
**The Somerset Hills School District
Regular Meeting Agenda - February 22, 2023
Executive Session - 6:30 P.M.
Public Input & Action - 7:30 P.M.
Bernards High Media Center**

I. Call to Order & Welcome

Welcome to a meeting of the Board of Education of Somerset Hills. Please be advised that this and all meetings of the Board are open to the public and media, consistent with the Open Public Meetings Act: (Chapter 231 Laws of 1975), and that advance notice required therein has been provided. This is a meeting of the Board of Education of Somerset Hills at which formal action may be taken. The public will have an opportunity to be heard as shown on the Agenda.

II. Roll Call

III. Executive Session

WHEREAS the “Open Public Meetings Act:” (Chapter 231 Laws of 1975) authorizes a public body to exclude the public from that portion of a meeting at which specified topics are to be discussed under circumstances where the public consideration of such topics will clearly endanger the public, or where the personal privacy or guaranteed rights of individuals whose activities or affairs are to be discussed would be clearly in danger of unwarranted invasions, and

WHEREAS the matters about to be presented for discussion clearly meet the “circumstances” test of such Act:

RESOLVED that the Board of Education of Somerset Hills now adjourns its public session to reconvene in Executive Session for the purpose of discussing the following: Personnel, Student Matters, Contracts, Negotiations and Litigation.

And, be it further,

RESOLVED that the discussion in Executive Session be disclosed when the Board’s consideration of the subject matter has been closed, or that such matter does not adversely affect the rights of prospective, current, or past public officers, or personnel of the Board, unless such individuals have in writing requested the disclosures of such discussion at a public meeting and provided such a public disclosure will no longer clearly endanger the public interest.

IV. Pledge of Allegiance

V. Roll Call

VI. Report of the Superintendent

1. Student Representatives’ Report

2. Board Recognition - Retirees

a. WHEREAS, Cindy Riley has been employed from January 1, 1998 through June 30, 2023 as a Special Education Paraprofessional employee; and

WHEREAS, she exemplified expertise, commitment, and professionalism in her duties;
and

NOW THEREFORE BE IT RESOLVED, that the Somerset Hills School District and Board of Education recognize Cindy Riley's retirement effective July 1, 2023, and extend to her congratulations and best wishes for a happy, healthy, and enjoyable retirement.

b. WHEREAS, James Fulper has been employed from August 13, 2001 through April 30, 2023 as a Maintenance employee; and

WHEREAS, he exemplified expertise, commitment, and professionalism in his duties;
and

NOW THEREFORE BE IT RESOLVED, that the Somerset Hills School District and Board of Education recognize James Fulper's retirement effective May 1, 2023, and extend to him congratulations and best wishes for a happy, healthy, and enjoyable retirement.

VII. Report of the Business Administrator

VIII. Public Comments for Actionable Agenda Items

We very much welcome input from the public. Public comments are welcome at this time on any actionable agenda item. Towards the end of the meeting there is a second public forum on any topic. Please state your name and address. Comments are limited to three minutes, but an individual may speak a second time after all others who wish to speak on the topic have been heard. Please understand that our public forums are not structured as question and answer sessions, but are offered as opportunities to share your thoughts with the Board. In instances where the Board feels that there is a misunderstanding or inaccuracy, the Board President or Superintendent may address the comment. In accordance with New Jersey Statute, the Board will not discuss matters regarding specific personnel. Public Comments will be limited to 30 minutes. Thank you for your input.

IX. Approval of Minutes*

1. Approval of Minutes

Resolved, that the Somerset Hills Board of Education approve the Public Input & Action and Executive meeting minutes for January 25, 2023 and February 15, 2023 Special Meeting.

X. FINANCE

A. Committee Report & Discussion:

B. Action Items:

1. Board Secretary & Treasurer Reports & Board Certification*

WHEREAS, the Board Secretary has received the Reports of the Secretary and Treasurer for the month of January 2023 showing the following balances:

FUND	Board Secretary Cash Balance (1)	Treasurer Cash Balance (2)
(10) General Fund	\$11,830,931.38	\$11,830,931.38
(20) Special Revenue Fund	(\$342,931.50)	(\$342,931.50)
(30) Capital Projects Fund	\$371,191.25	\$371,191.25
(40)Debt Service Fund	\$1,044,909.33	\$1,044,909.33
Total Government Funds	\$12,904,100.46	\$12,904,100.46

(1) From Secretary's Report (2) From Treasurer's Report

WHEREAS in compliance with N.J.A.C.6A: 23-2.1(c)3 the secretary has certified that, as of the date of the report(s), no budgetary line item account has encumbrances and expenditures which in total exceed the amount appropriated by the district board of education, now, therefore, be it

RESOLVED, the Board of Education accepts the above referenced report and certifications and orders that they be attached to and made part of the record of this meeting, and be it

FURTHER RESOLVED, in compliance with N.J.A.C.6A: 23-3.11(c) 4, the Board of Education certifies that, after review of the secretary's monthly financial reports (appropriation section) and upon consultation with the appropriate district officials, to the best of its knowledge, no major account or fund has been overexpended in violation of N.J.A.C.6A: 23-2.11(b), and that sufficient funds are available to meet the district's financial obligations for the remainder of the year.

2. Approve 2022-2023 Budget Transfers*

Resolved, that the Somerset Hills Board of Education approves the attached list of budget transfers for January 2023.

3. Payment of Bills*

WHEREAS, the Board Secretary has presented attached January 2023 check registers with the recommendation that the checks be paid, and Now, therefore, be it Resolved, that the following bills be paid and an itemized list be filed with the minutes of this meeting:

FUND	
(10) General Fund	\$143,263.95
(20) Special Revenue Fund	–
(30) Capital Projects Fund	–
(40) Debt Service Fund	–
(60) Cafeteria Fund	\$3,781.11
(90) Agency Fund	–
TOTAL	\$147,045.06

4. Payment of Bills*

WHEREAS, the Board Secretary has presented attached February 2023 check registers with the recommendation that the checks be paid, and Now, therefore, be it Resolved, that the following bills be paid and an itemized list be filed with the minutes of this meeting:

FUND	
(10) General Fund	\$1,790,116.34
(20) Special Revenue Fund	\$47,527.57
(30) Capital Projects Fund	–
(40) Debt Service Fund	–
(60) Cafeteria Fund	\$81,640.17
(90) Agency Fund	\$442,796.68
TOTAL	\$2,362,080.76

5. Approve Parent Organization Fundraiser

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following parent organization fundraiser for the 2022-2023 school year:

	Organization	School	Event	Date
a	Bedwell HSA	BES	Author VisitBook Sale	3/15/23- 3/31/23

6. Approve Parent Organization Fundraiser*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following parent organization fundraiser for the 2022-2023 school year:

	Organization	School	Event	Date
a	PAC Parents	BHS	Movie Night and Basket Raffle	4/23/23
b	Project Graduation	BHS	Dinner at Minuteman BBQ (portion of profits donated to Project Graduation)	3/3/23
c	BHS Softball	BHS	Softball Team Corporate Sponsorship	2/23/23- 3/6/23

7. Substitute Staffing Provider*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following service provider for the 2022-2023 school year and extended school year:

	Provider	Service	Location	Cost	Not to Exceed
a	Delta T Group	Custodians	Woodbridge, NJ	Black Seal Certified \$35/hr Non Black Seal \$25/hr	\$15,000

8. Approve submission of ROD (Regular Operating District) Grants

RESOLVED, upon the recommendation of the Superintendent, that Somerset Hills School District, in the County of Somerset, New Jersey authorizes Parette Somjen Architects to submit all necessary plans and paperwork to the Department of Education concerning the:

1. Fire Alarm Upgrades at Bedwell Elementary School
2. Fire Alarm Upgrades at Bernardsville Middle School

to serve as an application to the Office of School Facilities and an amendment to the District's Long Range Facility Plan; and

BE IT FURTHER RESOLVED, this project shall be a "Regular Operating District Grant" project and the Board of Education is seeking State funding but will fund the remaining portion of the Project through the District's Capital Reserve Account.

9. Approve Maintenance Reserve Withdrawal*

Resolved that the Somerset Hills Board of Education upon the recommendation of the Superintendent, approve the withdrawal of \$159,515.00 from the Maintenance Reserve for the upgrade of Temperature Control System in Bernards High School, Bernardsville Middle School, and Bedwell Elementary School to the following accounts:

Account Number	Amount
11-000-261-420-02-00-11	\$75,927.00
11-000-261-420-03-00-10	\$42,250.00
11-000-261-420-01-00-09	\$41,338.00

10. Approve Agreement with AME*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve proposal No. 23-111-LM_rev1 with AME for Upgrade of Temperature Control System in Bernards High School, Bernardsville Middle School, and Bedwell Elementary School for the 2022-2023 school year in the amount of \$159,515.00

11. Approval of Authorization*

Authorization of the School Business Administrator of the Somerset Hills Board of Education to invest funds in the New Jersey Asset & Rebate Management Program.

BE IT RESOLVED by the Board of Education of the Somerset Hills School District as follows:

1. The Somerset Hills Board of Education hereby finds and determines that
 - (a) the School Business Administrator has received and reviewed
 - (i) the Information Statement dated as of January 3, 2005 describing the New Jersey Asset & Rebate Management Program (“NJ/ARM”) and
 - (ii) the Amended and Restated Interlocal Services Investment Agreement governing the NJ/ARM Program (“Program Agreement”) and
 - (b) the School Business Administrator has been afforded the opportunity to discuss NJ/ARM with the Investment Administrator and Special Counsel to NJ/ARM and the Somerset Hills Board of Education has determined that it is in the best interests of the Somerset Hills Board of Education to authorize the Somerset Hills Board of Education to participate in NJ/ARM.
2. The Program Agreement is hereby approved and the School Business Administrator is authorized to execute the Program Agreement on behalf of the Somerset Hills Board of Education.
3. U.S. Bank, N.A., as Custodian for the NJ/ARM Program, is hereby approved to act as a depository of Public Funds for the Somerset Hills Board of Education.
4. The Somerset Hills Board of Education acknowledges that its decision to authorize the participation in NJ/ARM is based solely on the information set forth in the Information Statement and in the Program Agreement.
5. This resolution shall take effect immediately upon its adoption.

12. Approve DebtBook Services*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve DebtBook Services for subscription management services to comply with GASB 96 auditing preparation for the 2022-2023 school year in the amount of \$13,700.00.

XI. FACILITIES & OPERATIONS

A. Committee Report & Discussion:

B. Action Items:

1. HIB Report

Resolved, that the Somerset Hills Board of Education reviewed the Harassment, Intimidation, and Bullying cases presented on January 25, 2023, and upheld the findings and/or consequences recommended by the Superintendent:

- BES 2022-2023 #7, #8
- BMS 2022-2023 #7, #8, #9, #10, #11

2. Student Safety Data System Report - 2022-2023 *

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the report of the Student Safety Data System (SSDS) for Reporting Period 1 (September 1 - December 31, 2022).

XII. CURRICULUM

A. Committee Report & Discussion:

B. Action Items:

1. Approve Field Trips

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following field trips:

	School	Trip	# of Students	# of Faculty	# of Chaperones
a	BMS	The College of NJ - Ewing, NJ	25	3	2
b	BMS	Calvary Temple & Dorney Park - Allentown, PA	215	3	33

2. Approve Field Trips *

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following field trips:

	School	Trip	# of Students	# of Faculty	# of Chaperones
a	BHS	Dorney Park/Local School (TBD) - Allentown, PA	54	1	4
b	BHS	NJSIAA State Championship Convention Hall - Atlantic City, NJ	1	1	0
c	BHS	Meet of Champions Gloucester County Institute of Tech - Sewell, NJ	6	2	0

3. Approve Professional Development/School Business

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following professional development/school business, for the 2022-2023 school year:

	School	Name	Workshop/Conference/School Business	Date(s)	Est. Cost
a	BMS	Gori, Michelle	Field Trip Chaperone	5/18/23	\$0
b	BMS	Teitze, Fred	Field Trip Chaperone	5/18/23	\$0
c	BMS	McGovern, Danielle	Preparing Children with IEPs for State Exams	3/1/23	\$60 (TCRWP contract)
d	BMS	Habermas, Chris	Legal One: Effective In-person and Virtual Student Investigations	2/28/23	\$150
e	BMS	Koellhoffer, Keith	Legal One: Effective In-person and Virtual Student Investigations	2/28/23	\$150
f	BMS	Gash, Adriane	New Jersey Association of Student Councils: Advisors' Workshop	3/20/23	\$61.70

4. Approve Professional Development/School Business*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following professional development/school business, for the 2022-2023 school year:

	School	Name	Workshop/Conference/School Business	Date	Est. Cost
a	BHS	Neigel, Scott	NASSP - Ignite 2023	7/12/23- 7/15/23	\$2402.50
b	BHS	Falletta, LuAnn	AP Calculus Roundtable	2/27/23	\$0
c	BHS	Falletta, LuAnn	AP Calculus Reading	6/12/23- 6/15/23	\$0
d	BHS	Thatcher, Stephanie	From Principles to Practices: Maximizing Language Development Across the 3 Modes	5/4/23	\$149
e	BHS	Bracero, Jeannette	From Principles to Practices: Maximizing Language Development Across the 3 Modes	5/4/23	\$199
f	BHS	LaBruno, Wendi	Oppositional, Defiant and Disruptive Children & Adolescents	3/23/23	256.57
g	BHS	Violillo, Maddalena	From Principles to Practices: Maximizing Language Development Across the 3 Modes	5/4/23	\$211.98
h	BHS	Hunkele, Heather	Writing Lessons for Relevance, Engagement, and Community	4/20/23	\$175
i	BHS	Snyder, Allison	Writing Lessons for Relevance, Engagement, and Community	4/20/23	\$175
j	BHS	Szostak, David	AP Macroeconomics Reading 2023	6/2/23- 6/10/23	\$799.71
k	BHS	Inclendon, Cassie	Transition Services	2/27/23	\$44.84
l	BHS	Ferrara, James	AP Physics Reading 2023	5/27/23- 6/9/23	\$0
m	BHS	Connor, Anne	The Eye of the Storm	3/1/23	\$125
n	BHS	Amy Hart	STEP Idea Exchange	3/23/23	\$0
o	BHS	Amy Hart	Field Trip Chaperone	3/9/23	\$0
p	BHS	Alyssa Samson	Field Trip Chaperone	3/9/23	\$0
q	BHS	Walker, Jaime	County Directors of Guidance Meeting	4/27/23	\$0
r	District	Mehan, Kathy	CJPride Recruitment	3/30/23	\$0

s	District	Butler, Coleen	Diversity, Equity, and Inclusion Certificate Program	3/2/23, 3/30/23, 4/13/23, 5/4/23	\$1200
t	District	Butler, Coleen	Title IX K-12 Coordinator Certificate Program	Feb-June 2023	\$599
u	District	Lucas, Doug	2023 NJBGA Conference/Expo	3/20/23- 3/22/23	\$902.58
v	District	Lucas, Doug	Indoor Air Quality/Integrated Pest Management	4/14/23, 4/28/23	\$0
w	District	Furnari, Lydia	MUJC BOE Meetings 22-23 SY	3/2/23, 4/20/23, 5/4/23, 6/1/23	\$0
x	District	Furnari, Lydia	SCASA Meetings 22-23 SY	2/10/23, 3/10/23, 5/12/23, 6/9/23	\$0
y	BHS	Brothers, David	NJSIAA State Championship Wrestling Tournament	3/2/23- 3/4/23	\$661.70
z	BHS	Voight, Douglas	Meet of Champions: Boys & Girls Individual State Swimming & Diving	3/4/23, 3/5/23	\$567.92
aa	BHS	Cummings, Kathryn	Meet of Champions: Boys & Girls Individual State Swimming & Diving	3/4/23, 3/5/23	\$173.66

5. Amend Professional Development/School Business

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, amend the following professional development/school business, for the 2022-2023 school year:

	School	Name	Workshop/Conference/School Business	Date(s)	Est. Cost
a	BES	Leonard, Melissa	NJAGC Conference 2023	3/17/23	\$199 \$214

6. Approval of the Extended School Year Program for Summer 2023*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the Extended School Year Program for Summer 2023 to commence on July 10, 2023 and conclude on August 10, 2023 (Note: There will be no school on Fridays during this program).

7. Approve 2023-2024 District Calendar*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the district calendar for the 2023-2024 school year.

XIII. PERSONNEL

A. Committee Report and Discussion.

B. Action Items:

1. Approve Retirement*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approves the retirement of the following employee:*

	Name	School	Position	Effective
a	Riley, Cindy	BHS	Special Education Paraprofessional	7/1/2023

b	Fulper, James	District	Maintenance	5/1/2023
---	---------------	----------	-------------	----------

2. Accept Resignation

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, accepts the resignation of the following employee:

	Name	School	Position	Effective
a	Carreiro, Olivia	BES	Teacher	6/30/23

3. Amend Leave of Absence

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, amend the following leave of absence:

	Employee	School	Position	Type of leave	Dated of Leave/Notes
a	9089	BES	Teacher	Disability/Sick days FMLA Unpaid Leave Anticipated Return	11/14/22 - 01/02/23 (paid; w/benefits) 01/03/23 - 03/24/23 (unpaid; w/benefits) 03/25/23 - 03/31/23 6/30/23 (unpaid: COBRA) 04/03/23 09/01/23

4. Amend Appointment Certificated Staff

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, amend the appointment of the following non-tenured certificated staff for the 2022-2023 school year; *subject to further investigation pursuant to law:*

	Name	School	Position	Replace	Level	Step	Salary	Effective
a	Dooley, Michelle	BES	Teacher - Math Interventionist	Och	BA	17	\$82,855	2/15/23 2/16/23

5. Approve Leave of Absence*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following leave of absence:

	Employee	School	Position	Type of leave	Dated of Leave/Notes
a	9339	BHS	Teacher	Disability/Sick days FMLA Unpaid Leave Anticipated Return	09/01/23 - 09/04/23 (paid; w/benefits) 09/05/23 - 11/28/23 (unpaid; w/benefits) 11/29/23 - 06/30/24 (unpaid: COBRA) 09/01/24

6. Approve Appointment Certificated Staff*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the appointment of the following non-tenured certificated staff for the 2022-2023 school year; *subject to further investigation pursuant to law:*

	Name	School	Position	Level	Step	Salary	Effective
a	Hodsden, Heather	BHS	French: Part Time	MA+30	2-3	\$14,260 (.2 FTE)	2/23/23 <i>Pending clearance</i>

7. Approve Appointment Non-Certificated Staff

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the the appointment of the following non-certified staff for the 2022-2023 school year; *subject to further investigation pursuant to law:*

	Name	School	Position	Replace	Step	Salary	Effective
a	Sanguiliano, Dominick	BES	Regular Paraprofessional	Garrigan	1	\$16.34/hr	2/23/23 <i>Pending clearance</i>

8. Approve Appointment Non-Certificated Staff*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the appointment of the following non-certified staff for the 2022-2023 school year; *subject to further investigation pursuant to law:*

	Name	School	Position	Replace	Step	Salary	Effective
a	Machado, Bryan	District	Technician	Machado	4	\$54,460	3/1/23

9. Rescind Athletic Positions*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, rescind the following athletic positions for the 2022-2023 school year:

	Name	Season	School	Position	Stipend
a	Bisconti, Brett	Spring	BHS	Assistant AD Spring 50%	\$1,900
b	Mahlik, Philip	Spring	BHS	Tennis Women's Assistant Spring	\$5,400

10. Approve Athletic Positions*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following athletic positions for the 2022-2023 school year:

	Name	Season	School	Position	Stipend
a	Shemon, Eileen	Spring	BHS	Girls JV Lacrosse	\$6,000
b	Robinson, CJ	Spring	BHS	Girls Freshman Lacrosse	\$5,600
c	Simoneau, Jon	Spring	BHS	Track & Field M/W Asst	\$6,000
d	Maurizio, Andrew	Spring	BHS	Track & Field M/W Asst	\$6,000

11. Approve Athletic Position

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following athletic position for the 2022-2023 school year:

	Name	Season	School	Position	Stipend
a	Strubel, Alice	Spring	BMS	Softball Head	\$4,205

12. Approve Co-Curricular Positions*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following co-curricular positions for the 2022-2023 school year; *funded by the Municipal Alliance:*

	Name	Season	School	Position	Stipend
a	Escobar-Chafee, Salome	February - June 2023	BHS	Afterschool Homework support at BHS funded by Municipal Alliance	\$59.11/hour
b	Garay, Janet	February - June 2023	BHS	Afterschool Homework support at BHS funded by Municipal Alliance	\$59.11/hour
c	Medina, Pilar	February - June 2023	BHS	Afterschool Homework support at BHS funded by Municipal Alliance	\$59.11/hour

13. Approve Co-Curricular Position

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following co-curricular & athletic positions for the 2022-2023 school year:

	Name	School	Season	Position	Stipend
a	Day, Brenda	BMS	22-23 school year	Vocal Music Accompanist	\$1,289
b	Gill, Austin	BMS	Spring	Softball Assistant	\$2,733

14. Approve Volunteer Positions*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following volunteer positions for the 2022-2023 school year; *subject to further investigation pursuant to law*:

	Name	School	Season	Position	Stipend
a	Witty, Dean	BHS	Spring	Boys Lacrosse	\$0
b	Femenella, Matthew	BHS	Spring	Boys Lacrosse	\$0
c	Palmieri, Jeremy	BHS	Spring	Softball Coach	\$0
d	deMarrais, Douglas N.	BHS	Spring	Baseball Coach	\$0 <i>Pending clearance</i>
e	Nygaard, Chris	BHS	Spring	Baseball Coach	\$0 <i>Pending clearance</i>

15. Amend Substitute Rates*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, amend the following substitute rates for the 2022-2023 school year:

Credential	Rate
Paraprofessional	\$13/hour \$14.13/hour (minimum wage)
Technology Technician	\$20/hour \$37/hour

16. Approve Substitute*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following substitute for the 2022-2023 school year; *subject to further investigation pursuant to law*:

	Name	Position	Certification	Effective
a	Disabato, Felicia	Secretary	County Substitute Certificate	2/23/23

XIV. POLICY

- A. Committee Report and Discussion.
B. Action Items:

1. First Reading*

Resolved, that the Somerset Hills Board of Education, upon recommendation of the Superintendent, approve the first reading of the following bylaw, policy & regulation:

Policy/Regulation #	Title
P0161	Call, Adjournment, and Cancellation (<i>Revised</i>)

P0162	Notice of Board Meetings (<i>Revised</i>)
P2423 & R2423	Bilingual and ESL Education (M) (<i>Revised</i>)
P2425	Emergency Virtual or Remote Instruction Program (M) (<i>Revised</i>)
R2425	Emergency Virtual or Remote Instruction Program (M) (<i>New</i>)
P5200 & R5200	Attendance (M) (<i>Revised</i>)
P5512	Harassment, Intimidation, or Bullying (M) (<i>Revised</i>)
P8140	Student Enrollments (M) (<i>Revised</i>)
R8140	Enrollment Accounting (M) (<i>Revised</i>)

2. Second Reading*

Resolved, that the Somerset Hills Board of Education, upon recommendation of the Superintendent, approve the second reading of the following bylaw, policy & regulation:

Policy/Regulation #	Title
P1648.11	The Road Forward COVID-19 - Health and Safety (M) (<i>Abolished</i>)
P1648.13	School Employee Vaccination Requirements (M) (<i>Abolished</i>)
P8330 & R8330	Student Records (M) (<i>Revised</i>)
R8420.2	Bomb Threats (M) (<i>Revised</i>)
R8420.7	Lockdown Procedures (M) (<i>Revised</i>)
R8420.10	Active Shooter (M) (<i>Revised</i>)

XV. Public Comments

Public comments are welcome at this time on any topic. Public Comments will be limited to 3 minutes. Please state your name and address. Thank you for your input.

XVI. Supplementary Matters

XVII. Adjournment

***Note:** The areas of permitted voting for the Bedminster district representative of the Board of Education are: (a) Tuition to be charged the sending district by the receiving district and the bill lists or contracts for the purchase, operation or maintenance of facilities, equipment and instructional materials to be used in the education of the pupils of the sending district; (b) New capital construction to be utilized by sending district pupils; (c) Appointment, transfer or removal of teaching staff members providing services to pupils of the sending district, including any teaching staff member who is a member of the

receiving district's central administrative staff; (d) Addition or deletion of curricular and extracurricular programs involving pupils of the sending district; (e) Any matter directly involving the sending district pupils or programs and services utilized by those pupils; (f) Approval of the annual receiving district budget; (g) Any collectively negotiated agreement involving employees who provide services utilized by sending district pupils; (h) Any individual employee contracts not covered by a collectively negotiated agreement, if those employees provide or oversee programs or services utilized by sending district pupils; and (i) Any matter concerning governance of the receiving district board of education including, but not limited to, the selection of the board president or vice-president, approval of board bylaws, and the employment of professionals or consultants such as attorneys, architects, engineers, or others who provide services to the receiving district board of education.

(cf: P.L.1996, c.103, s.1)

Somerset Hills School District

February 22, 2023

ADDENDUM

XI. FINANCE

13. Approve Settlement Agreement*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following Settlement Agreement for Student #3325116147 for the 2022-2023 school year.

XII. FACILITIES & OPERATIONS

3. Award Bid Bernards High School Turf Field Replacement*

Bid responses were due to the Bernardsville Olcott Building in the Olcott Conference Room located at 25 Olcott Avenue, Bernardsville, NJ, on Thursday, February 16, 2023, at 10:00 AM for the Bernards High School Turf Field Replacement. Doug Lucas, Director of Facilities; Jinne DeMarco, Business Administrator; William Ross of Parette Somjen Architects, LLC were present. The following are the results:

Vendor	Base Bid Amount
Athletic Fields of America	\$ 890,907
The LandTek Group, Inc.	\$1,098,000

WHEREAS, the Board publicly advertised for the bids for the Bernards High School Turf Field Replacement pursuant to N.J.S.A. 18A-4; and

WHEREAS, two bids were received and publicly opened on February 16, 2023; and be it further RESOLVED, that the Somerset Hills Board of Education accept the proposal for Bernards High School Turf Field Replacement from Athletic Fields of America for a total bid price of \$933,144, including the alternate of \$42,237.

XIII. PERSONNEL

16. Approve Substitutes*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, approve the following substitutes for the 2022-2023 school year; *subject to further investigation pursuant to law:*

	Name	Position	Certification	Effective
b	Sanguiliano, Dominick	Teacher, Para	County Substitute Certificate	2/23/23 <i>Pending clearance.</i>
c	Upender, Astha	Teacher, Para	Certificate of Eligibility	2/23/23

17. Amend Leave of Absence*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, amend the following leave of absence:

Somerset Hills School District

February 22, 2023

ADDENDUM

	Employee	Bldg	Position	Type of leave	Dated of Leave/Notes
a	9243	BHS	Teacher	FMLA Unpaid leave Anticipated Return	12/05/2022 - 03/06/2023 (unpaid) 03/07/2023 - 06/30/2023 (unpaid) 03/07/2023 09/01/2023

18. Rescind Appointment Non-Certificated Staff

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, rescind the appointment of the following non-certified staff for the 2022-2023 school year:

	Name	School	Position	Replace	Step	Salary	Effective
a	Sanguiliano, Dominick	BES	Regular Paraprofessional	Garrigan	1	\$16.34/hr	2/23/23

19. Amend Leave Replacement Teacher*

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, amend the following Leave Replacement Teacher for the 2022-2023 school year, *subject to further investigation pursuant to law*:

	Name	School	Position	Replace	Level	Step	Salary	Effective
a	Pugliese, Ryan	BHS	Teacher	9243	MA	4-5	\$67,205	1/4/23 - 3/3/23 6/30/23

20. Amend Administrative Leave with Pay

Resolved, that the Somerset Hills Board of Education, upon the recommendation of the Superintendent, amend the following administrative leave with pay:

	Employee	Effective
a	3980	12/20/22 - 12/23/2022 01/12/23 - on or before 03/07/2023

The Somerset Hills School District 2023 - 2024

September 2023						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Students - 17 / Staff - 19 days

September

- 1 Prof Day-No School
- 4 Labor Day - No School
- 5 Prof Day-No School
- 6 First Day for students
- 25 Yom Kippur - No School

October 2023						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Students - 22 / Staff - 22 days

October

- 6 Prof Day -Early Dismissal
- 16 Prof Day -Delayed Opening

November 2023						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Students - 18 / Staff - 18 days

November

- 1 Prof Day -Delayed Opening
- 9-10 NJEA - No School
- 22 Early Dismissal
- 23-24 Thanksgiving

December 2023						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Students - 16 / Staff - 16 days

December

- 22 Early Dismissal
- 25-29 Winter Recess

January 2024						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Students - 21 / Staff - 21 days

January

- 1 New Year's Day-No School
- 15 MLK Day - No School
- 26 Prof Day - Early Dismissal

February 2024						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

Students - 19 / Staff - 19 days

February

- 15 Prof Day -Early Dismissal
- 16 Presidents Day - No School
- 19 Presidents Day - No School

March 2024						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Students - 19 / Staff - 20 days

March

- 4 Prof Day -No School
- 18 Prof Day-Delayed Opening
- 29 Good Friday - No School

April 2024						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Students - 17 / Staff - 17 days

April

- 1-5 Spring Break

May 2024						
S	M	T	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Students - 22 / Staff - 22 days

May

- 23 Make-Up Day #1
- 24 Make-Up Day #3
- 27 Memorial Day-No School
- 28 Make-Up Day #2

June 2024						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Students - 12 / Staff - 13 days

June

- 17 Early Dismissal
- 18 Early Dismissal/Last Day/Commencement for Students
- 19 Prof Day-No School

Note: This calendar allows for three emergency days that will be used in the following order: May 23rd, May 28th, and May 24th. Should additional days be used, days will be made up as follows: January 15th and February 19th, then during spring recess beginning with April 5th and working backwards.

183= Student Days
187= Teacher/Staff Days
4= Full Professional Days
3= Early Dismissal/Prof Days
3= Delayed Opening: Prof Day

Approved at Board of Education Meeting: _____

BYLAW GUIDE

BYLAWS

0161/page 1 of 2

Call, Adjournment, and Cancellation

0161 CALL, ADJOURNMENT, AND CANCELLATION

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

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

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

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

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

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



BYLAW GUIDE

Notice of the cancellation shall include the date, time, and place of the next scheduled meeting. Notice of the cancellation shall be read at the next following Board meeting and shall be duly recorded in the official minute book.

BYLAWS

0161/page 2 of 2

Call, Adjournment, and Cancellation

N.J.S.A. 18A:10-6

N.J.A.C. 6A:32-3.1

Adopted: 1 October 2008

Revised: TBD



BYLAW GUIDE

BYLAWS

0162/page 1 of 4

Notice of Board Meetings

0162 NOTICE OF BOARD MEETINGS

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

Adequate Public Notice

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

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



BYLAW GUIDE

BYLAWS

0162/page 2 of 4

Notice of Board Meetings

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

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

1. ~~Such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest; and~~

2. ~~The meeting is limited to discussion of and acting with respect to such matters of urgency and importance; and~~

3. ~~Notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same in the public place described in N.J.S.A. 10:4.8.d., and also by notifying the two newspapers described in N.J.S.A. 10:4.8.d. by telephone, telegram, or by delivering a written notice of same to such newspapers; and~~

4. ~~Either the public body could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided or although the public body could reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided, it nevertheless failed to do so.~~

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



BYLAW GUIDE

BYLAWS

0162/page 3 of 4

Notice of Board Meetings

Personal Notice of Meeting

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

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

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

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

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



BYLAW GUIDE

BYLAWS

0162/page 4 of 4

Notice of Board Meetings

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

N.J.S.A. 10:4-6 et seq.; 10:4-8~~d~~; 10:4-9~~b~~

N.J.S.A. 18A:6-11; 18A:10-6

N.J.A.C. 6A:32-3.1

Adopted: 1 October 2008

Revised: TBD



BYLAW GUIDE



POLICY GUIDE

PROGRAM

2423/page 1 of 5

Bilingual and ESL Education

M

2423 BILINGUAL AND ESL EDUCATION

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

Identification of **Eligible** ELLs

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

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

The district shall determine the English language proficiency of all Kindergarten to grade twelve students who are not screened out and whose native language is other than English by administering an English language proficiency test, assessing the level of reading in English, reviewing the previous academic performance of



POLICY GUIDE

students, including their performance on standardized tests in English, and reviewing the input of teaching staff members responsible for the educational program for ELLs. Students who do not meet the New Jersey Department of Education (Department) standard on a language proficiency test and who have at least one other indicator shall be considered ELLs. The district shall also use age-appropriate methodologies to identify preschool ELLs to determine their individual language development needs.

PROGRAM

2423/page 2 of 5

Bilingual and ESL Education

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

Bilingual Programs for ELLs Program Implementation

The district shall provide the following programs:

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



POLICY GUIDE

~~program has been requested and approval has been granted by the Department of Education. The Board may establish a program in bilingual education for any language classification with fewer than twenty students.~~

PROGRAM

2423/page 3 of 5

Bilingual and ESL Education

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

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

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

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

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

PROGRAM



POLICY GUIDE

2423/page 4 of 5

Bilingual and ESL Education

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

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

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

Parental Involvement

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

PROGRAM

2423/page 5 of 5



POLICY GUIDE

Bilingual and ESL Education

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

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

Graduation

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

Program Plan

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

N.J.S.A. 18A:35-15 through 18A:35-~~26.125~~

N.J.A.C. **6A:14-4.10**; 6A:15-1.1 et seq.

Adopted: October 2008



POLICY GUIDE

Revised: December 2016

TBD



REGULATION GUIDE

PROGRAM

R 2423/page 1 of 15

Bilingual and ESL Education

Dec 22

M

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

R 2423 BILINGUAL AND ESL EDUCATION

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

1. “Alternate English language proficiency assessment” (alternate ELP assessment) means a New Jersey Department of Education-approved assessment for students with the most significant cognitive disabilities that assesses a student’s English language proficiency on the four domains of listening, speaking, reading, and writing, and that is aligned with the State’s academic achievement standards, as permitted under the Every Student Succeeds Act (ESSA) and the Individuals with Disabilities Education Act (IDEA).

24. “Bilingual education program” means a full-time program of instruction in all courses or subjects that a child is required by law or rule to receive, given in the native language of English language learners (ELLs) enrolled in the program and also in English; in the aural comprehension, speaking, reading, and writing of the native language of ELLs enrolled in the programs, and in the aural comprehension, speaking, reading, and writing of English; and in the history and culture of the country, territory, or geographic area that is the native land of the parents of ELLs enrolled in the program, and in the history and culture of the United States.

32. “Bilingual part-time component” means a program alternative in which students are assigned to mainstream English program classes, but are scheduled daily for their developmental reading and mathematics instruction with a certified bilingual teacher.



REGULATION GUIDE

43. “Bilingual resource program” means a program alternative in which students receive, **on an individual basis**, daily instruction from a certified bilingual teacher in identified subjects and with specific assignments ~~on an individual student basis~~.

PROGRAM

R 2423/page 2 of 15

Bilingual and ESL Education

54. “Bilingual tutorial program” means a program alternative in which students ~~receive are provided~~ one period of instruction from a certified bilingual teacher in a content area required for graduation and a second period of tutoring in other required content areas.

65. “Dual-language bilingual education program” means a full-time program of instruction in elementary and secondary schools that provides structured English language instruction and instruction in a second language in all content areas for ELLs ~~students~~ and for native English speaking students enrolled in the program.

76. “Educational needs” means the particular educational requirements of ELLs; the fulfillment of which will provide them with equal educational opportunities.

87. “English as a second language (ESL) program” means a daily developmental second-language program of at least one period of instruction based on student language proficiency ~~that which~~ teaches aural comprehension, speaking, reading, and writing in English using second language teaching techniques, and incorporates the cultural aspects of the student-s’ experiences in their ESL instruction. A period is the time allocated in the school schedule for instruction in core subjects.

98. “English language development standards” means the 2012 Amplification of the English Language Development Standards, Kindergarten - Grade 12, incorporated herein by reference, as amended and supplemented, developed by the World-Class Instructional Design and Assessment (WIDA) Consortium. They are the standards and language competencies ELLs in preschool programs and elementary and secondary schools need to become fully



REGULATION GUIDE

proficient in English and to have unrestricted access to grade-appropriate instruction in challenging academic subjects. The standards are published by the Board of Regents of the University of Wisconsin System, on behalf of the WIDA Consortium (www.wida.us) and are available for review at <http://www.wida.us/standards/eld.aspx>.

PROGRAM

R 2423/page 3 of 15

Bilingual and ESL Education

109. “English language learner” or “ELL” means a student whose native language is other than English. The term refers to students with varying degrees of English language proficiency in any one of the domains of speaking, reading, writing, or listening and is synonymous with limited English speaking ability as used in N.J.S.A. 18A:35-15 to 26.

1140. “English language proficiency ~~assessment test~~” (**ELP assessment**) means a **New Jersey Department of Education-approved assessment that evaluates a student’s** ~~test that measures~~ English language **proficiency on skills in the four domains** ~~areas of listening aural comprehension~~, speaking, reading, and writing, **and that is aligned with the State’s academic achievement standards as permitted under ESSA.**

1244. “English language services” means services designed to improve the English language skills of ELLs. The services, provided in school districts with less than ten ELLs, are in addition to the regular school program and are designed to develop aural comprehension, speaking, reading, and writing skills in English.

1342. “Exit criteria” means the criteria that must be applied before a student may be exited from a bilingual, ESL, or English language services education program.

1413. “High-intensity ESL program” means a program alternative in which students receive two or more class periods a day of ESL instruction. One period is the standard ESL class and the other period is a tutorial or ESL reading class.



REGULATION GUIDE

1544. “Instructional program alternative” means a part-time program of instruction that may be established by a Board of Education in consultation with and approval of the New Jersey Department of Education (**Department**). All students in an instructional program alternative receive English as a second language.

PROGRAM

R 2423/page 4 of 15

Bilingual and ESL Education

1645. “Native language” means the language or mode of communication normally used by a person with a limited ability to speak or understand the English language. In the case of a student, the native language is the language normally used by the student’s parents, except that in all direct contact with a student, including during the evaluation of the child, the native language is the language normally used by the student in the home or in the learning environment ~~first acquired by the student, the language most often spoken by the student, or the language most often spoken in the student’s home regardless of the language spoken by the student.~~

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

1846. “Parent(s)” for the purposes of Policy **2423** and **this** Regulation ~~2423~~ means the natural parent(s) or the legal guardian(s), foster parent(s), surrogate parent(s), or person acting in the place of a parent with whom the student legally resides. When parents are separated or divorced, parent means the person(s) who has legal custody of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

1947. “Review process” means the process established by the Board of Education to assess ELLs for exit from bilingual, ESL, or English language services programs.



REGULATION GUIDE

2018. “Sheltered English instruction” means an instructional approach used to make academic instruction in English understandable to ELLs. Sheltered English classes are taught by regular classroom teachers who have received training on strategies to make subject-area content comprehensible for ELLs.

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

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

PROGRAM

R 2423/page 5 of 15

Bilingual and ESL Education

a. Maintain a census indicating all **identified** students ~~identified~~ whose native language is other than English; and

b. ~~Administer the Statewide~~ **Develop a screening process, initiated by a** home-language survey, to determine which students in Kindergarten to grade twelve, ~~of those~~ whose native language is other than English, must be **screened further** ~~tested~~ to determine English language proficiency. The **Statewide home-language survey** ~~screening~~ shall be **administered** ~~conducted~~ by a bilingual/ESL or other certified teacher, and shall be designed to distinguish students who are proficient English speakers and need no further testing.

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



REGULATION GUIDE

C. Bilingual Programs for English Language Learners (ELLs) (N.J.A.C. 6A:15-1.4)

1. ~~The Board shall provide a~~ All Kindergarten ~~to through~~ grade twelve ELLs enrolled in the district pursuant to N.J.S.A. 18A:7F-46 ~~will be provided~~ with all required courses and support services outlined in **N.J.A.C. 6A:15-1.4 (b) through (h) and C.2. a. through C.8. g.** below to prepare ELLs to meet the ~~NJSLS Core Curriculum Content Standards~~ for high school graduation. This may include tutoring, after-school programs, summer programs, and remedial services as needed by ELLs. The district

PROGRAM

R 2423/page 6 of 15

Bilingual and ESL Education

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

2a. ~~The Board of Education~~ shall establish English language services designed to improve the English language proficiency of ELLs whenever there are at least one, but fewer than, ten ELLs enrolled in the school district. English language services shall be provided in addition to the regular school program.

3b. ~~The Board of Education~~ shall establish an ESL program that provides at least one period of ESL instruction based on student language proficiency whenever there are ten or more ELLs enrolled in the school district.

a.(1) An ESL curriculum that addresses the WIDA English language development standards shall be developed and adopted by the Board to address the instructional needs of ELLs.

b.(2) The ESL curriculum ~~shall will~~ be cross-referenced to the district's bilingual education and content area curricula to ensure that ESL instruction is correlated to all the content areas taught.



REGULATION GUIDE

4e. The Board of Education shall establish bilingual education programs whenever there are twenty or more ELLs in any one-language classification enrolled in the school district pursuant to N.J.S.A. 18A:35-18. ~~The Bilingual education programs shall:~~

a.(1) Be designed to prepare ELLs to acquire sufficient English skills and content knowledge to meet the ~~NJSLS Core Curriculum Content Standards~~. All ELLs participating in the bilingual programs shall also receive ESL instruction;

PROGRAM

R 2423/page 7 of 15

Bilingual and ESL Education

b.(2) Include a curriculum that addresses the ~~NJSLS Core Curriculum Content Standards~~, the WIDA English language development standards, and the use of two languages. The bilingual education curriculum shall be adopted by the Board; and

c.(3) Include ~~the a~~ full range of required courses and activities offered on the same basis and under the same rules that apply to all students within the school district.

5d. ELLs shall be provided with equitable instructional opportunities to participate in all non-academic courses necessary to meet the ~~NJSLS Core Curriculum Content Standards~~, including comprehensive health and physical education, the visual and performing arts, and career awareness programs. The instructional opportunities shall be designed to assist ELLs to fully comprehend all subject matter and demonstrate their mastery of the content matter.

6e. The Board of Education shall offer sufficient courses and other relevant supplemental instructional opportunities in grades nine through twelve to enable ELLs to meet the ~~NJSLS Core Curriculum Content Standards~~ for graduation. When sufficient numbers of students are not available to form a bilingual class in a subject area, the Board shall develop plans in consultation with and approved by the ~~New Jersey Department of Education~~ to meet the needs of the students.



REGULATION GUIDE

7f. **In addition to N.J.A.C. 6A:15-1.4(a) through (f) and C.1. through C.6. above,** ~~The Board of Education~~ shall design additional programs and services to meet the special needs of eligible ELLs and include, but not be limited to: remedial instruction through Title I programs; special education; school-to-work programs; computer training; and gifted and talented education services.

PROGRAM

R 2423/page 8 of 15

Bilingual and ESL Education

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

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

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

The school district may request a waiver from N.J.A.C. 6A:15-1.4(d) **and C.4. above** to establish annually an instructional program alternative with the approval of the Department ~~of Education~~ when there are twenty or more students eligible for the bilingual education program in **grades** Kindergarten through ~~grade~~ twelve, and the school



REGULATION GUIDE

district is able to demonstrate that it would be impractical to provide a full-time bilingual program due to age range, grade span, and/or geographic location of eligible students.

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

PROGRAM

R 2423/page 9 of 15

Bilingual and ESL Education

2. The instructional program alternatives that shall be established include, but are not limited to: the bilingual part-time component; the bilingual resource program; the bilingual tutorial program; the sheltered English instruction program; and the high-intensity ESL program.

3. In the event the district implements program alternatives, the district shall annually submit student enrollment and achievement data that demonstrate the continued need for these programs.

E. Department of Education Approval Procedures of Bilingual, ESL, or English Language Services Programs (N.J.A.C. 6A:15-1.6)

1. If the district provides providing a bilingual program, ESL program, or English language services, the district shall submit a plan every three years to the New Jersey Department of Education for approval. At its discretion, the Department of Education may request modifications, as appropriate.



REGULATION GUIDE

a. Plans submitted by the ~~Board school district~~ for approval shall include information on the following:

~~(1)a.~~ Identification of students;

~~(2)b.~~ Program description;

~~(3)c.~~ ~~The n~~Number of certified staff hired for the program;

~~(4)d.~~ Bilingual and ESL curriculum development;

~~(5)e.~~ Evaluation design;

~~(6)f.~~ Review process for exit; and

~~(7)g.~~ A budget for bilingual and ESL programs or English language services.

PROGRAM

R 2423/page 10 of 15

Bilingual and ESL Education



REGULATION GUIDE

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

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

1. Students enrolled in bilingual, ESL, or English language services programs shall have full access to educational services available to other students in the school district.

2. To the extent that it is administratively feasible, supportive services to ELLs, such as counseling, tutoring, and career guidance, should be provided by bilingual personnel who are familiar with and knowledgeable of the unique needs and background of the ELLs and their parents.

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

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

2. The Professional Development Plan of the school district shall include the needs of bilingual and ESL teachers, which shall be addressed through in-service training.

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

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



REGULATION GUIDE

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

PROGRAM

R 2423/page 11 of 15

Bilingual and ESL Education

2. **All teachers of ESL classes shall hold** a valid New Jersey instructional certificate in ESL pursuant to N.J.S.A. 18A:6-38 et seq. and N.J.A.C. 6A:9B-10.5.

3. **All teachers providing** English Language Services **shall hold** a valid New Jersey instructional certificate.

I. Bilingual, English as a Second Language, and English Language Services Program Enrollment, Assessment, Exit, and Re-entry (N.J.A.C. **6A:15-1.10**)

1. All ELLs from Kindergarten through grade twelve shall be enrolled in the bilingual, ESL, or English language services **education** program established by the Board of Education as prescribed in N.J.A.C. 6A:15-1.4(b) through (e) and 1.5(a), **C.2. through C.5. and D. above**, and P.L. 1995, c. 59 and c. 327.

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

3. ELLs enrolled in the bilingual, ESL, or English language services program shall be placed in a monolingual English program when they have demonstrated readiness to **exit a bilingual, ESL, or ELS program through Department-established criteria on an ELP assessment and a Department-established English language observation form.** ~~A function successfully in an English-only program. The process to determine the readiness or inability of the individual student to function successfully in the English-only program shall be initiated by the student's level of English proficiency as measured by a first achieve the Department-established English proficiency standard as measured by an ELP assessment on an English language proficiency test. The student's readiness of~~



REGULATION GUIDE

the _____ student shall be

PROGRAM

R 2423/page 12 of 15

Bilingual and ESL Education

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

a. Pursuant to C.F.R. §200.6(h)(4)(ii), an ELL with a disability whose disability makes it impossible for the student to be assessed in a particular domain because there are no appropriate accommodations for assessing the student in that domain may be exited from ELL status based on the student's score on the remaining domains in which the student was assessed.

4. A parent may remove a student who is enrolled in a bilingual education program pursuant to provisions in N.J.S.A. 18A:35-22.1.

5. New ly exited students who are not progressing in the mainstream English program may be considered for reentry to bilingual and ESL programs as follows:

a. After a minimum of one-half of an academic year and within two years of exit, the mainstream English classroom teacher may recommend retesting with the approval of the Principal.

b. A waiver of the minimum time limitation may be approved by the Executive County Superintendent upon request of the Superintendent if the student is experiencing extreme difficulty in adjusting to the mainstream program.



REGULATION GUIDE

c. The recommendation for retesting shall be based on the teacher's judgment that the student is experiencing difficulties due to problems in using English as evidenced by the student's inability to: communicate effectively with peers and adults; understand directions given by the teacher; and/or comprehend basic verbal and written materials.

PROGRAM

R 2423/page 13 of 15

Bilingual and ESL Education

d. The student shall be tested using a different form of the test or a different language proficiency test than the one used to exit the student.

e. If the student scores below the State-established standard on the language proficiency test, the student shall be re-enrolled into the bilingual or ESL program.

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

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

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



REGULATION GUIDE

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

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

PROGRAM

R 2423/page 14 of 15

Bilingual and ESL Education

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

1. The school district ~~shall will~~ notify by mail the parents of ELLs of the fact that their child has been identified as eligible for enrollment in a bilingual, ESL, or English language services ~~education~~ program. The district shall issue the notification within thirty days of the child's identification. Notice shall include a statement that the parents may decline their child's enrollment in a bilingual program, and they shall be given an opportunity to do so if they choose. The notice shall be in writing and in the language in which the parent(s) possesses a primary speaking ability, and in English, and shall include the following information:

a. Why the student was identified as an ELL;

b. Why the student needs to be placed in a language instructional educational program that will help ~~him or her~~ **them** develop and attain English proficiency and meet ~~the NJSL State academic standards;~~ **the NJSL State academic standards;**



REGULATION GUIDE

c. The student's level of English proficiency, how the level of English proficiency was assessed, and the student's academic level;

d. The method of instruction the school district will use to serve the student, including a description of other instruction methods available and how those methods differ in content, instructional goals, and the use of English and a native language, if applicable;

e. How the program will meet the student's specific needs in attaining English and meeting State standards;

f. The program's exit requirements, the expected rate of transition into a classroom not tailored for ELLs and, in the case of high school students, the expected rate of graduation; and

PROGRAM

R 2423/page 15 of 15

Bilingual and ESL Education

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

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

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



REGULATION GUIDE

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

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

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

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

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

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

Issued:



POLICY GUIDE

PROGRAM

2425/page 1 of 5

Emergency Virtual or Remote

Instruction Program

M

2425 EMERGENCY VIRTUAL OR REMOTE

INSTRUCTION PROGRAM

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

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

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

PROGRAM



POLICY GUIDE

2425/page 2 of 5

Emergency Virtual or Remote

Instruction Program

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

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

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

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

PROGRAM

2425/page 3 of 5

Emergency Virtual or Remote



POLICY GUIDE

Instruction Program

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

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

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

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

PROGRAM

2425/page 4 of 5

Emergency Virtual or Remote

Instruction Program



POLICY GUIDE

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

1. District employees shall be entitled to compensation, benefits, and emoluments pursuant to the provisions of N.J.S.A. 18A:7F-9.e.(1) and (2).

2. The district shall continue to make payments of benefits, compensation, and emoluments pursuant to the terms of a contract with a contracted service provider in effect on the date of the closure as if the services for such benefits, compensation, and emoluments had been provided, and as if the school facilities had remained open pursuant to the provisions of N.J.S.A. 18A:7F-9.e.(3).

3. The district shall be obligated to make payments for benefits, compensation, and emoluments and all payments required pursuant to N.J.S.A. 18A:6-51 et seq., to an educational services commission, county special services school district, and a jointure commission, and under any shared services agreement and cooperative contract entered into with any other public entity pursuant to the provisions of N.J.S.A. 18A:7F-9.e.(4).

4. An educational services commission, county special services school district, and a jointure commission shall continue to make payments of benefits, compensation, and emoluments pursuant to the terms of a contract with a contracted service provider or a shared services agreement in effect on the date of the closure as if the services for such benefits, compensation, and emoluments had been provided, and as if the school facilities had remained open pursuant to the provisions of N.J.S.A. 18A:7F-9.e.(4).

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

PROGRAM

2425/page 5 of 5

Emergency Virtual or Remote

Instruction Program



POLICY GUIDE

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

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

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

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

N.J.S.A. 18A:7F-9

N.J.A.C. 6A:32-2.1; 6A:32-8.4; 6A:32-13.1

Adopted: October 2008

Revised: December 2016

TBD



REGULATION GUIDE

PROGRAM

R 2425/ page 1 of 6

Emergency Virtual or Remote

Instruction Program

Dec 22

M

[See POLICY ALERT No. 229]

R 2425 EMERGENCY VIRTUAL OR REMOTE

INSTRUCTION PROGRAM

A. Definitions

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

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

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



REGULATION GUIDE

PROGRAM

R 2425/ page 2 of 6

Emergency Virtual or Remote

Instruction Program

1. If implemented by the Superintendent, the school district's program of virtual or remote instruction shall be provided to an enrolled student, whether a general education student in preschool through grade twelve or a student with a disability aged three to twenty-one.

a. The school district shall provide students with a disability with the same educational opportunities provided to general education students to the extent appropriate and practicable.

b. Related services may be delivered to general education students and students with a disability through the use of electronic communication or a virtual or online platform, as appropriate.

2. The Board of Education may apply to the 180-day requirement established pursuant to N.J.S.A. 18A:7F-9.b., one or more days of virtual or remote instruction under the following conditions and in accordance with N.J.A.C. 6A:32-13.1(c)1. through 4. and B.2.a. through d. below:

a. Virtual or remote instruction is provided to students on the day(s) that some or all of the programs of instruction of the district were closed to in-person instruction;

b. The virtual or remote instruction meets the Commissioner-established criteria for the occurrence of one of the events at N.J.A.C. 6A:32-13.1(b) and B. above;

c. The school district's program of virtual or remote instruction:



REGULATION GUIDE

(1) Explains, to the greatest extent possible, the equitable delivery of, and access to, virtual and remote instruction, including descriptions of the following:

PROGRAM

R 2425/ page 3 of 6

Emergency Virtual or Remote

Instruction Program

(a) The design of synchronous and/or asynchronous virtual or remote learning plans that will maximize student growth and learning;

(b) How the school district will continuously measure student growth and learning in a virtual or remote instruction environment; and

(c) The school district's plan for measuring and addressing any ongoing digital divide issue(s), including a lack of access to the internet, network access, or devices;

(2) Addresses the needs of students with disabilities and includes descriptions of the following:

(a) The delivery of virtual or remote instruction in order to implement, to the greatest extent possible, students' individualized education programs (IEPs), including material and platform access;



REGULATION GUIDE

(b) The methods used to document IEP implementation, including the tracking of student progress, accommodations, and modifications;

(c) How case managers follow up with parents to ensure services are implemented, to the greatest extent possible, in accordance with IEPs; and

(d) How the school district plans to conduct IEP meetings, evaluations, and other meetings to identify, evaluate, and/or reevaluate students with disabilities;

PROGRAM

R 2425/ page 4 of 6

Emergency Virtual or Remote

Instruction Program

(3) Addresses the needs of English language learners (ELLs) and includes descriptions of the following:

(a) How the school district includes an English as a Second Language and/or bilingual education program aligned with State and Federal requirements to meet the needs of ELLs;

(b) The process to communicate with parents of ELLs, including providing translation materials, interpretative services, and information available at the parent’s literacy level;

(c) The use of instructional adaptations, for example, differentiation, sheltered instruction, Universal Design for Learning, access to technology, and strategies to ensure that ELLs access the same standard of education as non-ELL peers; and



REGULATION GUIDE

(d) The training for teachers, administrators, and counselors to learn strategies related to culturally responsive teaching and learning, social-emotional learning, and trauma-informed teaching for students affected by forced migration from their home country;

(4) Accounts for student attendance in accordance with N.J.A.C. 6A:32-13.1(d) and B.3. below and include the following:

(a) A description or copy of the school district's attendance policies, including how the school district will determine whether a student is present or absent during virtual or

PROGRAM

R 2425/ page 5 of 6

Emergency Virtual or Remote

Instruction Program

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

(5) Describes how the school district is communicating with the parents when a student is not participating in virtual or remote instruction and/or submitting assignments;

(6) Includes a plan for the continued safe delivery of meals to eligible students;

(7) Includes an outline of how buildings will be maintained throughout an extended period of closure; and



REGULATION GUIDE

(8) Includes district-specific factors, including, but not limited to, considerations for Title I extended learning programs, 21st Century Community Learning Center Programs, credit recovery, other extended student learning opportunities, accelerated learning, and social and emotional health of staff and students, transportation, extra-curricular programs, childcare, and community programming; and

d. The Board of Education submitted a proposed program of virtual or remote instruction to the Commissioner annually.

(1) If the Board is unable to complete and submit a proposed program annually in accordance with the timeline established by the Commissioner, and the school district is required to close its schools for a declared state of emergency, declared public-health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure, the Commissioner may retroactively approve the program.

PROGRAM

R 2425/ page 6 of 6

Emergency Virtual or Remote

Instruction Program

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



REGULATION GUIDE

Adopted:

© Copyright 2022 · Strauss Esmay Associates, LLP · 1886 Hinds Road · Suite 1 · Toms River, NJ 08753 - 8199 · 732-255-1500



REGULATION GUIDE



POLICY GUIDE

STUDENTS

5200/page 1 of 2

Attendance

M

5200 ATTENDANCE

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

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

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

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

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



POLICY GUIDE

STUDENTS

5200/page 2 of 2

Attendance

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

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

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

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

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

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

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



POLICY GUIDE

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

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

Adopted: 4 June 2008

Revised: 16 December 2009

10 December 2014

6 May 2015

21 October 2020

TBD



REGULATION GUIDE

STUDENTS

R 5200/page 1 of 19

Attendance

Dec 22

M

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

R 5200 ATTENDANCE

A. Definitions

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

2. ~~A "school day" shall consist of not less than four hours, except that one continuous session of two and one-half hours may be considered a full day of Kindergarten.~~

3. ~~"A day of attendance" shall be one in which the student is present for a full day under the guidance and direction of a teacher while school is in session.~~

a. ~~Whenever over-crowded conditions make it necessary to hold two separate sessions with a different group of students in each session, a student attending for all of either session shall be regarded as having attended for the full day. An excused absence for any reason shall not be counted as a day of attendance in the school register.~~



REGULATION GUIDE

~~4. A "half day class" shall be considered the equivalent of a full day's attendance only if in session for four hours or more, exclusive of recess periods or lunch periods.~~

~~AB.~~ Attendance Recording

1. ~~Attendance Recording in the~~ School Register (N.J.A.C. 6A:32-8.1)

STUDENTS

R 5200/page 2 of 19

Attendance

a. The Board of Education shall ~~be required to~~ carefully and accurately track enrollment and attendance of all students in a manual school register format or in an electronic format of the school's ~~district's~~ choosing.

b. The Commissioner ~~will shall~~ issue and publish on the Department's website ~~school register~~ guidance for recording student attendance in all public schools of the State operated by district Boards of Education, except adult high schools.

c. Student attendance shall be recorded in the school register during school hours on each day ~~school is~~ in session, **pursuant to N.J.A.C. 6A:32-8.3. An employee designated by the Superintendent shall keep in the school register, attendance of all students, and shall maintain the attendance records in accordance with N.J.A.C. 6A:32-8 and the guidance at N.J.A.C. 6A:32-8.1(c) and A.1.b. above.**

~~d. School registers shall be kept for students attending preschool, Kindergarten, grades one through five, grades six through eight, grades nine through twelve, each preschool class for the disabled, each class for the disabled, shared time classes for regular students, shared time classes for students with disabilities, full time bilingual education programs and vocational day programs, and summer schools operated by the Board of Education.~~



REGULATION GUIDE

de. A student who has been placed on home instruction shall have ~~their his or her~~ attendance status recorded on the regular register for the program in which the student is enrolled. **The student shall be marked absent for** ~~For~~ the period beginning the first day the student is unable to attend school and ending the day before the first instructional day at the student's place of confinement, ~~the student shall be marked absent. No~~ Absences shall **not** be recorded for the student while on home instruction, **provided providing** the hours of instruction are not less than required by N.J.A.C. 6A:14-4.8 and 4.9 **and 6A:16-10.1 and 10.2.** The number

STUDENTS

R 5200/page 3 of 19

Attendance

of possible days **in membership of enrollment** for a student on home instruction shall be the same as for other students in the program in which the student is enrolled.

(1) **“Days in membership” means the number of school days in session in which a student is enrolled. A student's membership begins on the first possible day of attendance following enrollment during the school year, notwithstanding the actual day the student was recorded as present for the first time.**

2. **Day in Session Attendance Recording for Board Policy** (N.J.A.C. 6A:32-8.3)

a. **A day in session shall be a day on which the school is scheduled to provide instruction and students are under the guidance and direction of a teacher(s) engaged in the teaching process. A day on which school is closed for reasons such as holidays and teachers' institutes, or inclement weather not under conditions set forth at N.J.A.C. 6A:32-13, shall not be considered a day in session.**

b. **A day in session shall consist of not less than four hours, exclusive of recess and lunch periods, except that one continuous session of two and one-half hours may be considered a full day in Kindergarten.**



REGULATION GUIDE

~~a. A record of the attendance of all students on roll in a school register shall be kept each day that school is in session by a teacher or other authorized person. It shall be the duty of this person to keep the attendance records according to these rules and the specific instructions issued by the Commissioner of Education.~~

~~b. No student shall be recorded as present unless the school is in session and the student so recorded is under the guidance and direction of a teacher in the teaching process.~~

STUDENTS

R 5200/page 4 of 19

Attendance

~~e. A student shall be recorded as absent in the school register when not in attendance at a session of the school while a member of the school, except students excused due to religious holidays who shall be recorded as excused.~~

~~d. A student shall be recorded as either present, absent, or excused for religious observance, every day the school is in session after the student enters until the date the student is transferred to another school, transferred to an individual home instruction record, or officially leaves the school system.~~

~~e. The Commissioner shall annually prescribe a list of religious holidays on which it shall be mandatory to excuse students for religious observance upon the written request signed by the parent or person standing in loco parentis.~~

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

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



REGULATION GUIDE

3. Student Attendance (N.J.A.C. 6A:32-8.4)

a. For all State attendance submissions, a student shall be recorded as present, absent, or excused for a State-excused absence, pursuant to N.J.A.C. 6A:32-8.4(e) and A.3.e. below, on every day the school is in session after the student enrolls until the date the student is transferred to another school or officially leaves the school district.

STUDENTS

R 5200/page 5 of 19

Attendance

b. A record of attendance of all students shall be kept in accordance with N.J.A.C. 6A:32-8.1(c) and A.1.b. above. The employee designated by the Superintendent shall keep the attendance records according to N.J.A.C. 6A:32-8 and the guidance issued by the Commissioner in accordance with N.J.A.C. 6A:32-8.1(c) and A.1.b. above.

c. A student enrolled in a school shall be recorded in the school register as present if the student participates in instruction or instruction-related activities for at least half a day in session whether the student is physically on school grounds, at an approved off-grounds location, or in a virtual or remote instruction setting, pursuant to N.J.A.C. 6A:32-13.

d. A student enrolled in a school who is not participating in instruction or instruction-related activities pursuant to N.J.A.C. 6A:32-8.4(c) and A.3.c. above shall be recorded in the school register as absent, unless the student is recorded as a State-excused absence, pursuant to N.J.A.C. 6A:32-8.4(e) and A.3.e. below.

e. State-excused absences shall be as follows:

(1) Religious observance, pursuant to N.J.S.A. 18A:36-14, 15, and 16.



REGULATION GUIDE

(a) The Commissioner, with approval of the State Board of Education, shall annually prescribe a list of religious holidays on which it shall be mandatory to excuse students for religious observance upon the written request signed by the parent or person standing in loco parentis;

(2) Participation in observance of Veterans Day, pursuant to N.J.S.A. 18A:36-13.2;

STUDENTS

R 5200/page 6 of 19

Attendance

(3) Participation in district board of election membership activities, pursuant to N.J.S.A. 18A:36-33;

(4) Take Our Children to Work Day;

(5) College visit(s), up to three days per school year for students in grades eleven and twelve; and

(6) Closure of a busing school district that prevents a student from having transportation to the receiving school.

f. For absences that do not meet the criteria at N.J.A.C. 6A:32-8.4(e) and A.3.e. above, the Board may adopt policies that establish locally approved or excused absences consistent with N.J.A.C. 6A:16-7.6 for the purposes of expectations and consequences regarding truancy, student conduct, promotion, retention, and the award of course credit. However, an absence designated as excused by the Board pursuant to N.J.A.C. 6A:16-7.6 shall be considered as an absence in the submission to the State for the purpose of chronic absenteeism reporting, as set forth at N.J.A.C. 6A:32-8.6.



REGULATION GUIDE

4. Average Daily Attendance (N.J.A.C. 6A:32-8.5)

The average daily attendance rate in a district school or program of instruction for a school year shall be the total number of the days present of all enrolled students, divided by the number of days in membership of all enrolled students. The student average daily attendance means the total number of days that a student is present in the school divided by the total possible number of days in session.

5. Absentee and Chronic Absenteeism Rates (N.J.A.C. 6A:32-8.6)

a. A student's absentee rate shall be determined by subtracting the student's total number of days present from the student's days in membership and dividing the result by the student's days in membership.

STUDENTS

R 5200/page 7 of 19

Attendance

(1) State-excused absences shall not be included in a student's days in membership for purposes of calculating a student's absentee rate.

b. If a student's absentee rate is equal to or greater than ten percent, the student shall be identified as chronically absent.

c. Each school with ten percent or more of its enrolled students identified as chronically absent shall develop a corrective action plan to improve absenteeism rates. In accordance with N.J.S.A. 18A:38-25.1, the school will annually review and revise the corrective action plan and present the revisions to the Board, until the percentage of students who are chronically absent is less than ten percent.

BC. Unexcused Absences That Count Toward Truancy/Excused Absences for Board Policy



REGULATION GUIDE

1. Notwithstanding the requirement of reporting student absences in the school register for State and Federal reporting purposes, “excused” and “unexcused” student absences for the purpose of expectations and consequences regarding truancy, student conduct, promotion, **retention**, and the award of course credit is a Board decision outlined in Policy 5200 and this Regulation.

2. N.J.A.C. 6A:16-7.6(a)3 requires the Board of Education policies and procedures contain, at a minimum, a definition of unexcused absence that counts toward truancy, **student conduct, promotion, retention, and the award of course credit**.

a. “An unexcused absence that counts toward truancy” is a student’s absence from school for a full or a portion of a day for any reason that is not an “excused absence” as defined in **B.2.b.** below.

STUDENTS

R 5200/page 8 of 19

Attendance

b3. “An excused absence” is a student’s absence from school for a full day or a portion of a day for the observance of a religious holiday pursuant to N.J.S.A. 18A:36-14 through 16, or any absence for the reasons listed below:

[Select one or more options below

___ The student’s illness



REGULATION GUIDE

___ supported by a written letter from the parent upon student's return to school;

___ supported by notification to the school by the student's parent;

___ The student's required attendance in court;

___ Where appropriate, when consistent with Individualized Education Programs, the Individuals with Disabilities Act, accommodation plans under 29 U.S.C. §§ 794 and 705(20), and individualized health care plans;

___ The student's suspension from school;

___ Family illness or death

___ supported by a written letter from the parent upon the student's return to school;

___ supported by notification to the school by the student's parent;

___ **College visit(s), up to ___ days per school year for students in grades eleven and twelve** ~~Visits to post-secondary educational institutions;~~

___ Interviews with a prospective employer or with an admissions officer of an institution of higher education;

___ Examination for a driver's license;

STUDENTS



REGULATION GUIDE

R 5200/page 9 of 19

Attendance

___ Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day;

___ Take Our Children to Work Day;

___ **Religious observance, pursuant to N.J.S.A. 18A:36-14 through 16;**

___ **Participation in observance of Veterans Day, pursuant to N.J.S.A. 18A:36-13.2;**

___ **Participation in district board of election membership activities, pursuant to N.J.S.A. 18A:36-33;**

___ **Closure of a busing school district that prevents a student from having transportation to the receiving school;**

___ An absence considered excused by the Commissioner of Education and/or a New Jersey Department of Education rule;

___ An absence for a reason not listed above, but deemed excused by the Principal upon a written request by the student's parent stating the reason for the absence and requesting permission for the absence to be an excused absence;

___ _____



REGULATION GUIDE

_____;

_____.]

STUDENTS

R 5200/page 10 of 19

Attendance

~~4. For cumulative unexcused absences of ten or more, a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25 as determined by the Board's Attendance Policy and Regulation pursuant to N.J.A.C. 6A:16-7.6(a)4.iii. and the definition of school day pursuant to N.J.A.C. 6A:32-8.3. Any absence not listed in C.3. above shall be an unexcused absence counted toward truancy.~~

[Optional

35. "Unexcused tardiness" may constitute an unexcused absence that counts toward truancy in accordance with Policy 5240.]

~~C.D.~~ Notice to School of a Student's Absence



REGULATION GUIDE

1. The parent or adult student shall notify the school office before the school day when the student will not be in school.

2. The parent of the student or an adult student who will attend the morning session, but will not attend the afternoon session shall provide notice to the school office before the start of the afternoon session.

3. The parent of a student or an adult student shall notify the school office of a future absence if the absence is foreseeable.

~~4. The parent or adult student who anticipates a future absence or anticipates that an absence will be prolonged shall notify the school office to arrange make-up work.~~

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

STUDENTS

R 5200/page 11 of 19

Attendance

DE. Readmission to School After an Absence



REGULATION GUIDE

1. A student returning from an absence of any length of time must provide a written statement **to the Principal or designee** that is dated and signed by the parent or adult student listing the reason for the absence.

~~2. A note explaining a student's absence for a noncommunicable illness for a period of more than _____ school days must be accompanied by a physician's statement of the student's illness with medical clearance to return to school.~~

~~23. A student who has been absent by reason of having or being suspected of having a communicable disease **may be required to** ~~must~~ present to the school nurse written evidence of being free of a communicable disease, ~~in accordance with Policy 8451.~~~~

34. The Superintendent of Schools or designee may require a student who has been absent from school due to a suspension or other reason concerning the student's conduct to receive a medical examination by a physician regarding the student's physical and/or mental fitness to return to school.

a. The Superintendent or designee will notify the student's parent of the specific requirements of the medical examination prior to the student's return to school.

~~EE.~~ Instruction

1. Teachers ~~will shall~~ cooperate in the preparation of home assignments for students who anticipate an ~~excused~~ absence of _____ school days duration. ~~The parent or student must request such home assignments.~~

~~2. A student who anticipates an absence due to a temporary or chronic health condition may be eligible for home instruction in accordance with Policy 2412. The parent must request home instruction.~~

23. Students absent for any reason are expected to make up the work missed. The parent or student is responsible for requesting missed assignments and any assistance required. Teachers will provide make-up assignments as necessary.

STUDENTS



REGULATION GUIDE

R 5200/page 12 of 19

Attendance

34. In general, students will be allowed a reasonable amount of time as determined by the teacher to make up ~~the missed~~ work ~~missed~~.

45. A student who missed a test or an exam shall be offered an opportunity to take the test, exam, or an appropriate alternate test.

52. **A student who anticipates an absence due to a temporary or chronic health condition may be eligible for home instruction in accordance with Policy 2412. The parent must request home instruction.**

~~FG.~~ Denial of Course Credit

1. The teacher will determine the credit to be awarded a student for make-up work. Where class participation is a factor in the learning process, the teacher may consider a student's absence in determining a final grade, except absences for the observance of a religious holiday or absence for a student's suspension from school will not adversely affect the student's grade. The teacher may record an incomplete grade for a student who has not had a full opportunity to make up missed work.

[Optional

2. A secondary student may be dropped from a course or denied course credit when **the secondary student** ~~he/she~~ has been absent from _____ (number, fraction, or percentage) or more of the class sessions, whatever the reason for the absence, except that absences for the observance of a religious holiday, absences for those excused in accordance with the reporting requirements of the school register, or absences caused by a student's suspension will not count toward the total.]

[Options



REGULATION GUIDE

____ Exceptions to this rule may be made for students who have demonstrated to the teacher through completion of make-up assignments that they have mastered the proficiencies established for the course of study.

STUDENTS

R 5200/page 13 of 19

Attendance

____ A secondary student who has been dropped from a course of study may be assigned to an alternate program.

____ A secondary student denied course credit after completing the course will be permitted to attend a credit completion session to regain the denied credit, provided the student has not been absent from the class more than _____ times.]

[Optional

3. An elementary student may be retained at grade level, in accordance with Policy 5410, when **the student** ~~he/she~~ has been absent _____ (number, fraction, or percentage) or more school days, whatever the reason for the absence, except that absences for the observance of a religious holiday, absences for those excused in accordance with the reporting requirements of the school register, and absences due to student's suspension will not count toward the total.]

[Option

____ Exceptions to this rule may be made for students who have demonstrated through completion of home assignments and/or home instruction that they have mastered the proficiencies established for the assigned courses of study.]



REGULATION GUIDE

GH. School District Response To Unexcused Absences During the School Year That Count Toward Truancy
(N.J.A.C. 6A:16-7.6(a)4.)

1. For up to four cumulative unexcused absences that count toward truancy, the Principal or designee shall:
 - a. Make a reasonable attempt to notify the student's parent of each unexcused absence prior to the start of the following school day;
 - b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parent(s);

STUDENTS

R 5200/page 14 of 19

Attendance

- c. Identify, in consultation with the student's parents, needed action designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;
 - d. Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-~~1140~~, if a potentially missing or abused child situation is detected; and
 - e. Cooperate with law enforcement and other authorities and agencies, as appropriate;,-

2. For between five and nine cumulative unexcused absences that count toward truancy, the Principal or designee shall:



REGULATION GUIDE

- a. Make a reasonable attempt to notify the student's parent(s) of each unexcused absence prior to the start of the following school day;

- b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parent(s);

- c. Evaluate the appropriateness of action taken pursuant to N.J.A.C. 6A:16-7.6(a)4.i.(3) and **GH.1.c.** above;

- d. Develop an action plan to establish outcomes based upon the student's patterns of unexcused absences and to specify the interventions for supporting the student's return to school and regular attendance, which may include any or all of the following:
 - (1) Refer or consult with the building's Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;

 - (2) Conduct testing, assessments, or evaluations of the student's academic, behavioral, and health needs;

 - (3) Consider an alternate educational placement;

 - (4) Make a referral to or coordinate with a community-based social and health provider agency or other community resource;

 - (5) Refer to a court or court program pursuant to N.J.A.C. 6A:16-7.6(a)4.iv. and **GH.4.** below;

STUDENTS

R 5200/page 15 of 19

Attendance



REGULATION GUIDE

(6) Proceed in accordance with N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-~~1140~~, if a potential missing or abused child situation is detected; and

(7) Engage the student's family.

e. Cooperate with law enforcement and other authorities and agencies, as appropriate.

3. For ~~ten or more~~ cumulative unexcused absences **of ten or more** that count toward truancy, a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25, and the Principal or designee shall:

a. Make a determination regarding the need for a court referral for the truancy, per N.J.A.C. 6A:16-7.6(a)4.iv. and ~~GH.4.~~ below;

b. Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;

c. Cooperate with law enforcement and other authorities and agencies, as appropriate; and

d. Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required; ~~and-~~

4. A court referral may be made as follows:

STUDENTS



REGULATION GUIDE

R 5200/page 16 of 19

Attendance

a. When unexcused absences that count toward truancy are determined by school officials to be violations of the compulsory education law, pursuant to N.J.S.A. 18A:38-25, and the Board of Education's policies, in accordance with N.J.A.C. 6A:16-7.6(a), the parent may be referred to Municipal Court;-

(1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Municipal Court; or

b. When there is evidence of a juvenile-family crisis, pursuant to N.J.S.A. 2A:4A-22.g, the student may be referred to Superior Court, Chancery Division, Family Part;-

(1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Juvenile-Family Crisis Intervention Unit.

5. For a student with a disability, the attendance plan and its punitive and remedial procedures shall be applied, where applicable, in accordance with the student's **Individual Education Program (IEP)**, pursuant to 20 U.S.C. §§1400 et seq., the Individuals with Disabilities Education Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plan under 29 U.S.C. §§794 and 705(20); and individualized healthcare plan and individualized emergency healthcare plan, pursuant to N.J.A.C. 6A:16-2.3(b) ~~35~~.xii.

6. All receiving schools pursuant to N.J.A.C. 6A:14-7.1(a), shall act in accordance with N.J.A.C. 6A:16-7.6(a)4.i. and ~~GH~~.1. above for each student with up to four cumulative unexcused absences that count toward truancy.

a. For each student attending a receiving school with five or more cumulative unexcused absences that count toward truancy, the absences shall be reported to the sending school district.

STUDENTS



REGULATION GUIDE

R 5200/page 17 of 19

Attendance

(1) The sending school district shall proceed in accordance with the Board of Education's policies and procedures pursuant to N.J.A.C. 6A:16-7.6(a) ~~and H.5. above~~ and the provisions of N.J.A.C. 6A:16-7.6(a)4.ii. through iv. and ~~GH.2. through GH.45. above~~ **and N.J.A.C. 6A:16-7.6(b) and G.5. above**, as appropriate.

~~II.~~ Discipline

1. Students may be denied participation in co-curricular activities **and/or athletic competition** if the Board establishes attendance standards for participation.

~~2. Students may be denied participation in athletic competition if the Board establishes attendance standards for participation.~~

~~23.~~ No student who is absent from school for observance of a religious holiday may be deprived of any award or of eligibility for or opportunity to compete for any award because of the absence.

~~I.~~ Recording Attendance

1. Teachers must accurately record the students present, tardy, or absent each day in each session or each class. Attendance records must also record students' attendance at out-of-school curricular events such as field trips.

2. A record shall be maintained of each excused absence and each unexcused absence that counts toward truancy as defined in Policy 5200 and this Regulation ~~5200~~.

~~3. A report card will record the number of times the student was absent and tardy in each marking period.~~



REGULATION GUIDE

34. A student's absence for observance of a religious holiday will not be recorded as such on any transcript or application or employment form.

STUDENTS

R 5200/page 18 of 19

Attendance

~~JK.~~ Appeal

1. Students may be subject to appropriate discipline for their school attendance record.
2. A student who has been retained at grade level for excessive absences may appeal that action in accordance with Policy 5410.
3. A student who has been dropped from a course and/or denied course credit for excessive absences may appeal that action in accordance with the following procedures:
 - a. The student shall file a written appeal to the Principal or designee within five school days of receiving notice of the action. The appeal should state the reasons for each absence, any documentation that may support reducing the number of absences for the purposes of course credit, and reasons why the student should either continue to be enrolled in the course or receive course credit for a class the student completed.
 - b. The Principal or designee will respond in writing no later than seven school days after receiving the student's appeal.



REGULATION GUIDE

c. If the student is not satisfied, ~~the student he/she~~ may submit a written request to the Principal for consideration by an Attendance Review Committee.

d. On a student's request for consideration by an Attendance Review Committee, the Principal shall convene an Attendance Review Committee. The Attendance Review Committee shall meet informally to hear the student's appeal. The student's parent and teacher(s) may attend the meeting.

e. The Attendance Review Committee shall decide the appeal and inform the student in writing within seven school days of the meeting.

STUDENTS

R 5200/page 19 of 19

Attendance

f. The student may appeal an adverse decision of the Attendance Review Committee to the Superintendent, the Board of Education, and the Commissioner of Education in accordance with Policy 5710; - Student Grievance and N.J.S.A. 18A. An appeal to the Attendance Review Committee shall be considered to have exhausted the first two steps of the grievance procedure outlined in Policy 5710.

~~KL~~ Attendance Records

1. Attendance records for the school district and each school will be maintained and attendance rates will be calculated as required by the New Jersey Department of Education. The school district will comply with all attendance requirements and any improvement plans as required by the Department of Education.



REGULATION GUIDE

Adopted:



[< Prev](#) [Next >](#)[To Regulation](#)[Search District Policies](#)[District Policies TOC](#)

District Policy

5512 - HARASSMENT, INTIMIDATION, OR BULLYING (M)

Section: Students
Date Created: September 2008
Date Edited: November 2022

5512 HARASSMENT, INTIMIDATION, OR BULLYING (M)

Table of Contents

<u>Section</u>	<u>Section Title</u>
----------------	----------------------

A.	Prohibiting Harassment, Intimidation, or Bullying
B.	Definition of Harassment, Intimidation, or Bullying
C.	Student Behavior
D.	Consequences and Remedial Actions
E.	Reporting Harassment, Intimidation, or Bullying
F.	Anti-Bullying Coordinator, Anti-Bullying Specialist, and School Safety/School Climate Team(s)
G.	Investigating Allegations of Harassment, Intimidation, or Bullying
H.	Responding to Harassment, Intimidation, or Bullying
I.	Reprisal or Retaliation
J.	Falsé Accusations of Harassment, Intimidation, or Bullying
K.	Additional Policy Requirements
L.	Harassment, Intimidation, or Bullying Training and Prevention Programs
M.	Reports to Board of Education and New Jersey Department of Education
N.	School and District Grading Requirements
O.	Reports to Law Enforcement
P.	Collective Bargaining Agreements and Individual Contracts
Q.	Students with Disabilities

A. Prohibiting Harassment, Intimidation, or Bullying

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

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

B. Definition of Harassment, Intimidation, or Bullying

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

1. Is reasonably perceived as being motivated by either any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic;

2. Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, as provided for in N.J.S.A. 18A:37-15.3;
3. Substantially disrupts or interferes with the orderly operation of the school or the rights of other students; and that
 - a. A reasonable person should know, under the circumstances, that the act(s) will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to their person or damage to their property; or
 - b. Has the effect of insulting or demeaning any student or group of students; or
 - c. Creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

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

"Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or remotely activating paging device (N.J.A.C. 6A:16-1.3).

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

C. Student Behavior

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

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

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

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

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

Pursuant to N.J.S.A. 18A:37-15(a) and N.J.A.C. 6A:16-7.1(a)1, the district has involved a broad-base of school and community members, including parents, school employees, volunteers, students, and community representatives, in the development of this Policy.

Pursuant to N.J.A.C. 6A:16-7.1, the Board developed guidelines for student conduct, taking into consideration the nature of the behavior; the nature of the student's disability, if any and to the extent relevant; the developmental ages of students; severity of the offenses and students' histories of inappropriate behaviors; and the mission and physical facilities of the individual school(s) in the district. This Policy requires all students in the district to adhere to the rules established by the school district and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules.

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

The district prohibits active or passive support for acts of harassment, intimidation, or bullying. The school district will support students who:

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

D. Consequences and Remedial Actions

The Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of harassment, intimidation, or bullying, consistent with the Code of Student Conduct, and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation, or bullying.

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

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

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

Factors for Determining Consequences

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

Factors for Determining Remedial Measures

Personal:

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

Environmental:

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

Examples of Consequences and Remedial Measures

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

Examples of Consequences:

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

Examples of Remedial Measures

Personal:

- Restitution and restoration;
- Peer support group;
- Recommendations of a student behavior or ethics council;
- Corrective instruction or other relevant learning or service experience;
- Supportive student interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
- Behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate;
- Behavioral management plan, with benchmarks that are closely monitored;
- Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- Involvement of school "disciplinarian;"
- Student counseling;
- Parent conferences;
- Alternative placements (e.g., alternative education programs);
- Student treatment; and
- Student therapy.

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

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

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

The Principal, in consultation with appropriate school staff, shall develop an individual student intervention plan when a student is found to be an offender in three harassment, intimidation, or bullying incidents and each subsequent incident occurring within one school year. The student intervention plan may include disciplinary consequences and/or remedial actions and may require the student, accompanied by a parent, to satisfactorily complete a class or training program to reduce harassment, intimidation, or bullying behavior. Each student intervention plan must be approved by the Superintendent.

While the majority of incidents may be addressed solely by school officials, the Superintendent or designee and the Principal shall report a harassment, intimidation, or bullying incident to law enforcement officials if the conduct rises to the level of a mandatory report as outlined in the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials.

Consequences and Appropriate Remedial Actions – Adults

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

E. Reporting Harassment, Intimidation, or Bullying

The Board of Education requires the Principal at each school to be responsible for receiving all complaints alleging harassment, intimidation, or bullying committed by an adult or youth against a student. All Board members, school employees, and volunteers and contracted service providers who have contact with students, are required to verbally report alleged acts of harassment, intimidation, or bullying to the Principal or designee on the same day when the individual witnessed or received reliable information regarding any such incident. All Board members, school employees, and contracted service providers who have contact with students, also shall submit a New Jersey Department of Education-approved HIB 338 Form to the Principal within two school days of the verbal report. Failure to make the required report(s) may result in disciplinary action. The HIB 338 Form shall be kept on file at the school, but shall not be included in any student record unless the incident results in disciplinary action or is otherwise required to be contained in a student's record under State or Federal Law.

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

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

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

Students, parents, and visitors are encouraged to report alleged acts of harassment, intimidation, or bullying to the Principal or designee on the same day when the individual witnessed or received reliable information regarding any such incident. The school district shall provide a person an online means to complete the HIB 338 Form to anonymously report an act of harassment, intimidation, or bullying. Formal action for violations of the Code of Student Conduct may not be taken solely on the basis of an anonymous report.

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

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

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

A school administrator who receives a report of harassment, intimidation, or bullying or who determines a reported incident or complaint, assuming all facts presented are true, is a report within the scope of N.J.S.A. 18A:37-14 and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action. The district also should consider procedures and disciplinary action when it is found that someone had information regarding a harassment, intimidation, or bullying incident, but did not make the required report(s).

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

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

The district Anti-Bullying Coordinator shall:

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

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

The school Anti-Bullying Specialist shall:

- a. Chair the School Safety/School Climate Team as provided in N.J.S.A. 18A:37-21;
- b. Lead the investigation of incidents of harassment, intimidation, or bullying in the school; and
- c. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, or bullying in the school.

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

The School Safety/School Climate Team shall:

- a. Receive records of all complaints of harassment, intimidation, or bullying of students that have been reported to the Principal;
- b. Receive copies of all reports prepared after an investigation of an incident of harassment, intimidation, or bullying;
- c. Identify and address patterns of harassment, intimidation, or bullying of students in the school;
- d. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
- e. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;

- f. Participate in the training required pursuant to the provisions of N.J.S.A. 18A:37-13 et seq. and other training which the Principal or the district Anti-Bullying Coordinator may request. The School Safety/School Climate Team shall be provided professional development opportunities that may address effective practices of successful school climate programs or approaches; and
- g. Execute such other duties related to harassment, intimidation, or bullying as requested by the Principal or district Anti-Bullying Coordinator.

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

G. Investigating Allegations of Harassment, Intimidation, or Bullying

Investigate All Reports

The Board of Education requires a thorough and complete investigation to be conducted for each report of an alleged incident of harassment, intimidation, or bullying. All details of an alleged incident must be populated into the HIB 338 Form. However, completing the form shall not delay beginning the investigation in accordance with the law.

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

The investigation shall be initiated by the Principal or designee within one school day of the verbal report of the incident. The investigation shall be conducted by the school anti-bullying specialist appointed by the Principal. The Principal may appoint additional personnel who are not school anti-bullying specialists to assist the school anti-bullying specialist in the investigation. Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation. The anti-bullying specialist may not participate in an investigation regarding their supervisor or staff at a higher administrative level.

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

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

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

Parents of students who are parties to the investigation shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents includes the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether consequences were imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board. The district may not divulge personally identifying information or any information that could result in the identification of any student other than the child of the parents being notified.

A parent may request a hearing before the Board after receiving the information. Any request by the parents for a hearing before the Board concerning the written information about a harassment, intimidation, or bullying investigation, pursuant to N.J.S.A. 18A:37-15b(6)(d), must be filed with the Board Secretary no later than sixty calendar days after the written information is received by the parents. The hearing shall be held within ten business days of the request. Prior to the hearing, the Superintendent shall confidentially share a redacted copy of the HIB 338 Form that removes all student identification information with the Board. The Board shall conduct the hearing in executive session, pursuant to the Open Public Meetings Act

(N.J.S.A. 10:4.1 et seq.), to protect the confidentiality of the students. At the hearing, the Board may hear testimony from and consider information provided by the school anti-bullying specialist and others, as appropriate, regarding the alleged incident; the findings from the investigation of the alleged incident; recommendations for consequences or services; and any programs instituted to reduce such incidents, prior to rendering a determination.

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

A school administrator who receives a report of harassment, intimidation, or bullying, or who determines a reported incident or complaint, assuming all facts presented are true, is a report within the scope of N.J.S.A. 18A:37-14 and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate harassment, intimidation, or bullying, may be subject to disciplinary action.

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

H. Responding to Harassment, Intimidation, or Bullying

The Board of Education authorizes the Principal of each school to define the range of ways in which school staff will respond once an incident of harassment, intimidation, or bullying is confirmed, and the Superintendent shall respond to confirmed harassment, intimidation, or bullying, according to the parameters described below and in this Policy. The Board recognizes that some acts of harassment, intimidation, or bullying may be isolated incidents requiring that the school officials respond appropriately to the individual(s) committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation, or bullying that they require a response either at the classroom, school building, or school district levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37, Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2, Short-term suspensions, N.J.A.C. 6A:16-7.3, Long-term suspensions, and N.J.A.C. 6A:16-7.4, Expulsions.

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

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

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

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

health services, health facilities, law enforcement officials, faith-based organizations); and disseminating information on the core ethical values adopted by the Board's Code of Student Conduct, per N.J.A.C. 6A:16-7.1(a)2.

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

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

I. Reprisal or Retaliation

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

J. False Accusations of Harassment, Intimidation, or Bullying

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

1. Students - Consequences and appropriate remedial action for a student could range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37, Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2, Short-term suspensions, N.J.A.C. 6A:16-7.3, Long-term suspensions, and N.J.A.C. 6A:16-7.4, Expulsions;
2. School Employees - Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students could entail discipline in accordance with district policies, procedures, and agreements; and
3. Visitors or Volunteers - Consequences and appropriate remedial action for a visitor or volunteer could be determined by the school administrator after consideration of the nature, severity, and circumstances of the act, including law enforcement reports or other legal actions, removal of buildings or grounds privileges, or prohibiting contact with students or the provision of student services.

K. Additional Policy Requirements

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

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

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

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

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

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

discrimination, harassment, intimidation, or bullying. The school district's employee training program shall include information regarding the school district policy against harassment, intimidation, or bullying, which shall be provided to full-time and part-time staff, contracted service providers and school volunteers who have significant contact with students.

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

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

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

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

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

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

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

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

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

N. School and District Grading Requirements

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

O. Reports to Law Enforcement

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

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

P. Collective Bargaining Agreements and Individual Contracts

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

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

Q. Students with Disabilities

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

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

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

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

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

Adopted: 17 September 2008
Revised: 3 December 2008, 10 March 2010
Revised: 8 June 2011, 24 August 2011
Revised: 20 November 2013
Revised: 26 September 2018
Revised: 8 June 2022
Revised: 16 November 2022



POLICY GUIDE

OPERATIONS

8140/page 1 of 2

Student Enrollments

M

[See POLICY ALERT No. 229]

8140 STUDENT ENROLLMENTS

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

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

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

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



POLICY GUIDE

OPERATIONS

8140/page 2 of 2

Student Enrollments

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

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

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

6A:32-8.2; **6A:32-8.3**



POLICY GUIDE

Adopted: 1 October 2008

Revised: TBD



REGULATION GUIDE

OPERATIONS

R 8140/page 1 of 4

Enrollment Accounting

M

[See POLICY ALERT No. 229]

R 8140 ENROLLMENT ACCOUNTING

A. School Enrollment

1. The **school** enrollment in a **program of instruction class**, a school, or the district shall be the total number of original **student** entries **in the school register** plus the number of re-entries, less the number of transfers, withdrawals, or dropouts in any such unit during a school year. The total number of original entries and re-entries, less the number of transfers, withdrawals, or dropouts, in all **the programs of instruction classes** and schools of the district shall constitute the school enrollment for the ~~school~~ district during any school year.

2. A ~~No~~ student attending a school operated by **the Board of Education this district** shall **not be concurrently** enrolled in more than one school register in ~~any the school~~ district during a school year **with the exception of shared-time students**. ~~All students shall be enrolled as of the first day of attendance for that year.~~

3. A ~~No~~ student shall **not** be enrolled in a school register until the student has reached **over the age of five years in accordance with N.J.S.A. 18A:38-1 - Attendance at School Free of Charge**. **The district may enroll students under** the following legal school ages:

a. Kindergarten – **older more** than four years and **younger less** than six years;

b. **State-funded preschool program – at least three years of age and younger than five years; and Day school more than five years; or**



REGULATION GUIDE

c. ~~Preschool students with disabilities disabled~~ – ~~at least more than~~ three years of age and ~~younger less~~ than five years.

OPERATIONS

R 8140/page 2 of 4

Enrollment Accounting

4. Within ten **school** days of the start of the school year, the district shall determine whether **a student who attended the previous year but not the current school year** ~~any re-entering student who has not attended school that year~~ has an excused absence or has transferred, withdrawn, or dropped out of the school district.

5. Any student enrolled in ~~the a school register in a school~~ district who moves to another school district in the same school year shall be **included** ~~enrolled in the school one~~ register in the new school district upon **enrollment** ~~entering school in that school district~~.

6. The average daily enrollment in the district for a school year shall be the sum of the **total days in membership** ~~present and absent~~ of all enrolled students when schools were in session during the year, divided by the number of days ~~schools were actually~~ in session. The average daily enrollment for the **programs of instruction** ~~classes~~ or schools of the district having varying lengths of terms shall be the sum of the average daily enrollments obtained for the individual **programs of instruction** ~~classes~~ or schools.

a. **“Days in membership” means the number of school days in session in which a student is enrolled. A student's membership begins on the first possible day of attendance following enrollment during the school year, notwithstanding the actual day the student was recorded as present for the first time.**

~~7. The average daily attendance in the district for a school year shall be the sum of the days present of all enrolled students when schools were in session during the year, divided by the number of days schools were actually in session. The average daily attendance for the classes or schools of the district having varying lengths of terms shall be the sum of the average daily attendance obtained for the individual classes or schools.~~

B. Application for State School Aid



REGULATION GUIDE

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

OPERATIONS

R 8140/page 3 of 4

Enrollment Accounting

1. Counting Procedure

a. Each employee responsible for the maintenance and safe keeping of a school register (and whose name appears on the cover of the register) shall conduct a count of the students entered in the register on the last school day prior to October 16.

b. The count shall include all students **as required to be reported in accordance with the provisions of N.J.S.A. 18A:7F-33** ~~who have attended school since the beginning of the school year, by original entry or reentry, and shall exclude all students who have been removed from the register by transfer or dropout.~~

c. The count shall be recorded on a form, and the form shall be submitted to the **School Business Administrator/Board Secretary or designee** _____ no later than October 16.

2. Data Collection

a. The **Superintendent or designee** _____ shall assign responsibility for the preparation of worksheets to document the compilation of register data.

b. Completed worksheets shall be submitted to the **School Business Administrator/Board Secretary or designee** _____ who shall compare the data submitted on the worksheets to the register count submitted in accordance with B.1.a.



REGULATION GUIDE

c. The **School Business Administrator/Board Secretary or designee** _____ shall reconcile all inconsistencies between worksheet data and register counts and submit final enrollment counts to the **Superintendent of Schools** _____ ~~no later than~~ _____.

OPERATIONS

R 8140/page 4 of 4

Enrollment Accounting

3. Application Submission

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



REGULATION GUIDE

Issued:



POLICY GUIDE

OPERATIONS
8330/page 1 of 6
Student Records
Dec 22
M

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.

General Considerations

The Board shall compile and maintain student records and regulate access in accordance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, and 34 CFR Part 99, disclosure, or communication of information contained in student records in a manner that assures the security of the records in accordance with the provisions of N.J.A.C. 6A:32-7 et seq. Student records shall contain only information that 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 district shall provide annual, written notification to parents, adult students, and emancipated minors of their rights in regard to student records and student participation in educational, occupational, and military recruitment programs. Copies of the applicable State and Federal laws and Board policies shall be made available upon request. The district shall make every effort to notify parents and adult students in their dominant language.



POLICY GUIDE

OPERATIONS
8330/page 2 of 6
Student Records

Non-adult students may assert rights of access only through their parent(s). However, nothing in N.J.A.C. 6A:32-7 shall be construed to prohibit certified school personnel from disclosing at their discretion student records to non-adult students or to appropriate persons in connection with an emergency, if the information contained in the record 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 permitting access or furnishing student records in accordance with N.J.A.C. 6A:32-7 et seq.

Student Information Directory

A student information directory is a publication of the Board that includes 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 district personnel and for designated official use by judicial, law enforcement, and medical personnel and not for general public consumption.

In the event the district publishes a student information directory, the Superintendent or designee will provide a parent or adult student a ten-day period to submit to the Superintendent a written statement prohibiting the inclusion of any or all types of information about the student in any student information directory before allowing access to the directory and school facilities to educational, occupational, and military recruiters pursuant to N.J.S.A. 18A:36-19.1, P.L. 114-95 §8528, and 20 U.S.C. §8528 - Armed Forces Recruiter Access to Students and Student Recruiting Information of the Every Student Succeeds Act of 2015. In accordance with N.J.S.A. 18A:36-19.1, military recruiters will be provided the same access to a student information directory that is provided to educational and occupational recruiters.



POLICY GUIDE

OPERATIONS
8330/page 3 of 6
Student Records

School Contact Directory for Official Use

A school contact directory for official use is a compilation by the 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 a school contact directory for official use in accordance with N.J.A.C. 6A:32-7.2, that is separate and distinct from the student information directory. The student contact directory may be provided for official use only to judicial and law enforcement personnel, and to medical personnel currently providing services to the student in question. To exclude any information from the school contact directory for official use the parent, adult student, or emancipated minor shall notify the Superintendent or designee in writing.

Mandated and Permitted Student Records

Mandated student records are those records 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 promote the student's educational welfare. The Board shall authorize the permitted records to be collected by adopting this 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 district in accordance with the provisions of N.J.A.C. 6A:32-7.4. This Policy and Regulation 8330 assure that access to student records is limited to authorized persons.

Records for each individual student may be stored electronically or in paper format. When student records are stored electronically, proper security and back-up procedures shall be administered.

Student health records, whether stored on paper or electronically, shall be maintained in accordance with N.J.A.C. 6A:32-7.1(l) Records shall be accessible during the hours in which the school program is in operation.



POLICY GUIDE

OPERATIONS
8330/page 4 of 6
Student Records

Any district website shall not disclose any personally identifiable information about a student in accordance with N.J.S.A. 18A:36-35 and N.J.A.C. 6A:32-2.1.

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 may charge a reasonable fee for reproduction of student records, not to exceed the schedule of costs set forth at N.J.S.A. 47:1A-5, provided that the cost does not effectively prevent parents or adult students from exercising their rights under N.J.A.C. 6A:32-7 or other Federal and State rules and regulations regarding students with disabilities, including N.J.A.C. 6A:14.

The district shall control access to, disclosure of, and communication regarding information contained in student health records to assure access only to people permitted by Federal and State statute and regulations in accordance with N.J.A.C. 6A:32-7.5(c).

Access to and disclosure of a student's health record shall meet the requirements of FERPA.

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.



POLICY GUIDE

OPERATIONS
8330/page 5 of 6
Student Records

Nothing in N.J.A.C. 6A:32-7 et seq. or in this 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, the district shall adhere to requirements pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act (OPRA) and FERPA.

Conditions for Access to Student Records

All authorized organizations, agencies, and persons defined in N.J.A.C. 6A:32-7.4 et seq. shall have access to a student record, subject to conditions outlined in N.J.A.C. 6A:32-7.6.

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 student 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).

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(c).

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



POLICY GUIDE

OPERATIONS
8330/page 6 of 6
Student Records

Retention and Disposal of Student Records

A student 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 district. The Board 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 the records described in N.J.A.C. 6A:32-7.8(f), 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(c).

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 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(f), 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.

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(f), the district of last enrollment, graduation, or permanent departure of the student from the district shall keep for 100 years, a mandated record of a student's name, date of birth, name of parents, gender, health history and immunization, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

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

20 U.S.C. §8528

Adopted:



REGULATION GUIDE

OPERATIONS
R 8330/page 1 of 20
Student Records
M

R 8330 STUDENT RECORDS

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

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



REGULATION GUIDE

OPERATIONS
R 8330/page 2 of 20
Student Records

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



REGULATION GUIDE

OPERATIONS
R 8330/page 3 of 20
Student Records

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



REGULATION GUIDE

OPERATIONS
R 8330/page 4 of 20
Student Records

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

1. The Board shall compile and maintain student records and regulate access in accordance with the Federal Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, and 34 CFR Part 99, disclosure, or communication of information contained in student records in a manner that assures the security of the records in accordance with the provisions of N.J.A.C. 6A:32-7.
2. Student records shall contain only information that is relevant to the education of the student and is objectively based on the personal observations or knowledge of the certified school personnel who originate(s) the record.
3. The district shall provide annual, written notification to parents, adult students, and emancipated minors of their rights in regard to student records and student participation in educational, occupational, and military recruitment programs. Copies of the applicable State and Federal laws and Board policies shall be made available upon request. The Board shall make every effort to notify parents and adult students in their dominant language.
4. Non-adult students may assert rights of access only through their parent(s). However, nothing in N.J.A.C. 6A:32-7- or in Policy 8330 or this Regulation shall be construed to prohibit certified school personnel from disclosing, at their discretion, student records to non-adult students or to appropriate persons in connection with an emergency, if the information contained in the record is necessary to protect the health or safety of the student or other persons.
5. The parent or adult student shall have access to the student's records and have access to, or be specifically informed about, only the portion of another student's record that contains information about the student.



REGULATION GUIDE

OPERATIONS
R 8330/page 5 of 20
Student Records

6. All anecdotal information and assessment reports collected on a student shall be dated and signed by the individual who originated the data.
 76. The Superintendent or designee shall require all student records of currently enrolled students to be reviewed annually by certified school personnel to determine the education relevance of the information contained therein. The reviewer shall cause information no longer descriptive of the student or educational program to be deleted from the records, except that prior notice shall be given for students with disabilities in accordance with N.J.A.C. 6A:14, Special Education. The deleted information shall be disposed of and not be recorded elsewhere. No record of any such deletion shall be made.
 87. No liability shall be attached to any member, officer, or employee of the Board permitting access or furnishing student records in accordance with N.J.A.C. 6A:32-7.
 98. When the parent's or adult student's dominant language is not English or the parent or adult student is deaf, the district shall provide interpretation of the student records in the dominant language of the parents or adult student.
 109. Student health records shall be maintained separately from other student records. Student health records also shall be maintained according to the requirements of N.J.A.C. 6A:32-7 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 shall compile and maintain a school contact directory for official use that is separate and distinct from the student information directory.



REGULATION GUIDE

OPERATIONS
R 8330/page 6 of 20
Student Records

2. School personnel shall provide information from the school contact directory for official use only to judicial and law enforcement personnel, and to medical personnel currently providing services to the student in question. Upon request from a court, other judicial agency, law enforcement agency, or medical service provider currently providing services to the student in question, school personnel shall promptly verify the enrollment of a student and provide the requester with all information about the student that is contained in the school contact directory for official use.
 3. A parent, adult student, or emancipated minor shall notify, in writing, the Superintendent or designee of their request to exclude any information from the school contact directory for official use.
- D. Mandated and Permitted Student Records (N.J.A.C. 6A:32-7.3)
1. Mandated student records shall include the following:
 - a. The student's name, address, telephone number, date of birth, name of parent(s), gender, standardized assessment results, grades, record of daily attendance, classes attended, grade level completed, year completed, and years of attendance;



REGULATION GUIDE

OPERATIONS
R 8330/page 7 of 20
Student Records

- b. Descriptions of the student's progress according to the Board's student performance data;
 - c. History and status of physical health compiled in accordance with State regulations, including immunizations and results of any physical examination(s) given by qualified district employees;
 - d. Records pursuant to rules and regulations regarding the education of students with disabilities; and
 - e. All other records required by N.J.A.C. 6A.
2. Permitted student records are those student records not mandated pursuant to N.J.A.C. 6A:32-7.3, but authorized by the Board to promote the student's educational welfare and include the following as authorized by this Board upon adoption of Policy 8330 and this Regulation. These records may include, but are not limited to:
- a. Personally authenticated observations, assessments, ratings, and anecdotal reports recorded by teaching staff members in the performance of their professional responsibilities and intended for review by another person, provided the record is dated and signed by the originator. Information recorded solely as a memory aid for the originator becomes a student's record when it is reviewed by any other person, including a substitute;
 - b. Information, scores, and results obtained from standardized tests or by approved tests conducted by professional personnel;
 - c. Educationally relevant information provided by the parent or adult student;



REGULATION GUIDE

OPERATIONS
R 8330/page 8 of 20
Student Records

- 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 the student's co-curricular and athletic activities and achievements;
- k. Class rank;
- l. Awards and honors;
- m. Notations of additional records maintained in a separate file;
- n. The statement from a student's parent, adult student, or emancipated minor regarding a contested portion of the record;
- o. Entries indicating review of the file by an authorized person;



REGULATION GUIDE

OPERATIONS
R 8330/page 9 of 20
Student Records

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

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

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

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



REGULATION GUIDE

OPERATIONS
R 8330/page 10 of 20
Student Records

student health records. Access to student records shall be provided to persons authorized such access under N.J.A.C. 6A:32-7.1(g) within ten days of a request, but prior to any review or hearing conducted in accordance with N.J.A.C. 6A.

2. The district may charge a reasonable fee for reproduction of student records, not to exceed the schedule of costs set forth at N.J.S.A. 47:1A-5, provided that the cost does not effectively prevent parents or adult students from exercising their rights under N.J.A.C. 6A:32-7 or other Federal and State rules and regulations regarding students with disabilities, including N.J.A.C. 6A:14.
3. The district shall control access to, disclosure of, and communication regarding information contained in student health records to assure access only to people permitted by Federal and State statute and regulations or as stated in N.J.A.C. 6A:32-7.5(e) and F.5. below.
4. Access to, and disclosure of, a student health record shall meet the requirements of FERPA, 20 U.S.C. §1232g, and 34 CFR-Part 99.
5. Organizations, agencies, and persons authorized to access student records shall include only the following:
 - a. The student who has written permission of a parent and the parent of a student under the age of eighteen, regardless of whether the child resides with the parent, except pursuant to N.J.S.A. 9:2-4;
 - (1) The place of residence shall not be disclosed; and



REGULATION GUIDE

OPERATIONS
R 8330/page 11 of 20
Student Records

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



REGULATION GUIDE

OPERATIONS
R 8330/page 12 of 20
Student Records

- (4) Clinics and agencies approved by the New Jersey Department of Education;
- f. To fulfill its legal responsibility, the Board shall have access through the Superintendent or designee to information contained in the student's record. Information shall be discussed in executive session, unless otherwise requested by the parent or adult student;
- g. Secretarial and clerical personnel under the direct supervision of certified school personnel shall be permitted access to portions of the record to the extent necessary for the entry and recording of data and the conducting of routine clerical tasks. Access shall be limited only to student files in which such staff are directed to enter or record information, and shall cease when the specific assigned task is completed;
- h. Accrediting organizations to carry out their accrediting functions;
- i. The Commissioner of Education and New Jersey Department of Education staff members who are assigned responsibility that necessitates the review of such records;
- j. Officials of other Boards of Education within the State or other educational agencies or institutions where the student is placed, registered, or seeks to enroll, subject to the following conditions:
 - (1) Original mandated student records that schools have been directed to compile by New Jersey statute, regulation, or authorized administrative directive shall be forwarded to the receiving district, agency, or institution with written notification to the parent or adult student;



REGULATION GUIDE

OPERATIONS
R 8330/page 13 of 20
Student Records

- (2) Original mandated student records that the Board has required shall be forwarded to the receiving district, agency, or institution only with the written consent of the parent or adult student, except where a formal sending-receiving relationship exists between the districts;
 - (3) All records to be forwarded, including disciplinary records as specified at N.J.S.A. 18A:36-19a., shall be sent to the Superintendent of the school district to which the student has transferred, or the Superintendent's designee, within ten school days after the transfer has been verified by the requesting district;
 - (4) The Superintendent or designee shall request, in writing, all student records from the school district of last attendance within two weeks from the date that the student enrolls in the new school district;
 - (5) Upon request, the Superintendent or designee of the school district of last attendance shall provide a parent(s) or an adult student with a copy of the records disclosed to other educational agencies or institutions; and
 - (6) Proper identification, such as a certified copy of the student's birth certificate or other proof of the student's identity pursuant to N.J.S.A. 18A:36-25.1, shall be requested at the time of enrollment in a new school district;
- k. Officials of the United States Department of Education assigned responsibilities that necessitate review of such records;



REGULATION GUIDE

OPERATIONS
R 8330/page 14 of 20
Student Records

- l. Officers and employees of a State agency responsible for protective and investigative services for students pursuant to N.J.S.A. 9:6-8.40. Whenever appropriate, the Board shall ask the State agency for its cooperation in sharing the findings of an investigation;
 - m. Agency caseworkers or other representatives of a State or local child welfare agency who have the right to access a student's case plan when the agency or organization is legally responsible, in accordance with State law, for the care and protection of the student, consistent with 20 U.S.C. §1232g(b)(1)(L);
 - n. Organizations, agencies, and persons from outside the school if they have the written consent of the parent or adult student. Organizations, agencies, and persons shall not transfer student record information to a third party without the written consent of the parent or adult student;
 - o. Organizations, agencies, and individuals outside the school, other than those specified in N.J.A.C. 6A:32-7.5, upon the presentation of a court order; and
 - p. Bona fide researchers who explain to the Superintendent the nature of the research project and the relevance of the records sought. Prior to the release of records to a researcher, the Superintendent or designee, shall receive from the researcher written assurance that the records will be used under strict conditions of anonymity and confidentiality.
6. Nothing in N.J.A.C. 6A:32-7, Policy 8330, and this Regulation shall be construed to prohibit school personnel from disclosing information contained in the student health record to students or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the student or other persons.



REGULATION GUIDE

OPERATIONS
R 8330/page 15 of 20
Student Records

7. In complying with N.J.A.C. 6A:32-7, Policy 8330, and this Regulation, the Board shall adhere to the requirements pursuant to the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., and FERPA, 20 U.S.C. §1232g; 34 CFR Part 99.
 - a. When responding to OPRA requests from any party, including parties other than those listed in N.J.A.C. 6A:32-7.5(e) and F.5. above, the Board may release, without consent, records removed of all personally identifiable information, as such documents do not meet the definition of a student record. Before making any release, the Board shall have made a reasonable decision that a student's identity cannot be determined whether through single or multiple releases, or when added to other reasonably available information.

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

1. All authorized organizations, agencies, and persons defined in N.J.A.C. 6A:32-7 as listed below shall have access to a student record, subject to the following conditions:
 - a. 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.
 - b. Authorized organizations, agencies, and persons from outside the school whose access requires the consent of parents or adult students shall submit to the Superintendent or designee, the request in writing, together with any required authorization.
 - c. The Superintendent or designee shall be present during the period of inspection to provide interpretation of the records, where necessary, and to prevent their alteration, damage, or loss. In every instance of inspection of student records by persons other than parents, student(s), or individuals who



REGULATION GUIDE

have assigned educational responsibility for the individual student, an entry shall be made in the student record of

OPERATIONS
R 8330/page 16 of 20
Student Records

the name(s) of persons granted access, the reason access was granted, the time and circumstances of inspection, the records inspected, and the purposes for which the data will be used.

- d. Prior to disclosure of student records to organizations, agencies, or persons outside the district pursuant to a court order, the Superintendent or designee shall give the parent or adult student at least three days' notice of the name of the requesting agency and the specific records requested unless otherwise judicially instructed. The notification shall be provided in writing, if practicable. Only records related to the specific purpose of the court order shall be disclosed.

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

- e. A record may be withheld from a parent 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 shall be withheld. When the district has or obtains evidence of such court order, the parent or adult student shall be notified in writing within five days of the 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.

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

1. Student records are subject to challenge by parents and adult students on grounds of inaccuracy, irrelevancy, impermissible disclosure, inclusion of improper information, or denial of access to organizations, agencies, and persons. The parent or adult student may request:



REGULATION GUIDE

OPERATIONS
R 8330/page 17 of 20
Student Records

- a. Expungement of inaccurate, irrelevant, or otherwise improper information from the student record;
 - b. Insertion of additional data, as well as reasonable comments regarding the meaning and/or accuracy of the student record;
 - c. The immediate stay of disclosure pending final determination of the challenged procedure as described in N.J.A.C. 6A:32-7; and/or
 - d. Immediate access to student records for organizations, agencies, and persons denied access, pending final determination of the challenged procedure, as described in N.J.A.C. 6A:32-7.
2. To request a change in the student record or to request a stay of disclosure pending final determination of the challenged procedure, a parent or adult student shall notify, in writing, the Superintendent of the specific issues relating to the student record.
- a. Within ten school days of notification, the Superintendent or designee shall notify the parent or adult student of the district's decision. If the district disagrees with the request, the Superintendent or designee shall meet with the parent or adult student to resolve the issues set forth in the request.
 - b. If the matter is not satisfactorily resolved, the parent or adult student has ten school days to appeal the district's decision.



REGULATION GUIDE

OPERATIONS
R 8330/page 18 of 20
Student Records

- c. If an appeal is made to the Board, the Board shall render a decision within twenty school days.
 - d. The decision of the Board may be appealed to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3, Controversies and Disputes. At all stages of the appeal process, the parent or adult student shall be afforded a full and fair opportunity to present evidence relevant to the issue.
 - e. A record of the appeal proceedings and outcome shall be made a part of the student record with copies made available to the parent or adult student.
3. Appeals relating to student records of students with disabilities shall be processed in accordance with the requirements of N.J.A.C. 6A:32-7.7(b) and I.2. above.
4. Regardless of the outcome of an appeal, a parent or adult student shall be permitted to place in the student record a statement commenting upon the information in the student record or setting forth any reasons for contesting a portion of the student record, including the decision made in the appeal. The parent's or adult student's statement shall be maintained as part of the student record, as long as the contested portion of the student record is maintained. If the contested portion of the student record is disclosed to any party, the statement commenting upon the information shall also be disclosed to that party.



REGULATION GUIDE

OPERATIONS
R 8330/page 19 of 20
Student Records

II. 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 district.
 - a. The Board shall retain the student health record and the health history and immunization record according to the School District Records Retention Schedule, as determined by the New Jersey State Records Committee.
2. Student records of currently enrolled students, other than the records described at N.J.A.C. 6A:32-7.8(f) and I., below, may be disposed of after the information is no longer necessary to provide educational services to a student. The disposition shall be carried out only after the parent or adult student has been notified in writing and written permission has been granted, or after reasonable attempts to notify the parent or adult student and to secure permission have been unsuccessful.
3. Upon graduation or permanent departure of a student from the district:
 - a. The parent or adult student shall be notified in writing that a copy of the entire student record will be provided to them upon request.
 - b. Information in student records, other than that described at N.J.A.C. 6A:32-7.8(f) and I.5. below, may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq. The disposition shall be carried out only after the parent or adult student has been notified in writing and written permission has been granted, or after reasonable attempts to notify the parent or adult student and to secure permission have been unsuccessful and prior written authorization has been obtained from the New Jersey State Records Committee in the New Jersey Department of the Treasury.



REGULATION GUIDE

OPERATIONS
R 8330/page 20 of 20
Student Records

4. No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult student.
5. The district of last enrollment, graduation, or permanent departure of the student from the district shall keep, for one hundred years, a mandated record of a student's name, date of birth, name of parents, gender, health history and immunization, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

Issued:



REGULATION GUIDE

OPERATIONS
R 8420.2/page 1 of 1
Bomb Threats

M

R 8420.2 BOMB THREATS

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

Adopted:



REGULATION GUIDE

OPERATIONS
R 8420.7/page 1 of 1
Lockdown Procedures

M

R 8420.7 LOCKDOWN PROCEDURES

In the event it is determined by the Principal or designee a circumstance or situation requires the school building's occupants to remain secure within the school building, the Principal or designee may implement lockdown procedures. The procedures to be enacted during a lockdown shall be included in the school district's plans, procedures, and mechanisms for school safety and security in accordance with the provisions of N.J.A.C. 6A:16-5.1 and Policy 8420.

Adopted:



REGULATION GUIDE

OPERATIONS
R 8420.10/page 1 of 1
Active Shooter

M

R 8420.10 ACTIVE SHOOTER

An active shooter or armed assault in a school building or on school grounds involves one or more individuals' intent on causing physical harm to students and school staff. Intruders may possess weapons or other harmful devices. The procedures to be enacted during an active shooter or armed assault situation shall be included in the school district's plans, procedures, and mechanisms for school safety and security in accordance with the provisions of N.J.A.C. 6A:16-5.1 and Policy 8420.

Adopted:

