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0152 BOARD OFFICERS

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

Any Board member may place a Board member's name in nomination for Board President and Vice President; a second on the nomination is not required. Election for each office will be conducted by a vote when the nominations for that office are closed.

Voting shall take place by verbal roll call vote after nominations are closed. When more than one person has been nominated for a single position, the Board will vote on candidates in the order in which they were nominated.

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

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

A President or Vice President who refuses to perform a duty imposed upon them by law may be removed by a majority vote of all of the members of the Board. In the event the office of President or Vice President shall become vacant the Board shall, within thirty days thereafter, fill the vacancy for the unexpired term. If the Board fails to fill the vacancy within such time, the Executive County Superintendent shall fill the vacancy for the unexpired term.

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

Adopted:



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0161 CALL, ADJOURNMENT, AND CANCELLATION

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

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.

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 the adjournment. The adjourned meeting shall take up business at the point in the agenda where the motion to adjourn was passed.

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

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

Adopted:



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0162 NOTICE OF BOARD MEETINGS

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

Adequate Notice

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

In accordance with N.J.S.A. 10:4-9, upon the affirmative vote of three-quarters of the members present, the Board may hold a meeting 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



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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.

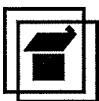
Personal Notice of Meeting

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 will include the date and time of the closed session meeting, the subject or subjects scheduled for discussion at the closed session meeting, and the right of the affected person to request that the discussions be conducted at a public meeting. Such notice will be given no less than forty-eight hours in advance of the closed session meeting.

A written request for public discussion 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



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given or at a meeting for which adequate public notice has been given in accordance with law.

Nothing in this 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 student.

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

Adopted:



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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 26.1.

Identification of Eligible ELLs

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

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

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



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Bilingual Programs for ELLs

The district shall provide the following programs:

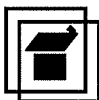
1. An English language services program in accordance with N.J.A.C. 6A:15-1.2;
2. An ESL program in accordance with N.J.A.C. 6A:15-1.2; and
3. A bilingual education program in accordance with N.J.A.C. 6A:15-1.2.

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 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 first achieve the Department established English proficiency standard as measured by an ELP assessment. The student's readiness shall be further assessed by the use of a Department-established English language observation form that considers, 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.



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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.

If a parent wishes to remove the student prior to the end of each school year, the removal shall be approved by the Executive County Superintendent. If the Executive County Superintendent determines the student should remain in the bilingual education program until the end of the school year, 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 complainant 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.



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

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 district that implements a bilingual education program shall establish a parent advisory committee on bilingual education of which the majority membership shall 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:35-26.1
N.J.A.C. 6A:14-4.10; 6A:15-1.1 et seq.

Adopted:



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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).
2. “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.
3. “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.
4. “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.
5. “Bilingual tutorial program” means a program alternative in which students receive one period of instruction from a certified bilingual



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teacher in a content area required for graduation and a second period of tutoring in other required content areas.

6. “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 and for native English speaking students enrolled in the program.
7. “Educational needs” means the particular educational requirements of ELLs; the fulfillment of which will provide them with equal educational opportunities.
8. “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 teaches aural comprehension, speaking, reading, and writing in English using second language teaching techniques, and incorporates the cultural aspects of the students’ experiences in their ESL instruction. A period is the time allocated in the school schedule for instruction in core subjects.
9. “English language development standards” means the 2012 Amplification of the English Language Development Standards, Kindergarten - Grade 12, incorporated herein by reference, as amended and supplemented, developed by the World-Class Instructional Design and Assessment (WIDA) Consortium. They are the standards and language competencies ELLs in preschool programs and elementary and secondary schools need to become fully proficient in English and to have unrestricted access to grade-appropriate instruction in challenging academic subjects. The standards are published by the Board of Regents of the University of Wisconsin System, on behalf of the WIDA Consortium (www.wida.us) and are available for review at <http://www.wida.us/standards/eld.aspx>.
10. “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



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synonymous with limited English speaking ability as used in N.J.S.A. 18A:35-15 to 26.

