

Policy List

Second Reading: October 25, 2023

| <b>Policy/<br/>Regulation</b> | <b>Policy/Regulation Title</b>           |
|-------------------------------|--|
| P & R 1642.01                 | Sick Leave                               |
| R 2419                        | School Threat Assessment Teams           |
| P & R 3212                    | Attendance – Teaching Staff              |
| P & R 4212                    | Attendance – Support Staff               |
| P & R 5116                    | Education of Homeless Children and Youth |

# POLICY GUIDE

Second Reading: October 25, 2023

ADMINISTRATION  
1642.01/page 1 of 3  
Sick Leave  
Aug 23

## 1642.01 SICK LEAVE

The Board of Education shall grant sick leave in accordance with N.J.S.A. 18A:30-2. All persons holding any office, position, or employment in the school district, who are steadily employed by the Board or who are protected by tenure in their office, position, or employment under the provisions of this or any other law, except persons in the classified service of the civil service under Title 11, Civil Service, of the Revised Statutes shall be allowed sick leave in accordance with N.J.S.A. 18A:30-2.

Pursuant to N.J.S.A. 18A:30-1.a., sick leave is defined as the absence from an employee's post of duty, for any of the following reasons:

1. The employee is personally ill or injured;
2. For diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
3. For the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
4. Absence necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member:
  - a. Medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence;
  - b. Services from a designated domestic violence agency or other victim services organization;



# POLICY GUIDE

ADMINISTRATION  
1642.01/page 2 of 3  
Sick Leave

- c. Psychological or other counseling;
  - d. Relocation; or
  - e. Legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;
5. The death of a family member for up to seven days;
  6. To attend a child's school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability;
  7. The school or place of care of a child of the employee is closed by order of a public official or because of a state of emergency declared by the Governor due to an epidemic or other public health emergency;
  8. The employee has been exposed to a contagious disease or is quarantined for the disease in the employee's immediate household.

N.J.S.A. 18A:30-1, this Policy, and Regulation 1642.01 shall not supersede any law providing collective bargaining rights for school district employees, and shall not reduce, diminish, or adversely affect an employee's collective bargaining rights pursuant to N.J.S.A. 18A:30-1.b.

The Board reserves the right to require of any employee who claims sick leave sufficient proof in accordance with N.J.S.A. 18A:30-4 and Section C. of Regulation 1642.01.



# POLICY GUIDE

ADMINISTRATION  
1642.01/page 3 of 3  
Sick Leave

The Superintendent or designee will prepare rules for the administration of N.J.S.A. 18A:30-1, N.J.S.A. 18A:30-4, this Policy, and Regulation 1642.01, which shall be binding on all employees.

The Superintendent or designee will submit to the Board the names of those employees absent for non-compensable cause or whose claim for sick leave pay cannot be justified. The willful misuse of sick leave may be subject to discipline.

29 U.S.C. 2601 et seq.  
N.J.S.A. 18A:30-1; 18A:30-2; 18A:30-4

Adopted:



# REGULATION GUIDE

Second Reading: October 25, 2023

ADMINISTRATION  
R 1642.01/page 1 of 7  
Sick Leave  
Aug 23

## R 1642.01 SICK LEAVE

- A. Definitions – N.J.S.A. 18A:30-1.c. and 18A:30-4.i.
1. “Certified Domestic Violence Specialist” means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals.
  2. “Child” means a biological, adopted or foster child, stepchild or legal ward of an employee, child of a domestic partner or civil union partner of the employee.
  3. “Designated domestic violence agency” means a county-wide organization whose primary purpose is to provide services to victims of domestic violence and which provides services that conform to the core domestic violence services profile as defined by the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing the services.
  4. “Domestic or sexual violence” means stalking, any sexually violent offense, as defined in N.J.S.A. 30:4-27.26, or domestic violence as defined in N.J.S.A. 2C:25-19 and N.J.S.A. 17:29B-16.
  5. “Family member” means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.
  6. “Health care professional” means any person licensed under Federal, State, or local law or the laws of a foreign nation, to provide health care services, or any other person who has been authorized to provide health care by a licensed health care professional including, but not limited to, doctors, nurses, and emergency room personnel.



# REGULATION GUIDE

ADMINISTRATION  
R 1642.01/page 2 of 7  
Sick Leave

7. “Supervisor” means the building or district administrative staff member designated by the Superintendent who is responsible for supervising the employee.

B. Eligibility for Sick Leave – N.J.S.A. 18A:30-1

1. Sick leave is defined as the absence from an employee's post of duty, for any of the following reasons:
  - a. The employee is personally ill or injured;
  - b. For diagnosis, care, or treatment of, or recovery from, an employee’s mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
  - c. For the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
  - d. Absence necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member:
    - (1) Medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence;
    - (2) Services from a designated domestic violence agency or other victim services organization;
    - (3) Psychological or other counseling;
    - (4) Relocation; or



# REGULATION GUIDE

ADMINISTRATION  
R 1642.01/page 3 of 7  
Sick Leave

- (5) Legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;
    - e. The death of a family member for up to seven days;
    - f. To attend a child's school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability;
    - g. The school or place of care of a child of the employee is closed by order of a public official or because of a state of emergency declared by the Governor, due to an epidemic or other public health emergency; or
    - h. The employee has been exposed to a contagious disease or is quarantined for the disease in the employee's immediate household.
  2. N.J.S.A. 18A:30-1, Policy 1642.01, and this Regulation shall not supersede any law providing collective bargaining rights for school district employes and shall not reduce, diminish, or adversely affect an employee's collective bargaining rights.
- C. Physician's Certificate Required for Sick Leave – N.J.S.A. 18A:30-4
1. In case of sick leave claimed due to personal illness or injury, the Board of Education may require a physician's certificate to be filed with the Director of Human Resources in order to obtain sick leave.



# REGULATION GUIDE

ADMINISTRATION  
R 1642.01/page 4 of 7  
Sick Leave

2. If an employee's need to use sick leave as defined pursuant to N.J.S.A. 18A:30-1 and B. above is foreseeable, the Board requires advance notice, not to exceed seven calendar days, as determined by the Superintendent, prior to the date the leave is to begin, of the intention to use the leave and its expected duration, and the employee shall make a reasonable effort to schedule the use of sick leave in a manner that does not unduly disrupt the operations of the Board.
3. If the reason for the leave is not foreseeable, the Board of Education requires an employee to give notice of the intention as soon as practicable, provided the Board of Education has notified the employee of this requirement.
4. The Board may prohibit an employee from using foreseeable sick leave on certain dates, and require reasonable documentation if sick leave that is not foreseeable is used during those dates.
5. In case of sick leave claimed for three or more consecutive days, the Board may require reasonable documentation that the leave is being taken for a purpose permitted pursuant to N.J.S.A. 18A:30-1.a. and B.1. above.
6. If the leave is permitted under N.J.S.A. 18A:30-1.a.(2) or (3) and B.1.b. or c. above, documentation signed by a health care professional who is treating the employee or the family member of the employee indicating the need for the leave and, if possible, the number of days of leave, shall be considered reasonable documentation.
7. If the leave is permitted under N.J.S.A. 18A:30-1.a.(4) and B.1.d. above because of domestic or sexual violence, any of the following shall be considered reasonable documentation of the domestic or sexual violence:
  - a. Medical documentation;
  - b. A law enforcement agency record or report;





# REGULATION GUIDE

ADMINISTRATION  
R 1642.01/page 5 of 7  
Sick Leave

- c. A court order;
  - d. Documentation that the perpetrator of the domestic or sexual violence has been convicted of a domestic or sexual violence offense;
  - e. Certification from a certified Domestic Violence Specialist or a representative of a designated domestic violence agency or other victim services organization; or
  - f. Other documentation or certification provided by a social worker, counselor, member of the clergy, shelter worker, health care professional, attorney, or other professional who has assisted the employee or family member in dealing with the domestic or sexual violence.
8. If the leave is permitted under N.J.S.A. 18A:30-1.a.(7) and B.1.g. above, a copy of the order of the public official or the determination by the health authority shall be considered reasonable documentation.

## D. Sick Leave Charges

1. An employee who is absent for 51% percent of their work day shall be charged a full sick day if the employee's reason for absence is covered by N.J.S.A. 18A:30-1.
2. A sick leave day once commenced may be reinstated as a working day only with the approval of the Superintendent or designee.
3. An employee absent on sick leave on a day when the school is closed early for emergency reasons will be charged with a full sick leave day.
4. An employee scheduled for a sick leave absence on a day on which the schools do not open because of an emergency will not be charged with a sick leave day.



# REGULATION GUIDE

ADMINISTRATION  
R 1642.01/page 6 of 7  
Sick Leave

## E. Readmission After Disability

1. An employee absent on sick leave, covered under N.J.S.A. 18A:30-1.a.(1); (2); and (8) and B.1.a.; b.; and h., for more than five consecutive working days who wishes to return to work shall submit the signed statement of their physician or institution indicating the employee's fitness to perform their duties.
2. The Board may, at its discretion, require the employee submit to an examination by a physician or institution designated by the Board to confirm the information submitted by the employee's physician or institution.
  - a. The Board shall bear the cost of the examination if the examination is performed by a physician or institution designated by the Board.
3. If the results of the examination conducted pursuant to paragraph E.2. above are inconsistent with the statement of the employee's physician in E.1. above, the employee and the Board shall agree to a third physician or institution to conduct the examination. The Board shall bear the cost of this third examination.

## F. Accumulation of Sick Leave

1. If any employee requires in any school year less than the specified number of days of sick leave with pay allowed, all days of such minimum sick leave not utilized that year shall be accumulative to be used for additional sick leave as needed in subsequent years in accordance with N.J.S.A. 18A:30-3.

## G. Exhaustion of Sick Leave

1. The Superintendent or designee shall monitor employee accumulated sick leave and charge an employee's accumulated sick leave.
  - a. Sick leave will be charged, first, to the sick leave newly available in the employee's current contract year and, when that sick leave entitlement is exhausted, to the employee's accumulated sick leave.



# REGULATION GUIDE

ADMINISTRATION  
R 1642.01/page 7 of 7  
Sick Leave

## H. Records

1. The personnel file of each person employed by this district will include an accurate record of the employee's use and accumulation of sick leave days.
  - a. The Superintendent or designee will maintain the employees record of accumulated sick leave in accordance with Policy 1642.01 and this Regulation.
2. Each employee's attendance record will record the reason for any absence.

Issued:



# REGULATION GUIDE

Second Reading: October 25, 2023

PROGRAM  
R 2419/page 1 of 15  
School Threat Assessment Teams  
Aug 23  
M

## R 2419 SCHOOL THREAT ASSESSMENT TEAMS

### A. Definitions

1. “Aberrant behavior” means behavior atypical for the person or situation and causes concern for the safety or well-being of those involved. Aberrant behavior for an individual involves actions, statements, communications, or responses that are unusual for the person or situation; or actions which could lead to violence toward self or others; or are reasonably perceived as threatening or causing concern for the well-being of the person.
2. “Behavioral Threat Assessment and Management (BTAM)” means a proactive approach to identify, assess, and provide appropriate interventions and resources for individuals who display a behavior that elicits concern for the safety of themselves or others. (U.S. Secret Service National Threat Assessment Center.)
3. “Concerning behavior” means an observable behavior that elicits concerns in bystanders regarding the safety of an individual or those around them. Behaviors that may elicit concern can include unusual interests in violent topics, conflicts between classmates, increased anger, increased substance use, or other noteworthy changes in behavior (e.g., depression or withdrawal from social activities). Some concerning behaviors may be defined as prohibited behaviors and should trigger an immediate response. Prohibited behaviors can include threats, weapons violations, and other aggressive or violent behavior. Concerning behavior does not necessarily imply or predict that an individual or group will become violent. Instead, it serves as an indicator that the student may be in need of intervention or increased supports. Proactive intervention and de-escalation are key and should be part of any approach to violence prevention.



# REGULATION GUIDE

PROGRAM

R 2419/page 2 of 15

School Threat Assessment Teams

4. “Concerning communication” means unusual, bizarre, threatening, or violent communication made by an individual or a group that elicit concerns for the safety or wellbeing of the individual or others. Concerning communication may allude to violent intentions, violence as a means to solve a problem, justifying violent acts, unusual interest in weapons, personal grievances, or other inappropriate interests. Concerning communications may also allude to hopelessness or suicide. Concerning communications may be made in the form of written or oral statements, gestures, or visual/electronic media. Communications may be considered concerning regardless of whether a direct verbal threat is expressed. Concerning communication does not necessarily imply or predict that an individual or group will become violent. Instead, it serves as an indicator that the student may be in need of intervention or increased supports. Proactive intervention and de-escalation are key and should be part of any approach to violence prevention.
  5. “Multidisciplinary Threat Assessment Team” means a team composed of highly trained school personnel with diverse positions, backgrounds, and experience. The team will receive reports about a concerning person and situations, gather additional information, assess the risk posed to the community, and develop intervention and management strategies to mitigate any risk of harm.
  6. “Targeted violence” means a premeditated act of violence directed at a specific individual, group, or location regardless of motivation and generally unrelated to other criminal activity.
- B. Multidisciplinary Threat Assessment Team
1. Threat Assessment Team Members
    - a. In accordance with N.J.S.A. 18A:17-43.4, the threat assessment team established by the Board of Education shall be multidisciplinary in membership and, to the extent possible, must include the following individuals:

- (1) A Principal or other senior school administrator;



# REGULATION GUIDE

PROGRAM

R 2419/page 3 of 15

School Threat Assessment Teams

- (2) A school psychologist, school counselor, school social worker, or other school employee with expertise in student counseling;
  - (3) A safe-schools resource officer or school employee who serves as a school liaison to law enforcement;
  - (4) The school safety specialist (designated pursuant to N.J.S.A. 18A:17-43.3); and
  - (5) A teaching staff member.
- b. Additional school employees may serve as regular members of the threat assessment team or may be consulted during the threat assessment process, as determined to be appropriate by the team. If a student has an Individualized Education Program (IEP), 504 plan, and/or functional behavioral assessment (FBA) plan, the threat assessment team must consult with the appropriate staff or team to determine whether the reported behavior is already part of known baseline behavior or is already being managed under the student's IEP, 504 plan, or FBA plan and addressed in a manner that is required by N.J.A.C. 6A:14 and all other Federal and State special education laws.
- c. The district may choose to name the threat assessment team in a manner that suits the school community needs.

## 2. Threat Assessment Team Structure

- a. The district can structure the threat assessment teams to best meet the needs and resources available. This may include:
- (1) **School-Based Teams:** The district may opt to develop teams for each school comprised of those members fulfilling the assigned roles identified in the law in each of its schools.



# REGULATION GUIDE

PROGRAM

R 2419/page 4 of 15

School Threat Assessment Teams

- (2) District-Level Team: The district may choose to develop one central team designated to serve each school in cases where staffing at individual schools is not sufficient to meet the membership requirements of the law. In such cases, the district may choose to operate smaller teams trained in the threat assessment process in each school, which can screen cases to determine which situations to refer to the District-Level Team. If the district uses this model, the district must ensure representation of those staff members from the involved school as identified by the law to the fullest extent possible when conducting an assessment.
- (3) District-Level Team and School-Based Teams: The district may have one central team that provides oversight, consistency, and accountability for all threat assessment processes including threats impacting the entire district. School-Based Teams address cases in each school building, while ensuring all information is shared with the District-Level Team.

## C. Building a K-12 Behavioral Threat Assessment and Management Program

The district shall implement the following steps in developing a Behavioral Threat Assessment and Management Program.

1. Step 1: Establish a Multidisciplinary Team
  - a. Identify team membership pursuant to N.J.S.A. 18A:17-3.4.
  - b. Designate a team leader.
  - c. Establish team procedures and protocols.
  - d. Meet on a regular basis and as needed.



# REGULATION GUIDE

PROGRAM  
R 2419/page 5 of 15  
School Threat Assessment Teams

2. Step 2: Define Prohibited and Concerning Behaviors
  - a. Establish policy defining prohibited behaviors
    - (1) These definitions should be included in the code of student conduct policy and shared with staff, parents, and students.
  - b. Identify other behaviors for screening or intervention.
  - c. Define threshold for intervention.
    - (1) The threshold should be relatively low so that teams can identify individuals in distress before the behavior escalates into a violent behavior.
3. Step 3: Create a Central Reporting Mechanism
  - a. Establish one or more anonymous reporting mechanisms.
    - (1) Examples include a mobile application, a dedicated email address or phone number, or on the district website.
  - b. Provide training and guidance to encourage reporting.
    - (1) Students, teachers, staff, school resource officers, and parents should be provided awareness training and guidance on recognizing behaviors of concern, their roles and responsibilities in reporting the behavior, and how to report the information.
  - c. Ensure availability to respond.
  - d. Utilize an Initial Report to collect the threat, concerning behavior, etc.
4. Step 4: Define Threshold for Law Enforcement Intervention
  - a. Most reports can be handled by the School-Based Team.





# REGULATION GUIDE

PROGRAM  
R 2419/page 6 of 15  
School Threat Assessment Teams

- b. Establish which behaviors should be referred for law enforcement intervention (e.g., physical violence, threats of violence, etc.).
5. Step 5: Establish Threat Assessment Procedures
  - a. Decide how to document cases.
  - b. Create procedures to screen reports, gather information, make assessments, and decide on interventions.
  - c. Develop/adapt threat assessment forms to organize information around the 11 Investigative Questions referenced in D.4. below.
6. Step 6: Develop Risk Management Options
  - a. Identify all available resources for creating individualized management plans.
    - (1) The resources and supports the student needs will differ depending on the information gathered during the assessment.
    - (2) Resources to assist the student could take the form of peer support programs or therapeutic counseling to enhance social learning or emotional competency, life skills classes, tutoring in specific academic subjects, or mental health care. Most programs and supports will be available within the school, but the team may need to also access community resources to assist with the managing the student. Identify resources to assist targets/victims.
    - (3) Make efforts to address the safety of any potential targets by altering or improving security procedures for schools or individuals and providing guidance on how to avoid the concerning person.



# REGULATION GUIDE

PROGRAM  
R 2419/page 7 of 15  
School Threat Assessment Teams

- b. Establish points of contact for all resources.
7. Step 7: Create and Promote Safe School Climates
- a. Assess current school climate.
    - (1) Anti-Bullying Bill of Rights Act (N.J.S.A. 18A:37-21) requires the school safety team in each school in the district “...to develop, foster, and maintain a positive school climate by focusing on the ongoing, systemic process and practices in the school and to address school climate issues...” and to “review and strengthen school climate and the policies of the school.
  - b. Enhance current school climate.
  - c. Strengthen students’ connectedness.
    - (1) Encourage teachers and staff to build positive, trusting relationships with students by actively listening to students and taking an interest in what students say.
  - d. Break down “codes of silence” and help students feel empowered to come forward and share concerns and problems with a trusted adult.
  - e. Identify clubs or teams at school students can join or encourage students to start their own special interest group.
8. Step 8: Conduct Training for all Stakeholders
- a. The training is for new threat assessment team members, refresher training, and professional development. This includes training on the screening and threat assessment forms and procedures.



# REGULATION GUIDE

PROGRAM

R 2419/page 8 of 15

School Threat Assessment Teams

- b. Training must be coordinated with the New Jersey Department of Education (NJDOE), Office of School Preparedness and Emergency Planning (OSPEP) to ensure that the threat assessment team is able to accurately assess student behavior and to ensure that threat assessment teams do not have a disparate impact on students based on their race, ethnicity, homelessness status, religious belief, gender, gender identity, sexual orientation, or socioeconomic status. This training includes training on adverse childhood experiences, childhood trauma, cultural competency, and implicit bias.
- c. Awareness training for students, teaching staff members, and all school staff members regarding the recognition of concerning or aberrant behavior in an individual that may represent a threat to the school community.
  - (1) Requests for awareness training can be coordinated by the district's School Safety Specialists through the OSPEP.
- d. Training for parents and other community stakeholders to anonymously report dangerous, violent, or unlawful activity to the district or school.

## D. Threat Assessment and Management Process

The district shall implement the following steps in the threat assessment and management process.

- 1. Step 1: Receive a Report of Concern
  - a. When the threat assessment team first learns of a new report of a threat or aberrant or concerning behavior, the team (or one member of the team) should collect initial intake information about the behavior, the concerning person (i.e., the person who engaged in the threatening behavior; the person to be assessed), and other information that is readily available.



# REGULATION GUIDE

PROGRAM  
R 2419/page 9 of 15  
School Threat Assessment Teams

## 2. Step 2: Screen the Case

a. Screen for imminency (of the threat or concerning behavior) and whether there is a need for a full threat assessment.

(1) If the threat assessment team believes the report does present an imminent danger or safety concern, immediately notify law enforcement. Once the emergency has been contained, the team should complete a full threat assessment and make all necessary notifications (i.e., anyone that is or may be directly impacted).

b. If the team does not believe the report presents an imminent danger or safety concern, determine if there is a need for full threat assessment. If not, document the initial report and screening.

c. If there is a need for a threat assessment, the team shall proceed with a full threat assessment using the steps outlined in D.3. through 8. below.

d. The district's Title IX Coordinator must be notified immediately if a report involves sexual harassment, sexual assault, dating violence, stalking, or a domestic violence assault, or if engagement in these actions is uncovered when gathering additional information during the threat assessment process. Notifying the district's Title IX Coordinator is completed parallel to the threat assessment process and does not stop a team from moving forward with gathering information and initiating risk management strategies.

## 3. Step 3: Gather Information from Multiple Sources

a. Gather information about the person displaying the concerning behavior and situation from various sources. These sources can include, but are not limited to, teachers, coaches, parents, and peers.



# REGULATION GUIDE

PROGRAM  
R 2419/page 10 of 15  
School Threat Assessment Teams

4. Step 4: Organize and Analyze
  - a. Organize and analyze information using the 11 Investigative Questions detailed in the U.S. Secret Service and U.S. Department of Education threat assessment guide. The form is comprised of 11 investigative questions adapted from the U.S. Secret Services and U.S. Department of Education Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates and can be found at [www.secretservice.gov/nod/2559](http://www.secretservice.gov/nod/2559).
5. Step 5: Make the Assessment
  - a. Make an assessment about whether the individual of concern poses a threat of violence or self-harm, or if they are otherwise in need of intervention.
6. Step 6: Develop and Implement a Case Management/Intervention Plan
  - a. Develop and implement a case management plan to reduce risk.
  - b. As needed, refer individual of concern to the local mental health authority or healthcare provider for evaluation and/or treatment.
  - c. As needed, refer individual of concern for a full and individual evaluation (FIE) for special education services.
7. Step 7: Re-Assess (Case Monitoring)
  - a. Monitor, re-evaluate, and modify plan as needed to ensure that the identified intervention(s) is effective, and the individual of concern no longer poses a threat of violence or self-harm.
  - b. Re-assessing the person of concern, going through the assessment questions again.



# REGULATION GUIDE

PROGRAM  
R 2419/page 11 of 15  
School Threat Assessment Teams

- c. If there are still concerns, the team shall continue to monitor, adjust plan, and re-assess as needed until there is no longer a concern of harm to self and/or others, and the individual is on a better path.

## 8. Step 8: Document and Close the Case

- a. When the team's assessment is that the concerning person no longer poses a threat of violence or self-harm, the team can close the case or place it on the in-active status.
- b. The threat assessment team should be sure to document the case, including scheduling any future dates to check-in or follow-up, as needed.
- c. The documentation should be stored in a confidential file, with only authorized personnel having access.

## E. Training

- 1. Each member of the threat assessment team must attend training in accordance with N.J.S.A. 18A:17-43.4. The district may also choose to provide awareness training to school community members on the threat assessment process. The awareness training is also outlined as part of one of the steps of the Building a K-12 Behavior Threat Assessment and Management Program.
- 2. Threat assessment team membership:
  - a. In accordance with N.J.S.A. 18A:17-43.4, the NJDOE shall provide training through the New Jersey School Safety Specialist Academy. All threat assessment team members must receive training consistent with the training and guidelines provided by the NJDOE. The school safety specialist, is a member of the threat assessment team and will assist in ensuring this training is provided to school staff in coordination with OSPEP.



# REGULATION GUIDE

PROGRAM

R 2419/page 12 of 15

School Threat Assessment Teams

- b. Each new threat assessment team member must complete training by the OSPEP, which shall include training sessions as instructed by *Ontic/SIGMA as part of the Bureau of Justice Assistance (BJA) STOP School Violence Grant Program*.
- c. The district shall determine membership on the threat assessment team in accordance with N.J.S.A. 18A:17-43.4, including adding and ensuring the training of new members, as needed. The district must ensure all threat assessment team members attend the required initial training and refresher training provided by OSPEP to advance their competency in conducting assessments.
  - (1) These trainings will be offered through the OSPEP for both in person and online platforms.
  - (2) Refresher training will be developed and facilitated by the OSPEP and will be made available through in-person and online platforms, as necessary.

### 3. Awareness Training for Other School Community Stakeholders

- a. Request for awareness training for school staff members should be directed to the OSPEP email at [school.security@doe.nj.gov](mailto:school.security@doe.nj.gov), which will provide training or coordinate sessions with approved instructors from the U.S. Department of Homeland Security National Threat Evaluation and Reporting Office's Certified Master Training Program.

## F. Other Considerations

### 1. Individualized Education Program (IEP) or 504 Plans

- a. The district is required by law to meet the needs of students with special needs, who are afforded disciplinary protections not provided to the general education population, to reduce exclusionary practices for special



# REGULATION GUIDE

PROGRAM

R 2419/page 13 of 15

School Threat Assessment Teams

education students. When assessing a student whose behavior may pose a threat to the safety of the school community, in the case of a student with an IEP or 504 plan, the threat assessment team shall consult with the IEP team or 504 team to determine whether the aberrant or concerning behavior is a threat to school safety and is being properly addressed in a manner that is required by N.J.A.C. 6A:14 and all Federal and State special education laws. Working with the IEP team or 504 team, the threat assessment team shall determine if the behavior is part of known baseline behavior, or is already being managed under the student's IEP, 504 plan, or FBA plan. If the behavior is not consistent with baseline behaviors or is not able to be effectively managed through current programming, then a threat assessment would need to be conducted. A special education representative must be part of the team and shall engage throughout the process.

2. Allegations of Harassment, Intimidation, & Bullying (HIB) or Bias-Related Acts
  - a. Should the threat assessment team become aware of an allegation of HIB when considering or conducting assessments, they must follow Policy 5512 for addressing allegations of HIB in alignment with the Anti-Bullying Bill of Rights Act. Additionally, during the threat assessment process, it is important to recognize that the student may need remedial services (e.g., counseling) to address behavior that may have prompted the need for the threat assessment and to ensure their well-being.
  - b. Should a threat assessment team become aware of a bias-related act, they should implement Policy and Regulation 8465 on reporting bias-related acts to law enforcement in accordance with the Memorandum of Agreement Between Education and Law Enforcement Officials and Policy and Regulation 9320.





# REGULATION GUIDE

PROGRAM  
R 2419/page 14 of 15  
School Threat Assessment Teams

## 3. Information Sharing

- a. The Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA) are two Federal laws protecting the privacy of an individual's personal records. FERPA refers specifically to educational records while HIPAA refers to medical records. Questions and concerns about FERPA and/or the HIPAA protections often arise as part of the threat assessment planning process. It is critical that threat assessment teams understand how to balance the safety of the school with the privacy of individual students. These laws should not be an impediment to threat assessment and management.
- b. Threat assessment teams should consult with the Board Attorney on these elements as needed.

## 4. Family Education Rights & Privacy Act (FERPA) – Educational Records

- a. FERPA is a Federal law that protects the privacy of student education records. FERPA does, however, authorize school officials to disclose information without consent in emergency situations where the health and/or safety of students is at risk. Relevant information can be released to law enforcement, public health, and medical officials, as well as other schools in the event a student transfers or matriculates. The U.S. Department of Education would not find a school in violation of FERPA for disclosing FERPA-protected information under the health or safety exception as long as the school had a rational basis, based on the information available at the time, for making its determination that there was an articulable and significant threat to the health or safety of the student or other individuals.

## 5. Health Insurance Portability and Accountability Act (HIPAA) – Medical and Mental Health Records



# REGULATION GUIDE

PROGRAM

R 2419/page 15 of 15

School Threat Assessment Teams

- a. HIPAA protects the confidentiality of information in health records. Confidentiality is held by the patient, not the mental health provider. In cases where HIPAA applies, the following strategies below may assist threat assessment teams in eliminating potential barriers to critical data collection:
  - (1) Ask permission from the student and parent to disclose medical records;
  - (2) Provide information to health and mental professionals; and
  - (3) Ask about duty to warn or duty to protect.
- b. Additionally, medical and mental health providers may disclose protected health information when disclosure:
  - (1) Is necessary to prevent or lessen a serious and imminent threat to health or safety of patient or others and is to someone reasonably able to prevent or lessen the threat; and
  - (2) May include disclosure to law enforcement, or others who can mitigate the threat and disclosure must be consistent with applicable law and standards of ethical conduct.

## 6. Record Keeping

All documentation from the threat assessment process must be maintained in a confidential and secure location. Maintaining records and preserving evidence throughout the process, assists in the establishment of a legal and behavioral justification for the intervention. Records may be electronic or paper and must be maintained in accordance with record retention rules established by the Department of Treasury.

Adopted:



# POLICY GUIDE

Second Reading: October 25, 2023

TEACHING STAFF MEMBERS

3212/page 1 of 1

Attendance

**M**

## 3212 ATTENDANCE

The regular and prompt attendance of teaching staff members is an essential element in the efficient operation of the school district and the educational program. Teaching staff member absenteeism disrupts the educational program and the Board of Education considers attendance an important component of a teaching staff member's job performance.

Teaching staff members shall provide notice for the use of sick time as required in N.J.S.A. 18A:30-4 and Policy and Regulation 1642.01 in accordance with the district's procedure for teaching staff members to report the use of sick leave and other absences. A teaching staff member who fails to give prompt notice of an absence, misuses sick leave, fails to verify an absence in accordance with statute, administrative code, or Board policy; falsifies the reason for an absence; is absent without authorization; is repeatedly tardy; or accumulates an excessive number of absences may be subject to appropriate consequences, which may include, but not be limited to, the withholding of a salary increment, termination, nonrenewal, and/or certification of tenure charges.

Sick leave is defined in accordance with N.J.S.A. 18A:30-1 and Policy and Regulation 1642.01. No teaching staff member will be discouraged from the prudent, necessary use of sick leave and any other leave provided for by statute; administrative code; collective bargaining agreement; an individual employment contract; or the policies of the Board. The Superintendent or Board of Education may require verification to be filed with the Secretary of the Board in order to obtain sick leave in accordance with the provisions of N.J.S.A. 18A:30-4 and Policy and Regulation 1642.01.

The Superintendent, in consultation with administrative staff members, will review the rate of absence among teaching staff members. The review will include the collection and analysis of attendance patterns, the training of teaching staff members in their attendance responsibilities, and the counseling of teaching staff members for whom regular and prompt attendance is a problem.

N.J.S.A. 18A:27-4; 18A:28-5; 18A:30-1; 18A:30-2; 18A:30-4

Adopted:



# REGULATION GUIDE

Second Reading: October 25, 2023

TEACHING STAFF MEMBERS  
R 3212/page 1 of 4  
Attendance  
M

## R 3212 ATTENDANCE

### A. Review of Attendance Data

1. A record shall be kept of the attendance of each teaching staff member, including teachers; educational services personnel; administrators; and other certificated staff members. Any absence, for part or all of a school day, shall be recorded along with the reason for the absence. The record will distinguish sick leave, professional days, unpaid leaves of absence, personal leave, bereavement leave, and any other leaves of absences taken by the teaching staff member. The teaching staff member's attendance record will include notation of verification of an absence where such verification is required by the Superintendent or by Policy and Regulation 1642.01. The teaching staff member's rate of absence shall be calculated at least once per school year and entered on the teaching staff member's attendance record. A teaching staff member's attendance record shall be part of the teaching staff member's personnel file.
2. A cumulative attendance record shall be assembled for each school in the school district and also for the school district as required by the New Jersey Department of Education.
3. An attendance summary shall be prepared from the cumulative attendance record. The attendance summary shall show the rate of absence for each school in the district and also for the school district.

### B. Attendance Reporting and Improvement Plan

1. Planning
  - a. Each absence of a teaching staff member shall be reported by the teaching staff member in accordance with the school district's procedure.
  - b. The absence of a teaching staff member shall be provided to the teaching staff member's Principal or supervisor designated by the Superintendent, as appropriate, who shall determine if a substitute or replacement is required for the period of the absence.
  - c. A report of such absences shall also be provided to the Superintendent or designee.



# REGULATION GUIDE

TEACHING STAFF MEMBERS

R 3212/page 2 of 4

Attendance

- d. The Principal or supervisor designated by the Superintendent shall determine if an absence requires further verification. Reasons for further verification may include, but are not limited to, the following:
  - (1) A pattern of absences on the same day(s) of the week;
  - (2) A pattern of absences before or after nonworking days;
  - (3) The habitual exhaustion of personal leave.
- e. The Superintendent or designee will meet with Principals and supervisors to discuss attendance records of teaching staff members. The attendance records shall be analyzed for patterns of absences, such as excessive absenteeism in a given department, school, or work place in the school district, among certain groups of teaching staff members, for certain specific causes, or on certain days of the week, month, or year. Specific strategies for reducing the rate of absences shall be developed.

## 2. Implementation

- a. The Superintendent or designee or the teaching staff member's Principal or supervisor designated by the Superintendent shall be responsible for implementing a plan for the improvement of teaching staff member attendance.
- b. The teaching staff member's Principal or supervisor designated by the Superintendent shall encourage the regular attendance of teaching staff members in their workplace, school, or department. The teaching staff member's Principal or supervisor designated by the Superintendent shall maintain contact with absent employees and may confer with teaching staff members who return from an absence of any duration.
- c. The Superintendent shall direct Principals and supervisors designated by the Superintendent to incorporate a teaching staff member's attendance record in the teaching staff member's evaluation.
- d. The teaching staff member's Principal or supervisor designated by the Superintendent shall report to the Superintendent or designee any teaching staff member whom the Principal or supervisor designated by the Superintendent suspects of misusing sick leave or falsifying the reasons for an absence.



# REGULATION GUIDE

TEACHING STAFF MEMBERS

R 3212/page 3 of 4

Attendance

## 3. Counseling

- a. The Superintendent, Principal, or supervisor designated by the Superintendent may schedule a conference with a teaching staff member where the number and/or pattern of the teaching staff member's absences or the reasons offered for the teaching staff member's absences may indicate a concern.
- b. Prior to the giving of any admonition, reprimand, or imposition of discipline of any kind, the Superintendent, Principal, or supervisor designated by the Superintendent shall determine the nature of the absences and consider any extenuating circumstances.
- c. A written report of any attendance conference shall be prepared and retained with the teaching staff member's evaluations. The teaching staff member shall be permitted to examine the report and affix their comments, if any, to evaluation reports.

## C. Record of Attendance

1. A record shall be kept of the attendance of all teaching staff members, including supervisors. Any absence, for part or all of a school day, shall be recorded with the reason for the absence. A teaching staff member's attendance record shall be part of the teaching staff member's personnel file.
2. The record will distinguish sick leave; professional days; unpaid leaves of absences; personal leave; bereavement leave; and any other leaves taken by the teaching staff member. The teaching staff member's attendance record will include notation of verification of an absence where such verification is required by the Superintendent, Policy 1642.01, or any other law or Board policy.
3. A teaching staff member's rate of absence shall be calculated at least once per school year and entered on the teaching staff member's attendance record.
4. At the end of each school year, the Superintendent of Schools, Principals, and teaching staff members' supervisors designated by the Superintendent will review attendance records for teaching staff members.

## D. Attendance Improvement Plan



# REGULATION GUIDE

TEACHING STAFF MEMBERS

R 3212/page 4 of 4

Attendance

1. The attendance record prepared for teaching staff members shall be analyzed for patterns of absence, such as excessive absenteeism in a given school or work place, among certain groups of employees, for certain specific causes, or on certain days of the week, month, or year.
2. Specific strategies for reducing the rate of absences shall be developed.
3. The Superintendent shall designate an administrator or supervisor to be responsible for implementing the approved plan for the improvement of teaching staff member attendance in the school district and in schools in the district.
4. The record of a conference(s) dealing with excessive absenteeism may serve as an element in the evaluation of any teaching staff member's performance.

## E. In-Service Training

1. The teaching staff member's Principal or supervisor designated by the Superintendent shall meet with teaching staff members at the beginning of each school year to:
  - a. Inform teaching staff members of Board policy and district regulations on attendance;
  - b. Familiarize employees with the procedures to be used in requesting, reporting, and verifying absences; and
  - c. Acquaint teaching staff members with the degree to which attendance will affect evaluation reports.

Issued:



# POLICY GUIDE

Second Reading: October 25, 2023

SUPPORT STAFF MEMBERS

4212/page 1 of 1

Attendance

**M**

## 4212 ATTENDANCE

The regular and prompt attendance of support staff members is an essential element in the efficient operation of the school district and the effective conduct of the educational program. Support staff member absenteeism disrupts the educational program and the Board of Education considers attendance an important component of a support staff member's job performance.

Support staff members shall provide notice for the use of sick time as required in N.J.S.A. 18A:30-4 and Policy and Regulation 1642.01 in accordance with the district's procedure for support staff members to report the use of sick leave and other absences. A support staff member who fails to give prompt notice of an absence, misuses sick leave, fails to verify an absence in accordance with statute, administrative code, or Board policy; falsifies the reason for an absence; is absent without authorization; is repeatedly tardy; or accumulates an excessive number of absences may be subject to appropriate consequences, which may include, but not be limited to, the withholding of a salary increment, termination, nonrenewal, and/or certification of tenure charges.

Sick leave is defined in accordance with N.J.S.A. 18A:30-1 and Policy and Regulation 1642.01. No support staff member will be discouraged from the prudent, necessary use of sick leave and any other leave provided for by statute; administrative code; the collective bargaining agreement; in an individual employment contract; or the policies of the Board. The Superintendent or Board of Education may require verification to be filed with the Secretary of the Board in order to obtain sick leave in accordance with the provisions of N.J.S.A. 18A:30-4 and Policy and Regulation 1642.01.

The Superintendent, in consultation with administrative staff members, will review the rate of absence among support staff members. The review will include the collection and analysis of attendance patterns, the training of support staff members in their attendance responsibilities, and the counseling of support staff members for whom regular and prompt attendance is a problem.

N.J.S.A. 18A:30-1; 18A:30-2; 18A:30-4

Adopted:





# REGULATION GUIDE

Second Reading: October 25, 2023

ADMINISTRATION  
SUPPORT STAFF MEMBERS  
R 4212/page 1 of 5  
Attendance  
Sep 23  
M

## R 4212 ATTENDANCE

### A. Review of Attendance Data

1. A record shall be kept of the attendance of each support staff member, including secretarial staff; maintenance and custodial staff; food service staff; other support staff members, and staff members that supervise support staff members. Any absence, for part or all of a school day, shall be recorded along with the reason for the absence. The record will distinguish sick leave, professional days, unpaid leaves of absence, personal leave, bereavement leave, and any other leaves of absences taken by the support staff member. The support staff member's attendance record will include notation of verification of an absence where such verification is required by the Superintendent or by Policy and Regulation 1642.01. The support staff member's rate of absence shall be calculated at least once per school year and entered on the support staff member's attendance record. A support staff member's attendance record shall be part of the support staff member's personnel file.
2. A cumulative attendance record shall be assembled for each department or classification of employees in the school district.
3. An attendance report shall be prepared from the cumulative attendance record. The attendance summary shall show the rate of absence for a department and/or classification of employee.

### B. Attendance Reporting and Improvement Plan

1. Planning
  - a. Each absence of a support staff member shall be reported by the support staff member in accordance with the school district's procedure.



# REGULATION GUIDE

## SUPPORT STAFF MEMBERS

R 4212/page 2 of 5

### Attendance

- b. The absence of a support staff member shall be provided to the support staff member's Principal or supervisor designated by the Superintendent, as appropriate, who shall determine if a substitute or replacement is required for the period of the absence.
- c. A report of such absences shall also be provided to the Superintendent or designee.
- d. The supervisor designated by the Superintendent shall determine if an absence requires further verification. Reasons for further verification may include, but are not limited to, the following:
  - (1) A pattern of absences on the same day(s) of the week;
  - (2) A pattern of absences before or after nonworking days;
  - (3) The habitual exhaustion of personal leave.
- e. The Superintendent or designee will meet with the support staff member supervisors to discuss attendance records of support staff members. The attendance records shall be analyzed for patterns of absences, such as excessive absenteeism in a given department, school, or work place in the school district, among certain groups of support staff members, for certain specific causes, or on certain days of the week, month, or year. Specific strategies for reducing the rate of absences shall be developed.

## 2. Implementation

- a. The Superintendent or designee or the support staff member's supervisor designated by the Superintendent, shall be responsible for implementing a plan for the improvement of support staff member attendance.



# REGULATION GUIDE

## SUPPORT STAFF MEMBERS

R 4212/page 3 of 5

Attendance

- b. The support staff member's supervisor designated by the Superintendent shall encourage the regular attendance of the support staff members in their workplace, school, or department. The support staff member's supervisor designated by the Superintendent shall maintain contact with absent employees and may confer with support staff members who return from an absence of any duration.
- c. The Superintendent shall direct support staff member supervisors to incorporate a support staff member's attendance record in the support staff member's evaluation.
- d. The support staff member's supervisor designated by the Superintendent shall report to the Superintendent or designee any support staff member whom the supervisor suspects of misusing sick leave or falsifying the reasons for an absence.

### 3. Counseling

- a. The Superintendent or supervisor designated by the Superintendent may schedule a conference with a support staff member where the number and/or pattern of the support staff member's absences or the reasons offered for the support staff member's absences may indicate a concern.
- b. Prior to the giving of any admonition, reprimand, or imposition of discipline of any kind, the Superintendent or supervisor designated by the Superintendent shall determine the nature of the absences and consider any extenuating circumstances.
- c. A written report of any attendance conference shall be prepared and retained with the support staff member's evaluations. The support staff member shall be permitted to examine the report and affix their comments, if any, to evaluation reports.



# REGULATION GUIDE

## SUPPORT STAFF MEMBERS

R 4212/page 4 of 5

Attendance

### C. Record of Attendance

1. A record shall be kept of the attendance of all support staff members, including supervisors. Any absence, for part or all of a school day, shall be recorded with the reason for the absence. A support staff member's attendance record shall be part of the employee's personnel file.
2. The record will distinguish sick leave; professional days; unpaid leaves of absences; personal leave; bereavement leave; and any other leaves taken by the support staff member. The support staff member's attendance record will include notation of verification of an absence where such verification is required by the Superintendent, Policy 1642.01, or any other law or Board policy.
3. A support staff member's rate of absence shall be calculated at least once per school year and entered on the support staff member's attendance record.
4. At the end of each school year, the Superintendent, School Business Administrator/Board Secretary, and support staff members' supervisors will review attendance records for support staff members.

### D. Attendance Improvement Plan

1. The attendance record prepared for support staff members shall be analyzed for patterns of absence, such as excessive absenteeism in a given school or work place, among certain groups of employees, for certain specific causes, or on certain days of the week, month, or year.
2. Specific strategies for reducing the rate of absences shall be developed.
3. The Superintendent shall designate an administrator or supervisor to be responsible for implementing the approved plan for the improvement of support staff member attendance in the school district.



# REGULATION GUIDE

SUPPORT STAFF MEMBERS

R 4212/page 5 of 5

Attendance

4. The record of a conference(s) dealing with excessive absenteeism may serve as an element in the evaluation of any support staff member's performance.
- E. In-Service Training
1. The School Business Administrator/Board Secretary or supervisor designated by the Superintendent shall meet with support staff members at the beginning of each school year to:
    - a. Inform support staff members of Board policy and district regulations on attendance;
    - b. Familiarize employees with the procedures to be used in requesting, reporting, and verifying absences;
    - c. Acquaint support staff members with the degree to which attendance will affect evaluation reports.

Issued:



# POLICY GUIDE

Second Reading: October 25, 2023

STUDENTS  
5116/page 1 of 3  
Education of Homeless Children and Youths

## 5116 EDUCATION OF HOMELESS CHILDREN AND YOUTHS

The Board of Education will admit and enroll homeless children and youths in accordance with Federal and State laws and New Jersey Administrative Code. The Board of Education adopts this Policy to be in compliance with law and administrative code to ensure the enrollment of homeless children and youths in school and to respond to appeals made by parents or other parties related to the enrollment of homeless children and youths.

The Board shall determine that a child or youth is homeless when the child or youth resides in a publicly or privately operated shelter designed to provide temporary living accommodations, including: hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers. A child or youth is also determined homeless when the child or youth resides in a public or private place not designated for or ordinarily used as a regular sleeping accommodation, including: cars or other vehicles including mobile homes; tents or other temporary shelters; parks; abandoned buildings; bus or train stations; or temporary shelters provided to migrant workers and their children on farm sites. A child or youth is determined homeless when the child or youth resides in the residence of relatives or friends where the homeless child or youth resides out of necessity because the child's or youth's family lacks a regular or permanent residence of its own. A child or youth is also determined homeless when the child or youth resides in substandard housing.

The school district of residence for a homeless child or youth is responsible for the education of the child and shall assume all responsibilities as required in N.J.A.C. 6A:17-2.3. The school district of residence for a homeless child or youth means the school district in which the parent of a homeless child or youth resided prior to becoming homeless.

The school district liaison designated by the Superintendent of Schools for the education of homeless children and youths is the Director of Student Services. The school district liaison will facilitate communication and cooperation between the school district of residence and the school district where the homeless child or youth resides and shall assume all responsibilities as outlined in N.J.A.C. 6A:17-2.4(a).

When a homeless child or youth resides in a school district, the school district liaison shall notify the liaison of the school district of residence within twenty-four hours of receiving notification from the parent, a shelter director, or an involved agency. Upon notification of the need for enrollment of a homeless child or youth, the liaison in the school district of residence shall coordinate enrollment procedures immediately based upon the best interest of the child pursuant to N.J.A.C. 6A:17-2.5(b).



# POLICY GUIDE

---

STUDENTS

5116/page 2 of 3

Education of Homeless Children and Youths

The Superintendent of the school district of residence or designee shall decide in which school district the homeless child or youth shall be enrolled in accordance with the provisions of N.J.A.C. 6A:17-2.5.

Unless parental rights have been terminated by a court of competent jurisdiction, the parent retains all rights under N.J.A.C. 6A:17-2.

When a dispute occurs regarding the determination of homelessness or the determination of the school district of enrollment made by the school district of residence, the Superintendent(s) or the designee(s) of the involved district(s) or the child's or youth's parent(s) shall immediately notify the Executive County Superintendent of Schools, who, in consultation with the New Jersey Department of Education's (NJDOE) McKinney-Vento Homeless Education Coordinator or the Coordinator's designee, shall immediately decide the child's or youth's status. If a dispute remains between the parent and the involved school district(s) following the Executive County Superintendent's determination, the parent or the involved district Board(s) of Education may appeal to the Commissioner of Education for determination pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

When a school district designated as the school district of residence disputes its designation as the school district of residence, or where no designation can be agreed upon by the involved school districts, the Superintendent(s) or designee(s) of the involved school districts shall immediately notify the Executive County Superintendent of Schools. The Executive County Superintendent shall make a determination immediately, if possible, but no later than within forty-eight hours and, when necessary, in consultation with the NJDOE's Homeless Education Coordinator or the Coordinator's designee.

If the dispute regarding determination of the school district of residence does not involve the determination of homelessness and/or school district of enrollment, the school district disputing the Executive County Superintendent's determination may appeal to the NJDOE pursuant to N.J.A.C. 6A:23A-19.2(d), (e), and (f) and request a determination from the NJDOE Division of Administration and Finance. If an appeal of a determination of school district of residence also includes an appeal of the determination of homelessness and/or school district of enrollment, the appeal shall be submitted to the Commissioner of Education pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

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



# POLICY GUIDE

STUDENTS

5116/page 3 of 3

Education of Homeless Children and Youths

Notwithstanding the provisions of N.J.S.A. 18A:38-1, 18A:7B-12, or 18A:7B-12.1, or any other section of law to the contrary, any student who moves from one school district to another as a result of being homeless due to an act of terrorism or due to a natural disaster which results in the declaration of a state of emergency or disaster by the State or by the Federal government, may continue to enroll in the school district in which the parent or guardian last resided prior to becoming homeless for up to two full school years after the act of terrorism or natural disaster; and during the two-year period, if the student is enrolled in the district in which the parent last resided prior to becoming homeless and the student's parent remains homeless for that period, the student shall attend that district tuition-free and that district shall provide the student transportation to and from school in accordance with N.J.S.A. 18A:7B-12.3.

Financial responsibility, including the payment of tuition for the homeless child or youth, will be in accordance with N.J.A.C. 6A:17-2.8. The school district of residence shall list the child on its annual Application for State School Aid (ASSA) pursuant to N.J.S.A. 18A:7F-33 until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence or the school district in which the parent has been deemed domiciled shall no longer list the student on its ASSA. The State shall assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12.1 and shall pay the tuition to the school district in which the child or youth is currently enrolled until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. under the circumstances outlined in N.J.A.C. 6A:17-2.8(c).

On or before December 31 of each year, the district shall report to the Office of Homelessness Prevention in the Department of Community Affairs an accounting of each instance in which the district is made aware that a student enrolled in the district because the student's parent moved to the district as a result of being homeless in accordance with N.J.S.A. 18A:38-1.f.

N.J.S.A. 18A:7B-12; 18A:7B-12.1; 18A:7B-12.3; 18A:38-1  
N.J.A.C. 6A:17-2.1 et seq.

Adopted:





# REGULATION GUIDE

Second Reading: October 25, 2023

STUDENTS  
R 5116/page 1 of 9  
Education of Homeless Children and Youths  
Sep 23

## R 5116 EDUCATION OF HOMELESS CHILDREN AND YOUTHS

### A. Definitions – N.J.A.C. 6A:17-1.2

1. “Best interest determination” means the school placement decision made by Division of Child Protection and Permanency (DCP&P) based on the factors considered, as set forth at N.J.S.A. 30:4C-26b.
2. “Career or technical education” or “CTE” means as defined in N.J.A.C. 6A:19-1.2.
3. “DCP&P” means the Division of Child Protection and Permanency, which is a division in the New Jersey Department of Children and Families (DCF) that is responsible for the placement of children in resource family care, pursuant to N.J.S.A. 30:4C-26b.
4. “Educational stability school district notification” means the notification provided by DCP&P to the school district, pursuant to N.J.S.A. 30:4C-26b.h.
5. “Enroll” or “enrollment” means attending classes and participating fully in school activities.
6. “Homeless child” means a child or youth who lacks a fixed, regular, and adequate residence, pursuant to N.J.S.A. 18A:7B-12, N.J.A.C. 6A:17-2.2, and B. below.
7. “Immediate” or “immediately” means at the instant the need for placement is made known.
8. “Parent” means the natural or adoptive parent, legal guardian, resource family care parent, surrogate parent, or person acting in the place of a parent, such as the person with whom the child legally resides or a person legally responsible for the child’s welfare.
9. “Point of contact” means the employee identified in each school district who facilitates all activities needed to ensure enrollment and attendance of children in resource family care.



# REGULATION GUIDE

STUDENTS

R 5116/page 2 of 9

Education of Homeless Children and Youths

10. “Resource family care” means twenty-four-hour substitute care for children placed away from their parent(s) and for whom DCP&P has placement and care responsibility. The term is synonymous with “foster care” as defined in the Federal Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA), and includes “resource family home” found elsewhere in the New Jersey Administrative Code and in the New Jersey Statutes Annotated.
11. “School district liaison for the education of homeless children and youths” means the person identified in each school district who facilitates all activities needed to ensure the enrollment and attendance of homeless children and youths.
12. “School district of residence” for a homeless child or youth means the school district in which the parent of a homeless child or youth resided prior to becoming homeless. It may not be the school district in which the student currently resides. This term is synonymous with “school district of origin” referenced in the McKinney-Vento Homeless Education Assistance Act. “School district of residence” for a student in a State facility means the school district in which the parent with whom the student lived prior to placement in a State facility currently resides, pursuant to N.J.S.A. 18A:7B-12.b. In the case of a child placed in resource family care prior to September 9, 2010, in accordance with N.J.S.A. 18A:7B-12, the “school district of residence” means the school district in which the resource family care parent(s) resides. In the case of a child placed in resource family care on or after September 9, 2010, in accordance with N.J.S.A. 18A:7B-12, the “school district of resident” means the present school district of residence of the parent(s) with whom the child lived prior to the most recent placement in resource family care.
13. “School of origin” for a child in resource family care means the school district in which a child was enrolled prior to a change in the child’s care, custody, or guardianship. If a child’s resource family care placement changes, the school or origin would then be considered the school district in which the child is enrolled at the time of the placement change.
14. “State agency” means the New Jersey Department of Human Services, the New Jersey Department of Correction, the New Jersey Department of Children and Families, or the New Jersey Juvenile Justice Commission.



# REGULATION GUIDE

STUDENTS

R 5116/page 3 of 9

Education of Homeless Children and Youths

15. “State facility” means residential and day programs operated by, contracted with, or specified by the New Jersey Department of Human Services, the New Jersey Department of Correction, the New Jersey Department of Children and Families, or the New Jersey Juvenile Justice Commission.
  16. “Transitional living facility” means a temporary facility that provides housing to a child due to domestic violence, pursuant to N.J.S.A. 18A:7B-12.1.
  17. “Unaccompanied youth” means a youth not in the physical custody of a parent at the time of enrollment.
- B. Determination of Homelessness – N.J.A.C. 6A:17-2.2
1. The Board of Education for the school district of residence shall determine that a child or youth is homeless for the purposes of N.J.A.C. 6A:17-2, Policy 5116, and this Regulation when the child or youth resides in any of the following:
    - a. A publicly or privately operated shelter designed to provide temporary living accommodations, including: hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers;
    - b. A public or private place not designated for or ordinarily used as a regular sleeping accommodation, including: cars or other vehicles including mobile homes; tents or other temporary shelters; parks; abandoned buildings; bus or train stations; or temporary shelters provided to migrant workers and their children on farm sites;
    - c. The residence of relatives or friends where the homeless child or youth resides out of necessity because their family lacks a regular or permanent residence of its own; or
    - d. Substandard housing.
- C. Responsibilities of the School District of Residence – N.J.A.C. 6A:17-2.3
1. The school district of residence for a homeless child or youth shall be responsible for the education of the child and shall:
    - a. Determine the school district in which the child shall be enrolled after consulting with the parent pursuant to N.J.A.C. 6A:17-2.5 and E. below;



# REGULATION GUIDE

STUDENTS

R 5116/page 4 of 9

Education of Homeless Children and Youths

- b. Pay the cost of tuition pursuant to N.J.S.A. 18A:38-19, when the child attends school in another school district; and
      - c. Provide for transportation for the child pursuant to N.J.A.C. 6A:27-6.2.
    2. The determination of the homeless child's or youth's school district of residence shall be made by the Superintendent of the school district of residence or designee, pursuant to N.J.A.C. 6A:17-2.4 and D. below based upon information received from the parent, a shelter provider, another school district, or an involved agency.
    3. The school district identified in accordance with N.J.S.A. 18A:7B-12 as the school district of residence for a homeless child or youth shall be the school district of residence until the parent establishes a permanent residence. Financial responsibility will remain with the homeless child's school district of residence until the family is deemed domiciled in another jurisdiction, pursuant to N.J.S.A. 18A:38-1.d.
  - D. Designation of School District Liaisons and Their Responsibilities – N.J.A.C. 6A:17-2.4
    1. The Superintendent identifies Director of Student Services as the school district liaison for the education of homeless children or youths. The school district liaison shall:
      - a. Facilitate communication and cooperation between the school district of residence and the school district where the homeless child or youth resides;
      - b. Develop procedures to ensure a homeless child or youth residing in the school district is enrolled and attending school pursuant to N.J.A.C. 6A:17-2.5 and E. below;
      - c. Ensure homeless families, children, and youths receive educational services for which they are eligible, including Head Start programs, preschool programs administered by the Board, and referrals to health care, dental, mental health, and other appropriate services;
      - d. Inform parents of homeless children and youths of the educational and related opportunities available to their children and ensure that parents are provided with meaningful opportunities to participate in the education of their children;



# REGULATION GUIDE

STUDENTS

R 5116/page 5 of 9

Education of Homeless Children and Youths

- e. Ensure that public notice of the educational rights of homeless children and youths is disseminated where such children receive services, such as schools, family shelters, and soup kitchens;
  - f. Ensure enrollment disputes are resolved pursuant to N.J.A.C. 6A:17-2.7 and G. below;
  - g. Ensure the parent of a homeless child or youth, or any unaccompanied youth, is fully informed of all transportation services, including transportation to the school district of residence, and is assisted in accessing transportation to the school selected under N.J.A.C. 6A:17-2.5 and E. below;
  - h. Assist the parent to obtain the homeless child's or youth's medical records or required immunizations; and
  - i. Assist an unaccompanied youth to ensure the youth is enrolled in, and is receiving, all services pursuant to N.J.A.C. 6A:17, Policy 5116, and this Regulation.
2. When a homeless child or youth resides in a school district, the school district liaison shall notify the liaison of the school district of residence within twenty-four hours of receiving notification from the parent, a shelter director, or an involved agency.
  3. Upon notification of the need for enrollment of a homeless child or youth, the liaison in the school district of residence shall coordinate enrollment procedures immediately based upon the best interest of the child, pursuant to N.J.A.C. 6A:17-2.5(b) and E.2. below.
- E. School District Enrollment – N.J.A.C. 6A:17-2.5
1. The Superintendent of the school district of residence or designee shall decide in which school district the homeless child or youth shall be enrolled as follows:
    - a. Enroll the homeless child or youth in the school district of residence to the extent feasible, except when doing so is contrary to the wishes of the homeless child's or youth's parent;
    - b. Continue the homeless child's or youth's education in the school district of last attendance if it is not the school district of residence; or



# REGULATION GUIDE

STUDENTS

R 5116/page 6 of 9

Education of Homeless Children and Youths

- c. Enroll the homeless child in the school district where the child resides.
2. The Superintendent of the school district of residence or designee shall decide the school district of enrollment of a homeless child or youth based on what is determined to be in the best interest of the child or youth after considering:
  - a. The enrollment of the homeless child or youth in the school district of residence to the extent feasible, except when doing so is contrary to the wishes of the child's or youth's parent.
  - b. The continuity of the child's educational program;
  - c. The eligibility of the child for special instructional programs, including, but not limited to, bilingual, gifted and talented, special education, early childhood, and career and technical education programs; and
  - d. The distance, travel time, and safety factors in coordinating transportation services from the residence to the school.
3. The Superintendent of the school district of residence or designee shall determine the child's or youth's school district of enrollment immediately after consultation with the parent. The school district of residence shall adhere to the following procedures:
  - a. Enrollment decisions shall be made immediately upon notification of the need for enrollment. When the decision is made, the child or youth shall be enrolled immediately. If a dispute arises regarding enrollment of a homeless child or youth, the homeless child or youth shall be immediately enrolled in the school district in which enrollment is sought by the parent, pending resolution of the dispute pursuant to N.J.A.C. 6A:17-2.7 and G. below.
  - b. Consultation with the parent regarding the enrollment decision and the right to appeal the decision shall be documented in writing.
  - c. A decision to enroll a homeless child or youth in a school district other than the school district of residence or the school district requested by the parent shall be explained in writing and provided to the parent.



# REGULATION GUIDE

STUDENTS

R 5116/page 7 of 9

Education of Homeless Children and Youths

4. When a decision is made to enroll the child or youth in a school district other than the school district of residence, the Superintendent or designee of the school district of residence shall forward to the new school district all relevant school and health records consistent with the provisions of N.J.A.C. 6A:32-7.
  5. When a homeless child or youth with a disability is enrolled in a school district other than the school district of residence, the school district of enrollment shall treat the student as a transfer student pursuant to N.J.A.C. 6A:14, Special Education.
  6. When the school district of residence for a homeless child or youth cannot be determined, the Superintendent or designee of the school district in which the child or youth currently resides shall enroll the child or youth immediately in the school district of the current residence or the school district of last attendance.
  7. The school district selected pursuant to N.J.A.C. 6A:17-2, Policy 5116, and this Regulation shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment such as previous academic records, medical records, proof of residency, or other documentation.
  8. Enrollment in the school district of residence; enrollment in the school district of last attendance, if not the school district of residence; or enrollment in the school district where the child or youth resides shall continue for the duration of homelessness, including when a family becomes homeless between academic years, and also for the remainder of the academic year if the homeless child or youth becomes permanently housed during the academic year.
- F. Parental Rights – N.J.A.C. 6A:17-2.6
1. Unless parental rights have been terminated by a court of competent jurisdiction, the parent retains all rights under N.J.A.C. 6A:17-2, Policy 5116, and this Regulation.
- G. Disputes and Appeals – N.J.A.C. 6A:17-2.7
1. When a dispute occurs regarding the determination of homelessness or the determination of the school district of enrollment made by the school district of residence, the Superintendent(s) or designee(s) of the involved school district(s) or the child's or youth's parent(s) shall immediately notify the Executive County



# REGULATION GUIDE

STUDENTS

R 5116/page 8 of 9

Education of Homeless Children and Youths

Superintendent. In consultation with the New Jersey Department of Education's (NJDOE) McKinney-Vento Homeless Education Coordinator or the Coordinator's designee, the Executive County Superintendent shall immediately decide the child's or youth's status. If a dispute remains between the parent and the involved school district(s) following the Executive County Superintendent's determination, the parent or the involved district Board(s) of Education may appeal to the Commissioner of Education for a determination pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

2. When a school district designated as the school district of residence disputes its designation as the school district of residence, or where no designation can be agreed upon by the involved school districts, the Superintendent(s) or designee(s) of the involved school districts shall immediately notify the Executive County Superintendent. The Executive County Superintendent shall make a determination immediately, if possible, but no later than within forty-eight hours and, when necessary, in consultation with the NJDOE's Homeless Education Coordinator, or the Coordinator's designee.
  - a. If the dispute regarding determination of the school district of residence does not involve the determination of homelessness and/or school district of enrollment, the school district disputing the Executive County Superintendent's determination may appeal to the NJDOE pursuant to N.J.A.C. 6A:23A-19.2(d), (e), and (f), and request a determination from the Division of Finance.
  - b. If an appeal of a determination of the school district of residence also includes an appeal of the determination of homelessness and/or school district of enrollment, the appeal shall be submitted to the Commissioner pursuant to N.J.A.C. 6A:3, Controversies and Disputes.
3. Any dispute or appeal shall not delay the homeless child's or youth's immediate enrollment or continued enrollment in the school district. The homeless child or youth shall be enrolled in the school district in which enrollment or continued enrollment is sought by the parent, pending resolution of the dispute or appeal.
4. Disputes and appeals involving the services provided to a homeless child or youth with a disability shall be made pursuant to N.J.A.C. 6A:14.





# REGULATION GUIDE

STUDENTS

R 5116/page 9 of 9

Education of Homeless Children and Youths

## H. Tuition – N.J.A.C. 6A:17-2.8

1. When the homeless child or youth is enrolled in a school district other than the school district of residence, the school district of residence shall pay to the school district of enrollment the tuition costs pursuant to N.J.S.A. 18A:38-19 until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence or the school district in which the parent has been deemed domiciled shall pay tuition to the school district of enrollment.
2. The school district of residence shall list the child on its annual Application for State School Aid (ASSA) pursuant to N.J.S.A. 18A:7F-33 until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence or the school district in which the parent has been deemed domiciled shall list the student on its ASSA.
3. The State shall assume fiscal responsibility for the tuition of the child or youth pursuant to N.J.S.A. 18A:7B-12.1 and shall pay the tuition to the school district in which the child or youth is currently enrolled until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d., under the following circumstances:
  - a. If the school district of residence cannot be determined for the homeless child or youth;
  - b. If the school district of residence is outside of the State; or
  - c. If a child or youth resides in a domestic violence shelter, homeless shelter, or transitional living facility located in a school district other than the school district of residence for more than a year during the placement pursuant to N.J.S.A. 18A:7B-12.d. and 12.1.
4. When the State assumes fiscal responsibility for the tuition of a homeless child or youth under the circumstances at N.J.A.C. 6A:17-2.8(c) and H.3. above, the State shall pay to the school district in which the child or youth is enrolled the weighted base per pupil amount calculated pursuant to N.J.S.A. 18A:7F-49 and the appropriate security and special education categorical aids per pupil pursuant to N.J.S.A. 18A:7F-55 and 56.

Issued:

