq.**
21. Student records shall contain only such information as is relevant to the education of the student and is objectively based on the personal observations or knowledge of **the** certified school personnel who originate(s) the record.
32. The **school** district shall **provide annual, written notification to** ~~notify~~ parents, and adult students, **and emancipated minors annually in writing** 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 local policies shall be made available upon request. The **school** district shall make every effort to notify parents and adult students in their dominant language.
43. A non-adult student may assert rights of access only through his or her parents. However, nothing in **N.J.A.C. 6A:32-7 et seq. or in Policy or Regulation 8330** shall be construed to prohibit certified school personnel, **from disclosing at** ~~in~~ their discretion, ~~from disclosing~~ student records to non-adult students or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the student or other persons.
54. The parent or adult student, ~~including an emancipated minor,~~ shall have access to their own records and have access to or be specifically informed about only that portion of another student's record that contains information about his or her own child or himself or herself.
65. 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 material contained

therein. The reviewer shall cause data no longer descriptive of the student or educational program to be deleted from the records except that prior notice shall be given for classified students in accordance with N.J.A.C. 6A:14, Special Education. Such information shall be disposed of and not be recorded elsewhere. No record of any such deletion shall be made.

76. 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.** ~~Department of Education rules.~~
87. 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's records in the dominant language of the parents or adult student.
98. Student health records shall be maintained separately from other student records 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** ~~district~~ shall compile and maintain, ~~but need not publish,~~ a school contact directory for official use, ~~which that~~ is separate and distinct from the student information directory.
  - 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 ~~who are~~ currently providing services to the student in question.
  - b. Upon request from a court, other judicial agency, law enforcement agency, or medical service provider ~~who is~~ currently providing services to the student in question, school personnel shall promptly verify the enrollment of a student and provide the requester with all ~~the~~ information about that student that is contained in the school contact directory for official use.
2. ~~To In order for a parent or adult student to~~ exclude any information from the school contact directory for official use, the parent, ~~or~~ adult student, **or emancipated minor** shall notify the Superintendent or designee in writing ~~on a form prescribed by the Commissioner of Education.~~

- a. ~~The form shall explain the purpose of the school contact directory for official use is to allow judicial, law enforcement, and medical personnel to contact the parent when necessary, and that the school contact directory for official use is only accessible by school, judicial, law enforcement, and medical personnel who are currently providing services to the student in question.~~

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, ~~citizenship~~, standardized assessment **results** and test answer sheets (protocol), grades, attendance, classes attended, grade level completed, and year completed, **and years of attendance**;
- b. Record of daily attendance;
- c. Descriptions of student progress according to the system of student evaluation used in the school district;
- d. History and status of physical health compiled in accordance with State regulations, including results of any physical examinations given by qualified school district employees **and immunizations**;
- e. Records pursuant to rules and regulations regarding the education of students with disabilities; and
- f. All other records required by N.J.A.C. 6A ~~the State Board of Education~~.

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 and Regulation 8330. These records **may** include, but **are may** not be 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;
- k. Records of the student's co-curricular and athletic activities and achievements;
- l. Class rank;
- m. Awards and honors;
- n. Notations of additional records maintained in a separate file;
- o. The statement from a student's parent, ~~or~~ adult student, **or emancipated minor** regarding a contested portion of the record;
- p. 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 such records is limited to authorized persons.** Policy and Regulation 8330 assures that access to such records is limited to authorized persons.
- 2. Records for each individual student ~~may~~ **shall** be stored **either electronically or in paper format.** When student records are stored **electronically, proper security and backup procedures shall be administered** ~~maintained in a central file at the school attended by the~~

student. ~~When records are maintained in different locations, a notation in the central file as to where other such records may be found is required.~~

3. Student health records, **whether stored on paper or electronically**, shall be maintained and located in a locked cabinet or room in the school building or complex which the student is assigned. ~~Records kept in electronic form shall be both accessible and secure. Student health records shall be maintained~~ 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.
4. ~~Security blocks will be installed for records stored in computerized systems to protect against security violations of the records stored therein. To guard against the loss of student records, the district shall maintain an updated hard copy and backup versions of student records.~~
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 graduation, termination from the school district, or age **twenty-three** ~~23~~, whichever is longer, and shall be disposed of in accordance with N.J.S.A. 47:3-15 et seq.
6. Any district ~~internet~~ 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)

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 et seq. within ten days of a request, but prior to any review or hearing conducted in accordance with N.J.A.C. 6A.**
21. The **school** district shall control access to, disclosure of, and communication regarding information contained in student health records to assure access only to **people** ~~these persons under the conditions~~ permitted by Federal and State statute and regulations **or stated in N.J.A.C. 6A:32-7.5(e) and section G. below.**
32. The **school** district ~~{ will or may }~~ **may** charge a reasonable fee for reproduction of **student records**, not to exceed the schedule of costs set forth in N.J.S.A. 47:1A-52, 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** under rules and regulations regarding students with disabilities, **including N.J.A.C. 6A:14.**

43. Access to and disclosure of a student's health record shall meet the requirements of the Family Education Rights and Privacy Act, 34 C.F.R. Part 99 (FERPA).

G. Authorized Organizations, Agencies, and Persons with Access to Student Records (N.J.A.C. 6A: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 ~~or not~~ the child resides with ~~the~~ that parent except per N.J.S.A. 9:2-4;
  - a. The place of residence shall not be disclosed; and
  - 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~~ The adult student and ~~the student's~~ parent who has the written permission of **an adult** such 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 have~~ 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-~~2.41-5~~;
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-~~1.52.4~~:
  - 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 in order to fulfill~~ its legal responsibility as a ~~Board~~, the Board of **Education shall have** ~~has~~ 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;
7. Secretarial and clerical personnel under the direct supervision of certified school personnel shall be permitted access to ~~these~~ portions of the record to the extent ~~that is~~ necessary for the entry and recording of data and the conducting of routine clerical tasks. Access shall be limited only to ~~these~~ 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 ~~members of the~~ New Jersey Department of Education staff **members** who **are have** assigned responsibility **that which** 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 ~~districts~~ 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 permitted** student records **that which the 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 ~~all student records~~ in writing **all student records** from the school district of last attendance within two weeks from the date that the student enrolls in the new school district;
  - e. **Upon request,** ~~t~~The Superintendent or designee of the school district of last attendance shall ~~upon request,~~ 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 ~~who have~~ assigned responsibilities ~~that which~~ necessitate review of such records-;
  - 12. Officers and employees of a State agency ~~who are~~ 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** ~~district~~ shall ask ~~the such~~ State agency for its cooperation in sharing the findings of ~~an the~~ 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);**
  - 1413. Organizations, agencies, and persons from outside the school if they have the written consent of the parent or adult student, ~~except that these.~~ **O**rganizations, agencies, and persons shall not transfer student record information to a third party without the written consent of the parent or adult student-;
  - 1514. Organizations, agencies, and individuals outside the school, other than those specified in N.J.A.C. 6A:32-7.5(e), upon the presentation of a court order-;
  - 1615. Bona fide researchers who explain ~~in writing, in advance~~ to the Superintendent, the nature of the research project and the relevance of the records sought. **Researchers shall also** ~~and who~~ satisfy the Superintendent or designee that the records ~~will are to~~ 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 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).**

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

All authorized organizations, agencies, and persons **defined in N.J.A.C. 6A:32-7.1 et seq. as listed below** ~~with access to student records~~ shall have access to the records of a student, subject to the following conditions:

1. 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.
2. 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 their~~ request in writing together with any required authorization, ~~to the Superintendent or designee.~~
3. 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, 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 studied, and the purposes for which the data will be used.
4. ~~Unless otherwise judicially instructed, the district shall,~~ **Prior to the disclosure of any 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.** Such notification shall be provided in writing, if practicable. Only ~~these~~ records related to the specific purpose of the court order shall be disclosed.
  - a. **Notice to the parent shall not be required when he or she is party to a court proceeding involving child abuse and neglect or**

dependency matters, consistent with  
1232g(b)(2)(B).

20 U.S.C. §

5. A record may be withheld from a parent of a student under eighteen 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** ~~may~~ 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 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.

I. 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, impermissive disclosure, inclusion of improper information, or denial of access to organizations, agencies, and persons. The parent or adult student may seek to: expunge inaccurate, irrelevant, or otherwise improper information from the student's 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:32-7.7.
2. To request a change in the record or to request a stay of disclosure pending final determination of the challenged procedure, the process shall be as follows:
  - a. A parent or adult student shall notify **in writing** the Superintendent ~~in writing~~ of the specific issues relating to the student's record.
  - b. Within ten **school** days of notification, the Superintendent or designee shall notify the parent or adult student of the school district's decision.
  - c. If the school district disagrees with the request, the Superintendent or designee shall meet with the parent or adult student to **resolve** ~~revise~~ the issues set forth in the appeal.
  - d. If the matter is not satisfactorily resolved, the parent or adult student **has ten school days to** ~~may~~ appeal this decision ~~either to the Board of Education or the Commissioner of Education within ten days.~~
  - e. If **an** appeal is made to the Board of Education, a decision shall be rendered within **twenty 20 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:43, **Controversies and Disputes Appeals.**

- 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 ~~the student~~ records of students with disabilities shall be processed in accordance with the requirements of **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 ~~in the student's record~~ commenting upon the information in the student's record or setting forth any reasons for disagreement with the decision **made in the appeal of the agency.**
  - a. Such statements shall be maintained as part of the student's 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.

J. 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 school district shall retain the student's 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 in **N.J.A.C. 6A:32-7.8(e) and 56.** below, may be disposed of after the information is no longer necessary to provide educational services to a student.
  - 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's record will be provided to them upon request.
- 4. b. Information in student records, other than ~~that the records that must be maintained for one hundred years as~~ described in N.J.A.C. 6A:32-7.8(e) and 56. 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.
- ca. 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.
- 45. No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult student.
- 56. 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, ~~citizenship, address, telephone number,~~ health history and immunization, standardized assessment **results and test answer sheet** ~~(protocol)~~, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

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