11. “English language proficiency assessment” (ELP assessment) means a New Jersey Department of Education-approved assessment that evaluates 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 ESSA.
12. “English language services” means services designed to improve the English language skills of ELLs. The services, provided in school districts with less than ten ELLs, are in addition to the regular school program and are designed to develop aural comprehension, speaking, reading, and writing skills in English.
13. “Exit criteria” means the criteria that must be applied before a student may be exited from a bilingual, ESL, or English language services education program.
14. “High-intensity ESL program” means a program alternative in which students receive two or more class periods a day of ESL instruction. One period is the standard ESL class and the other period is a tutorial or ESL reading class.
15. “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.
16. “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.



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17. “NJSLS” means the New Jersey Student Learning Standards as defined in N.J.A.C. 6A:8-1.3.
 18. “Parent(s)” for the purposes of Policy 2423 and this Regulation means the natural parent(s) or the legal guardian(s), foster parent(s), surrogate parent(s), or person acting in the place of a parent with whom the student legally resides. When parents are separated or divorced, parent means the person(s) who has legal custody of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.
 19. “Review process” means the process established by the Board to assess ELLs for exit from bilingual, ESL, or English language services programs.
 20. “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 shall use a multi-step process at the time of enrollment to determine the native language of each ELL. The district shall:
 - a. Maintain a census indicating all identified students whose native language is other than English; and
 - b. 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.
 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



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an English language proficiency test, assessing the level of reading in English, reviewing the previous academic performance of students, including their performance on standardized tests in English, and reviewing the input of teaching staff members responsible for the educational program for ELLs. Students who do not meet the 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.

- C. Bilingual Programs for English Language Learners (ELLs) (N.J.A.C. 6A:15-1.4)
1. The Board shall provide all Kindergarten to grade twelve ELLs enrolled in the district pursuant to N.J.S.A. 18A:7F-46 with all required courses and support services outlined in N.J.A.C. 6A:15-1.4 (b) through (h) and C.2. through C.8. below to prepare ELLs to meet the NJSLs for high school graduation. This may include tutoring, after-school programs, summer programs, and remedial services as needed by ELLs. The district 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.
 2. The Board 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.
 3. The Board 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. An ESL curriculum that addresses the WIDA English language development standards shall be developed and



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- adopted by the Board to address the instructional needs of ELLs.
- b. The ESL curriculum shall 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.
4. The Board 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. Bilingual education programs shall:
 - a. Be designed to prepare ELLs to acquire sufficient English skills and content knowledge to meet the NJSLs. All ELLs participating in the bilingual programs shall also receive ESL instruction;
 - b. Include a curriculum that addresses the NJSLs, the WIDA English language development standards, and the use of two languages. The bilingual education curriculum shall be adopted by the Board; and
 - c. Include the 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.
 5. ELLs shall be provided with equitable instructional opportunities to participate in all non-academic courses necessary to meet the NJSLs, 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.
 6. The Board shall offer sufficient courses and other relevant supplemental instructional opportunities in grades nine through twelve to enable ELLs to meet the NJSLs 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



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consultation with and approved by the Department to meet the needs of the students.

7. In addition to N.J.A.C. 6A:15-1.4(a) through (f) and C.1. through C.6. above, the Board 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.
8. The Board 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.
9. The Board 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 when there are twenty or more students eligible for the bilingual education program in grades Kindergarten through twelve, and the school district is able to demonstrate that it would be impractical to provide a full-time bilingual program due to age range, grade span, and/or geographic location of eligible students.

1. Instructional program alternatives shall be developed in consultation with and approved annually by the Department after review of student enrollment and achievement data. All bilingual instructional program alternatives shall be designed to assist ELLs



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to develop sufficient English skills and subject-matter skills to meet the NJSLs.

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 the programs.

E. Approval Procedures (N.J.A.C. 6A:15-1.6)

1. If the district provides a bilingual program, ESL program, or English language services, the district shall submit a plan every three years to the Department for approval. At its discretion, the Department may request modifications, as appropriate.
 - a. Plans submitted by the Board for approval shall include information on the following:
 - (1) Identification of students;
 - (2) Program description;
 - (3) The number of certified staff hired for the program;
 - (4) Bilingual and ESL curriculum development;
 - (5) Evaluation design;
 - (6) Review process for exit; and
 - (7) A budget for bilingual and ESL programs or English language services.



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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 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 shall develop a plan for in-service training for bilingual, ESL, and mainstream teachers; administrators who supervise bilingual/ESL programs; and administrators and any personnel who observe and evaluate teachers of ELLs. The plan shall include instructional strategies and appropriate assessments to help ELLs meet the NJSLs and the WIDA English language development standards. All 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 (N.J.A.C. 6A:15-1.9)

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.
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.



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- 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 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 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 first achieve the Department-established English proficiency standard as measured by an ELP assessment. The student's readiness shall be further assessed by the use of a Department-established English language observation form that considers, 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.



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4. A parent may remove a student who is enrolled in a bilingual education program pursuant to provisions in N.J.S.A. 18A:35-22.1.
5. Newly exited students who are not progressing in the mainstream English program may be considered for reentry to bilingual and ESL programs as follows:
 - a. After a minimum of one-half an academic year and within two years of exit, the mainstream English classroom teacher may recommend retesting with the approval of the Principal.
 - b. A waiver of the minimum time limitation may be approved by the Executive County Superintendent upon request of the Superintendent if the student is experiencing extreme difficulty in adjusting to the mainstream program.
 - c. The recommendation for retesting shall be based on the teacher's judgment that the student is experiencing difficulties due to problems in using English as evidenced by the student's inability to: communicate effectively with peers and adults; understand directions given by the teacher; and/or comprehend basic verbal and written materials.
 - 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 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



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

K. Location (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.

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

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

- a. Why the student was identified as an ELL;
- b. Why the student needs to be placed in a language instructional educational program that will help them develop and attain English proficiency and meet the NJSLs;



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- 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
 - g. How the instructional program will meet the objectives of the individualized education program of a student with a disability.
2. The school district shall send progress reports to parent(s) of students enrolled in a bilingual, ESL, or English language services programs in the same manner and frequency as progress reports are sent to parent(s) of other students enrolled in the school district.
 3. Progress reports shall be written in English and in the native language of the parent(s) of students enrolled in the bilingual and ESL program unless the school district can demonstrate and document in the three-year plan required in N.J.A.C. 6A:15-1.6(a) that the requirement would place an unreasonable burden on the district.
 4. The school district shall notify the parent(s) when students meet the exit criteria and are 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)



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

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

1. The district shall 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 district implements a bilingual education program, the district shall establish a parent advisory committee on bilingual education of which the majority membership shall be parent(s) of ELLs.

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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. 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.

"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



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health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure.

The Superintendent of Schools shall submit, with Board approval, the school district's program of virtual or remote instruction to the Commissioner of Education 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 program of virtual or remote instruction 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 purposes of meeting State and local graduation requirements, the awarding of course credit, and other 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, the school district's program of virtual or remote instruction shall be provided to an enrolled students, whether a general education student in preschool through grade twelve or a student with a disability aged three to twenty-one. 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. 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.

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.



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Nothing in N.J.S.A. 18A:7F-9.b., c., or d.; 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.

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).



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

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

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



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R 2425 EMERGENCY VIRTUAL OR REMOTE INSTRUCTION PROGRAM

A. Definitions

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

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



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1. If implemented by the Superintendent, the school district's program of virtual or remote instruction shall be provided to an enrolled student, whether a general education student in preschool through grade twelve or a student with a disability aged three to twenty-one.
 - a. The school district shall provide students with a disability with the same educational opportunities provided to general education students to the extent appropriate and practicable.
 - b. Related services may be delivered to general education students and students with a disability through the use of electronic communication or a virtual or online platform, as appropriate.

2. The Board of Education may apply to the 180-day requirement established pursuant to N.J.S.A. 18A:7F-9.b., one or more days of virtual or remote instruction under the following conditions and in accordance with N.J.A.C. 6A:32-13.1(c)1. through 4. and B.2.a. through d. below:
 - a. Virtual or remote instruction is provided to students on the day(s) that some or all of the programs of instruction of the district were closed to in-person instruction;
 - b. The virtual or remote instruction meets the Commissioner-established criteria for the occurrence of one of the events at N.J.A.C. 6A:32-13.1(b) and B. above;
 - c. The school district's program of virtual or remote instruction:
 - (1) Explains, to the greatest extent possible, the equitable delivery of, and access to, virtual and remote instruction, including descriptions of the following:



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



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



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

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



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

Adopted:



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5200 ATTENDANCE

In accordance with the provisions of N.J.S.A. 18A:38-25, every parent 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 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 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.



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

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

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

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

N.J.S.A. 18A:36-14; 18A:36-25.6; 18A:38-25; 18A:38-25.1;
18A:38-25.2; 18A:38-26
N.J.S.A. 34:2-21.1 et seq.
N.J.A.C. 6A:16-7.6; 6A:30-5.2; 6A:32-8; 6A:32-13

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R 5200 ATTENDANCE

A. Attendance Recording

1. School Register (N.J.A.C. 6A:32-8.1)

- a. The Board of Education shall carefully and accurately track enrollment and attendance of all students in a manual school register format or in an electronic format of the school district's choosing.
- b. The Commissioner will issue and publish on the Department's website 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 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. A student who has been placed on home instruction shall have their attendance status recorded on the regular register for the program in which the student is enrolled. The student shall be marked absent 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. Absences shall not be recorded for the student while on home instruction, provided the hours of instruction are no 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 of possible days in membership for a student on home instruction shall be the same as for other students in the program in which the student is enrolled.



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- (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 (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.
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.
 - 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.



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- 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.
 - (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;
 - (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



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- (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.
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.
 - (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.



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- 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.
- B. Unexcused Absences That Count Toward Truancy/Excused Absences for Board Policy
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.
 - b. “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:

The student’s illness supported by a written letter from the parent upon student’s return to school;

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;



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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;

College visit(s), up to 3 days per school year for students in grades eleven and twelve;

Interviews with an admissions officer of an institution of higher education;

Examination for a driver's license;

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;



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3. “Unexcused tardiness” may constitute an unexcused absence that counts toward truancy in accordance with Policy 5240.

C. Notice to School of a Student’s Absence

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. 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.

D. Readmission to School After an Absence

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 student who has been absent by reason of having or being suspected of having a communicable disease may be required to present to the school nurse written evidence of being free of a communicable disease.
3. 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.



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- 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.

E. Instruction

1. Teachers will cooperate in the preparation of home assignments for students who anticipate an absence of five school days duration.
2. 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.
3. In general, students will be allowed a reasonable amount of time as determined by the teacher to make up the work missed.
4. A student who missed a test or an exam shall be offered an opportunity to take the test, exam, or an appropriate alternate test.
5. 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.

F. 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.
2. A secondary student may be dropped from a course or denied course credit when the secondary student has been absent from five 5 days/50% 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



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school register, or absences caused by a student's suspension will not count toward the total.

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.

3. An elementary student may be retained at grade level, in accordance with Policy 5410, when the student has been absent 16 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.

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.

G. 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);
 - 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



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et seq. and N.J.A.C. 6A:16-11, if a potential 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:
- 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 G.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 G.4. below;



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- (6) Proceed in accordance with N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11, 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 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 G.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:
 - 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



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- 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) 3.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 G.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.
 - (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 the provisions of N.J.A.C. 6A:16-7.6(a)4.ii. through iv. and G.2. through G.4. above and N.J.A.C. 6A:16-7.6(b) and G.5. above, as appropriate.



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H. Discipline

1. Students may be denied participation in co-curricular activities and/or athletic competition if the Board establishes attendance standards for participation.
2. 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.
3. A student's absence for observance of a religious holiday will not be recorded as such on any transcript or application or employment form.

J. 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



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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.
- c. If the student is not satisfied, the student 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.
- 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.

K. 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.

Adopted:



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First Reading:
February 8, 2023

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5512 HARASSMENT, INTIMIDATION, OR BULLYING

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- 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;



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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.



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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



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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



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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;



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- 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;



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- 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):



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- 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,



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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



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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



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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.



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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.



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

The School Safety/School Climate Team shall:

- a. Receive records of all complaints of harassment, intimidation, or bullying of students that have been reported to the Principal;
- b. Receive copies of all reports prepared after an investigation of an incident of harassment, intimidation, or bullying;
- c. Identify and address patterns of harassment, intimidation, or bullying of students in the school;
- d. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
- e. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
- f. Participate in the training required pursuant to the provisions of N.J.S.A. 18A:37-13 et seq. and other training which the Principal or the district Anti-Bullying Coordinator may request. The School Safety/School Climate Team shall be provided professional development



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

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

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

G. Investigating Allegations of Harassment, Intimidation, or Bullying

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.



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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



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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



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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.



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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:



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- 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



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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.



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

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

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.



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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



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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.



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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:



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First Reading:
February 8, 2023

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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 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).

In accordance with N.J.A.C. 6A:32-8.1(e), a student who has been placed on home instruction shall have their attendance status recorded on the regular register for the program in which the student is enrolled. The student shall be marked absent 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. Absences shall not be recorded for the student while on home instruction, provided 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 membership 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.

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

Adopted:



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R 8140 ENROLLMENT ACCOUNTING

A. School Enrollment

1. The school enrollment in a program of instruction, 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 programs of instruction and schools of the district shall constitute the school enrollment for the district during any school year.
2. A student attending a school operated by the Board of Education shall not be concurrently enrolled in more than one school register in any district during a school year with the exception of shared-time students.
3. A 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 than four years and younger than six years;
 - b. State-funded preschool program – at least three years of age and younger than five years; and
 - c. Preschool students with disabilities – at least three years of age and younger than five years.
4. Within ten school days of the start of the school year, the district shall determine whether a student who attended the previous



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year but not the current school year has an excused absence or has transferred, withdrawn, or dropped out of the school district.

5. Any student enrolled in the district who moves to another school district in the same school year shall be included in the school register in the new school district upon enrollment.
6. The average daily enrollment in the district for a school year shall be the sum of the total days in membership of all enrolled students when schools were in session during the year, divided by the number of days in session. The average daily enrollment for the programs of instruction 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 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.

B. Application for State School Aid

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

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.



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

2. Data Collection

- a. The Superintendent or designee shall assign responsibility for the preparation of worksheets to document the compilation of register data.
- b. Completed worksheets shall be submitted to the School Business Administrator/Board Secretary or designee who shall compare the data submitted on the worksheets to the register count submitted in accordance with B.1.a.
- c. The School Business Administrator/Board Secretary or designee shall reconcile all inconsistencies between worksheet data and register counts and submit final enrollment counts to the Superintendent of Schools.

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.

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8330 STUDENT RECORDS

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

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

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.

Nonadult 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.



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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.

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.



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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.

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



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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.

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.

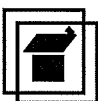
Conditions for Access to Student Records

All authorized organizations, agencies, and persons defined in N.J.A.C. 6A:32-7 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).



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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.

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 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,



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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

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R 8330 STUDENT RECORDS

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

1. “Access” means the right to view, make notes, and/or reproduce a student record.
2. “Adult student” means a person who is at least eighteen years of 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.
5. “Mandated student records” means student records that school districts compile pursuant to State statute, regulation, or authorized administrative directive.
6. “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.



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



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9. “Physical examination” means the assessment of an individual’s health, in accordance with the requirements at N.J.A.C. 6A:16-2.2.
10. “School contact directory for official use” means a compilation by a district that includes the following information for each student: name, address, telephone number, date of birth, and school of enrollment. The directory may be provided for official use only to judicial, law enforcement, and medical personnel.
11. “Student discipline record” means information regarding all disciplinary actions taken against a student by a school district pursuant to N.J.S.A. 18A:36-25.1.b. and that is maintained in a student’s record.
12. “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.
13. “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.”



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



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7. 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 record, 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.
 8. 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.
 9. 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 parent or adult student.
 10. 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.
 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



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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;
 - 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



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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;
- 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;



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- o. Entries indicating review of the file by an authorized person.

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

1. The Superintendent or designee shall be responsible for the security of student records maintained in the 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(I).
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 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.



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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
 - (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



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contained in the adult student's record to a second or third party without the adult student's consent;

- d. Certified school district personnel who are assigned educational responsibility for the student shall have access to the general student record but not to the student health record except under conditions permitted in N.J.A.C. 6A:16-2.4;
- e. Certified educational personnel who have assigned educational responsibility for the student and who are employed by agencies listed below shall have access to the general student record, but not to the student health record, except under conditions permitted at N.J.A.C. 6A:16-2.4:
 - (1) An approved private school for students with disabilities;
 - (2) A State facility;
 - (3) Accredited nonpublic schools in which students with disabilities have been placed pursuant to N.J.S.A. 18A:46-14; or
 - (4) Clinics and agencies approved by the New Jersey Department of Education;
- f. To fulfill its legal responsibility, the Board shall have access through the Superintendent or designee to information contained in the student's record. Information shall be discussed in executive session, 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;



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- h. Accrediting organizations to carry out their accrediting functions;
- i. The Commissioner of Education and New Jersey Department of Education staff members who are assigned responsibility that necessitates the review of such records;
- j. Officials of other Boards of Education within the State or other educational agencies or institutions where the student is placed, registered, or seeks to enroll, subject to the following conditions:
 - (1) Original mandated student records that schools have been directed to compile by New Jersey statute, regulation, or authorized administrative directive shall be forwarded to the receiving district, agency, or institution with written notification to the parent or adult student;
 - (2) Original mandated student records that the Board has required shall be forwarded to the receiving district, agency, or institution only with the written consent of the parent or adult student, except where a formal sending-receiving relationship exists between the districts;
 - (3) All records to be forwarded, including disciplinary records as specified at N.J.S.A. 18A:36-19a., shall be sent to the Superintendent of the school district to which the student has transferred, or the Superintendent's designee, within ten school days after the transfer has been verified by the requesting district;
 - (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



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records disclosed to other educational agencies or institutions; and

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



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be used under strict conditions of anonymity and confidentiality.

6. Nothing in N.J.A.C. 6A:32-7, Policy 8330, and this Regulation shall be construed to prohibit school personnel from disclosing information contained in the student health record to students or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the student or other persons.
7. In complying with N.J.A.C. 6A:32-7, Policy 8330, and this Regulation, the Board shall adhere to the requirements pursuant to the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., and FERPA, 20 U.S.C. §1232g; 34 CFR Part 99.

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

G. 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.



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

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



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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:
 - 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.
 - 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.



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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.
- I. Retention and Disposal of Student Records (N.J.A.C. 6A:32-7.8)
1. 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.
 - 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.5. 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



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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.
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:



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Dec 22
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:



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Lockdown Procedures
Dec 22
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:



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Active Shooter
Dec 22
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:

