
STUDENT COUNCIL REPRESENTATIVE TO THE BOARD OF EDUCATION

The Board recognizes that students are the primary reason for the existence of the school district. It considers the experience gained by students in the district to be a valued source for improving the operation of the school district. The Board is also desirous of furthering the experience of students in the governance process and providing opportunities for students to contribute to the future direction of the school district. To this end, the Board authorizes the appointment of one (1) High School Student Representative and one ~~(1) alternate~~ Middle School Student Representative to the Board of ~~Education~~.

High School Student Representative Qualifications

The individuals elected as High School Student Representatives to the Board of Education shall be a student currently enrolled at Sayreville War Memorial High School and anticipated to be enrolled at Sayreville War Memorial High School throughout the duration of the term of service as a High School Student Representative ~~or alternate~~. The individuals shall be of good character, have a good conduct record, and maintain a passing cumulative average in all major subjects.

Students desiring to be the High School Student Representative ~~or Alternate Representative~~ to the Board of Education must follow the below procedure:

- A. All legitimate and potential candidates must submit their names to the Student Council office during the announced time period.
- B. All candidates in order to be so considered must complete all necessary forms, be present for interview purposes, and complete all final declarations during said time period.
- C. No student not personally carrying out all of the above shall have his/her name placed on the ballot.

All eligible candidates must give a campaign speech. Candidates not following the criteria listed above will not be allowed this privilege.

Election for the High School Student Representative ~~and Alternate Representative~~ to the Board of Education shall be by secret ballot. Only registered student voters will be allowed this privilege.

The student with the highest number of votes among the registered student voters will be named the Student Representative to the Board of Education. ~~The student with the second highest number of votes among the registered student voters will be named the Alternate Representative~~

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~~to the Board of Education.~~

The High School Student representatives to the Board shall serve a term of one year. The terms shall begin on July 1 and extend to the following June 30. There is no term limit on the number of terms a representative may serve provided he/she is re-elected to the position subject to the election provisions in this section.

In the event of a vacancy in the position of High School Student Representative to the Board of Education, the President of the Sayreville War Memorial High School Student Council shall serve as Student Representative to the Board of Education through the remainder of the unexpired term.

~~In the event of a vacancy in the position of Alternate Representative to the Board of Education, the Vice President of the Sayreville War Memorial High School Student Council shall serve as Alternate Representative to the Board of Education through the remainder of the unexpired term.~~

Middle School Student Representative

The Middle School Principal shall designate a pupil from the Middle School Climate Team to serve as a student representative at each Board of Education meeting as may be determined necessary.

Duties and Responsibilities

Student Representatives shall:

- A. Attend all public Board meetings during their designated term.
- B. Be excluded from executive sessions of the Board.
- C. Represent the views of the student body.
- D. Suggest through appropriate channels Board agenda items.
- E. Participate in Board discussions and deliberations at the discretion of the Board President.
- F. Serve on Board committees and attend committee meetings at the discretion of the Committee Chairperson.
- G. Shall be excluded from sensitive and confidential discussions and communications. (e.g. matters involving personnel, grievances, negotiations, litigation, real property purchase and other sensitive matters).
- H. Receive all Board public agendas.
- I. May ~~attend~~ participate in the online Board orientation sponsored by the New Jersey School Boards Association.
- J. Perform such duties as determined by the Board President in consultation with the

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Superintendent.

Student Representatives are expected to adhere to all bylaws, policies and regulations of the Board in their role. The Board in no way relinquishes any of its authority, powers, prerogatives or responsibilities but rather adds to its membership a non-voting student representative for the mutual benefit of the Board, student body, and the school district.

Possible

<u>Cross References:</u>	1000/1010	Concepts and roles in community relations; goals and objectives
	1100	Communicating with the public
	1200	Participation by the public
	1220	<u>Ad hoc</u> advisory committees
	1330	Use of school facilities
	2131	Superintendent of Schools
	6010	Goals and objectives
	6122	Articulation
	6162.4	Community resources

Key Words

Committees, Board Committees, Parent, Parent Involvement Council, Parent Representative to the Board of Education

Date Adopted: 08/23/2005

Date Revised:

Rationale: Remove the alternate representative as this position has not been utilized in many years. Substitute the online training for New Board Member Orientation as opposed to in person training to accommodate the high demand for this training for elected school board members, as well as negate the costs associated with supervision. Upon recommendation of the Superintendent and at the request of the Middle School Principal, establish a middle school student representative and alternate position to the Board of Education.

SPECIAL EDUCATION

In compliance with State Department of Education interpretation of the administrative code on special education, the Board adopts the following policies on providing educational and related services to students identified as having educationally disabling conditions as defined in federal and state law.

Full Educational Opportunity for Students with Disabilities

The Board of Education is responsible for providing a free and appropriate public education for all children resident in the district including children ages three through 21 identified as having disabilities and students with disabilities who have been suspended or expelled. All reasonable efforts will be made to resolve an enrolled child's learning and adjustment difficulties prior to his/her referral to the child study team for screening and/or evaluation. When a student is found eligible for special education and related services and the Board of Education cannot provide required instruction and related services from its own resources and facilities, the Board will seek appropriate placement outside the district, and will assume such costs of that placement as are required by law.

The Board shall ensure that:

- A. Free, appropriate public education is made available to each eligible student begins no later than the student's third birthday and that an individualized education program is in effect for the student by that date;
- B. If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin;
- C. A free, appropriate public education is available to any student with a disability who needs special education and related services, even though the student is advancing from grade to grade;
- D. The services and placement to receive a free and appropriate education needed by each student with a disability are based on the student's unique needs and not on the student's disability; and
- E. The services and placement needed by each student with a disability are provided in appropriate educational settings as close to the student's home as possible, and, when the IEP does not describe specific restrictions, the student is educated in the school he or she

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would attend if not a student with a disability.

The goal of the Board's special education program is to provide full educational opportunity to all resident students ages three through 21 with disabilities, as those terms are defined in federal and state law. The Board will make available to parents/guardians of students with disabilities below the age of three information regarding services available through other state, county and local agencies.

The Superintendent shall ensure that the district's special education programs comply with the law in every respect, including fiscal regulations and reports.

The Superintendent shall also ensure that the district plan for special education is in compliance with administrative code and the approved state plan for special education, according to N.J.A.C. 6A:14-4.1 which sets for the requirements for programs and instruction. This plan shall consist of policies, procedures, assurances, a comprehensive system of personnel development, data collection and an application that describes the use of IDEA Part B funds.

The Superintendent shall ensure that the plan is implemented in this district and shall supervise its operation so that it will accomplish its stated goals and objectives.

Participation of and Consultation with the Parents/Guardians

In order to achieve the district's goal of providing full educational opportunity to all students with disabilities in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process, pursuant to N.J.A.C. 6A:14-2.3 and 2.4. All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the student unless it is not feasible to do so, in which case the provisions of administrative code shall be followed (see section below: Parental Consent, Notice, Participation, and Meetings). After parental consent for initial evaluation of a preschool age or school age student has been received, the evaluation, determination of eligibility for services, and, if eligible, development and implementation of the IEP for the student shall be completed within 90 calendar days.

Surrogate Parent (N.J.A.C 6A:14-2.2)

Procedures set out in the administrative code shall be followed when parent/guardian cooperation and/or participation cannot be obtained. When necessary, a surrogate parent shall be appointed to ensure the protection of a student's rights when the parents/guardians cannot be identified or located or the child is a ward of the State of New Jersey. The district shall select and train such surrogate parents in compliance with the administrative code. A surrogate shall be provided to a student in accordance with N.J.A.C. 6A:14-2.2 when:

- A. The parent of the student cannot be identified or located;
- B. An agency of the State has guardianship of the student and that agency has not taken steps to appoint a surrogate parent for the student;
- C. The student is a ward of the state and no State agency has taken steps to appoint a surrogate parent for the student;

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D. No parent can be identified for the student in accordance with N.J.A.C. 6A:14-1.3 except a foster parent, the foster parent does not agree to serve as the student's parent and no State agency has taken steps to appoint a surrogate parent for the student;

E. The student is an unaccompanied homeless youth and no State agency has taken steps to appoint a surrogate parent for the student.

1. The district will make reasonable efforts to appoint a surrogate parent within 30 days of its determination that a surrogate parent is required for a student;

2. The district will appoint a person who will be responsible for appointing surrogate parents and overseeing the process. The responsible person will:

a. Determine whether there is a need for a surrogate parent for a student;

b. Contact any State agency that is involved with the student to determine whether the State has had a surrogate parent appointed for the student; and

c. Make reasonable efforts to select and appoint a surrogate parent for the student within 30 days of determining that there is a need for a surrogate parent for the student.

3. The district will establish a method for training surrogate parents that includes provision of information with respect to parental rights and procedural safeguards available to parents and students in accordance with N.J.A.C. 6A:14:

a. The district will appoint a person that will be responsible for training surrogate parents;

b. The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;

c. The training will be designed to make surrogate parents familiar with State and federal requirements for assessment, individualized education program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;

d. Surrogate parents will be provided with copies of: the Parental Rights in Special Education booklet; N.J.A.C. 6A:14; the Special Education Process; Code Training Materials from the Department of Education Website; and other relevant materials; and

e. Surrogate parents will be provided information to enable them to become familiar with the nature of the child's disability.

4. The district will ensure that:

a. All persons serving as surrogate parents have no interest that conflicts with those of the student he or she represents;

b. All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;

c. All persons serving as surrogate parents are at least 18 years of age;

d. If the school district compensates the surrogate parent for providing such services, a criminal history review of the person in accordance with N.J.S.A. 18A:6-7.1 is

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- completed prior to his or her serving as the surrogate parent; and
e. No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the district Board of Education or a public or nonpublic agency that is involved in the education or case of the child.

Parental Consent, Notice, Participation, and Meetings (N.J.A.C. 6A:14-2.3)

A. Consent shall be obtained:

1. Prior to conducting any assessment as part of an initial evaluation;
2. Prior to implementation of the initial IEP ;
3. Prior to conducting any assessment as part of a reevaluation, except when the Board can demonstrate that reasonable measures were taken to obtain such consent and the parent failed to respond;
4. Prior to the release of student records;
5. Each time a district Board of Education seeks to access private insurance covering a student with a disability;
6. Prior to the first time a district Board of Education seeks to access a child's or parent's public benefits or insurance covering the student;
7. Whenever a member of the IEP team is excused from participating in a meeting;
8. Whenever an IEP is amended without a meeting;
9. Whenever a parent/guardian and the Board agree to waive a reevaluation;

Written consent may be revoked by the parent, in writing, at any time. Upon receipt of consent, the Board ensure that the action for which consent was shall be implemented without delay.

The Board shall make reasonable efforts to obtain parental consent for an initial evaluation for any ward of the state. If, after reasonable efforts, the parent cannot be found, or parental rights have been terminated, or subrogated for purposes of consenting to eligibility by the court and consent has been given by an individual the court has appointed, parental consent need not be obtained for an initial evaluation.

- B. When electronic mail is utilized, parents shall be informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. Parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent.

- C. Written notice shall be in language understandable to the general public, and shall be provided in the native language of the parent, unless it is clearly not feasible to do so according to N.J.A.C. 6A:14-2.4. Written notice shall include:

1. A description of the action proposed or denied by the Board;
2. An explanation of why the action is being taken;
3. A description of any options that were considered and the reasons why those options were rejected;
4. A description of the procedures, tests, records or reports and factors used in determining

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whether to propose or deny an action;

5. A description of any other factors that are relevant to the proposal or refusal of the action;
 6. A statement that the parents/guardians of a student with a disability have protection under the procedural safeguards, the means by which a copy of a description of the procedural safeguards can be obtained and sources for parents to contact to obtain assistance in understanding the provisions of the law; and
 7. In addition, a copy of the procedural safeguards statement published by the New Jersey Department of Education which contains a full explanation of the procedural safeguards available to parents shall be provided only one time per year, except that a copy shall also be provided:
 - a. Upon referral for an initial evaluation;
 - b. Upon request by a parent;
 - c. When a request for a due process hearing is submitted to the Department of Education;
 - d. When a request for a complaint investigation is submitted to the Department; and
 - e. When a student is removed for disciplinary reasons and the removal constitutes a change in placement.
 8. The annual written notice of the procedural safeguards to parents/guardians and/or adult students shall be provided as follows:
 - a. The Board shall provide written notice no later than 15 calendar days after making a determination;
 - b. The Board shall provide written notice at least 15 calendar days prior to the implementation of a proposed action so that the parents/guardians and/or adult student may consider the proposal;
 - c. The district Board of Education shall implement the proposed action after the opportunity for consideration (in 2 above) unless parent/guardian disagrees with the proposed action and the district takes action in an attempt to resolve the disagreement; or mediation or a due process hearing is requested.
- D. The parent/guardian shall be given the opportunity to participate in meetings regarding the identification, evaluation, classification, educational placement of, or the provision of a free, appropriate public education to the student.

Location, Referral and Identification (N.J.A.C 6A:14-3.3)

The Board directs the Superintendent to prepare written procedures for identifying those students ages three through 21, including students attending nonpublic schools located within the district regardless of where they reside, who reside within the district with respect to the location and referral of students who may have a disability due to physical, sensory, emotional, communication, cognitive or social difficulties. In order to ensure preschoolers with disabilities have their initial IEPs implemented no later than age three, a written request for initial evaluation shall be forwarded to the district at least 120 days prior to the preschooler attaining age three.

The requirements of law and Board policy for identification, location and evaluation shall apply to highly mobile students with disabilities, such as migrant and homeless students, and to students who may have a disability even though they are advancing from grade to grade.

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Activities undertaken to locate nonpublic school students with disabilities shall be comparable to activities undertaken to locate public school students with disabilities. In addition, the Board shall consult with appropriate representatives of nonpublic students on how to carry out these activities.

When a preschool age or school age student is referred for an initial evaluation to determine eligibility for special education programs and services, a meeting of the child study team, the parent and the regular education teacher of the student who is knowledgeable about the student's educational performance or, if there is no teacher of the student, a teacher who is knowledgeable about the district's programs, shall be convened within 20 calendar days (excluding school holidays, but not summer vacation) of receipt of the written request. The child study team shall determine whether an evaluation is warranted and, if warranted, shall determine the nature and scope of the evaluation. When the child study team determines that an evaluation is not warranted then other appropriate action may be determined. The parent shall be provided written notice of the determination(s), which includes a request for consent to evaluate, if an evaluation will be conducted.

The Board shall ensure that all preschool students with disabilities shall have their IEPs implemented no later than their third birthdays. To provide a smooth transition between a child's preschool program and his/her school age program (public or private), particular attention shall be paid to articulation between those programs.

These procedures and arrangements shall be adopted by the Board after review and possible revision. The procedures shall include:

- A. Utilizing strategies identified through intervention and referral services (N.J.A.C. 6A:16-8) as well as other general education strategies;
- B. Criteria for instructional, administrative and other professional staff, parents/guardians and state agencies to refer students for evaluation;
- C. Evaluation criteria for the determination of eligibility for special education and related services; and
- D. Other educational actions as appropriate.

Case Manager (N.J.A.C. 6A:14-3.2)

A case manager shall be assigned to a student when it is determined that an initial evaluation shall be conducted. Child study team members or speech-language specialists when they act as members of the child study team shall be designated and serve as the case manager for each student with a disability. The case manager shall coordinate the development, monitoring and evaluation of the effectiveness of the individualized education program (IEP). The case manager shall facilitate communication between home and school and shall coordinate the annual review and reevaluation process.

Evaluation and Determination of Eligibility (N.J.A.C. 6A:14-3.5 through N.J.A.C. 6A:14-3.6)

- A. The evaluation process to determine a student's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of N.J.A.C. 6A:14-2.3, 2.5, 3.4, 3.5, 3.6 and 3.7

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dealing with:

1. Parental notice, notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf;
- B. The child study team, the parent and the regular education teacher of the student who has knowledge of the student's educational performance or if there is no teacher of the student, a teacher who is knowledgeable about the district's programs shall:
1. Review existing evaluation data on the student including evaluations and information provided by the parents, current classroom-based assessments and observations, and the observations of teachers and related services providers, and consider the need for any health appraisal or specialized medical evaluation;
 2. Identify what additional data, if any are needed to determine whether the student has a disability;
 3. Determine which child study team members and/or specialists shall conduct each assessment that is part of the evaluation.
- C. Prior to conducting any assessment as part of an initial evaluation, the district shall request and obtain consent to evaluate;
- D. If the parent refuses to provide consent to conduct the initial evaluation, the district may file for a due process hearing according to N.J.A.C. 6A:14-2.7 to compel consent to evaluate;
- E. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services;
- F. After parental consent for initial evaluation of a preschool age or school age student has been received, the evaluation, determination of eligibility for services under this chapter, and, if eligible, development and implementation of the IEP for the student shall be completed within 90 calendar days. This time frame shall not apply if the parent/guardians fails or refuses to produce the child for the evaluation;
- G. An initial evaluation consisting of a multi-disciplinary assessment in all areas of suspected disability shall be conducted. Such evaluation shall include at least two assessments and shall be conducted by at least two members of the child study team in those areas in which they have appropriate training or are qualified through their professional licensure or educational certification and other specialists in the area of disability as required or as determined necessary;
- H. When the suspected disability is a disorder of articulation, voice or fluency, the speech-language specialist shall meet with the parent/guardian and the student's general education teacher about the student's educational performance to review existing data on the student including evaluations and information provided by the parents, current classroom-based assessments and observations, and the observations of teachers and related services providers;

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I. A comprehensive written report of the results of each assessment shall be prepared according to the specifications in law (N.J.A.C. 6A:3.4(h));

J. When conducting an initial evaluation or reevaluation, the reports and assessments of child study team members or related services providers may be submitted by the parents/guardians to the child study team for consideration. Each report and assessment shall be reviewed and considered by the child study team member or related services provider with relevant knowledge or expertise. A report or component thereof may be utilized as a required assessment, if the assessment has been conducted within one year of the evaluation and the child study team determines the report and assessment meet the state (see N.J.A.C. 6A:14-3.4,h) and district requirements;

K. Upon receipt of a written referral to the child study team, the school nurse shall review and summarize available health and medical information regarding the student and shall transmit the summary to the child study team for the meeting to consider the need for a health appraisal or specialized medical evaluation.

An audiometric screening according to N.J.A.C. 6A:16-2.2(k)3 shall be conducted for every student referred to the child study team for a special education evaluation.

A vision screening shall be conducted by the school nurse for every student referred to the child study team for a special education evaluation.

The Board shall ensure that a variety of assessment tools and strategies shall be applied to gather information to develop and monitor the IEP, including cooperation and input from the parents/guardians. Relevant information shall also be related to enabling the student to be involved in and progress in the general education curriculum or, for preschool children with disabilities to participate in appropriate activities.

Independent Educational Evaluation (N.J.A.C. 6A:14-2.5)

Upon completion of an initial evaluation or reevaluation, a parent may request an independent evaluation if there is disagreement with the initial evaluation or a reevaluation provided the Board. A parent shall be entitled to only one independent evaluation at public expense each time an initial evaluation or reevaluation is conducted with which the parent disagrees. The request for an independent evaluation shall specify the assessment(s) the parent is seeking as part of the independent evaluation request. The independent evaluation shall be provided at no cost to the parent unless the school district initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing.

Any independent evaluation submitted to the district, including an independent evaluation obtained by the parent/guardian at private expense, shall be considered in making decisions regarding special education and related services.

Individualized Education Program IEP (N.J.A.C. 6A:14-2.3 (k)1 and 3.5 through -3.6)

Eligibility for special education and related services shall be determined collaboratively by the parents/guardians; a teacher who is knowledgeable about the student's educational performance or district's programs; the student, where appropriate; at least one child study team member who

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participated in the evaluation; the case manager; other appropriate individuals at the discretion of the parent or district; and for an initial eligibility meeting, certified school personnel referring the student as potentially disabled, or the school principal or designee if they choose to participate.

A student shall be determined eligible and classified for special education and related services when it is determined that the student has one or more of the disabilities defined in the administrative code. A student shall be determined eligible for speech-language services when he/she exhibits a speech or language disorder as outlined in the administrative code.

The individualized education program for each student with a disability shall be developed in accordance with the provisions of the administrative code, at N.J.A.C. 6A:14-2.3(k) regarding eligibility meetings for students who are classified and N.J.A.C. 6A:14-3.7 regarding the requirements of individualized education program (IEP).

A meeting to develop the IEP shall be held within 30 calendar days of a determination that a student is eligible for special education and related services or eligible for speech-language services. An IEP shall be in effect before special education and related services are provided to a student with a disability and such IEP shall be implemented as soon as possible following the IEP meeting.

At the beginning of each school year, the Board shall have in effect an IEP for every student in the district who is receiving special education and related services. Every student's IEP shall be accessible to each regular education teacher, special education teacher, related services provider, and other service provider who is responsible for its implementation. Each teacher shall be informed of the specific responsibilities related to implementing the student's IEP and the specific accommodations, modifications, and supports to be provided for the student in accordance with the IEP. Teacher aides and the appropriate general or special education teaching staff time shall be provided for consultation on a regular basis as specified in each student's IEP (N.J.A.C. 6A:14-4.5(d)).

The Board directs the Superintendent or his or her designee to maintain documentation that the teacher and provider, as applicable, has been informed of his or her specific responsibilities related to implementing the student's IEP. The Board shall ensure that there is no delay in implementing a student's IEP including any case in which the payment source for providing or paying for special education and related services is being determined.

A written individualized education program shall be developed and implemented for each classified student and, in accordance with New Jersey law (see N.J.A.C. 6A:14-3.7), a review shall be conducted by the appropriate staff members annually or more often, if necessary, to evaluate the disabled student's progress and to revise the individualized education program.

Meetings shall be conducted to determine eligibility and to develop, review and revise a student's individualized education program. Such meetings shall be scheduled at a mutually agreed upon time and place, and notice of the meetings shall indicate the purpose, time, location and participants. If the parents/guardians cannot attend the meetings, the Superintendent/designee shall attempt to ensure parental participation, including the use of individual or conference telephone calls. Documentation shall be maintained of all attempts to secure parent/guardian participation.

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Parents/guardians shall receive a copy of the student's IEP and of any revisions made to it.

All communication with parents/guardians, including written notice, notifications and required meetings, shall be conducted in the language used for communication by the parent/guardian and student unless it is not feasible to do so. This shall include providing foreign language interpreters or translators and sign language interpreters for the deaf at no cost to the parents.

The IEP shall be developed and monitored with the cooperation and input of parents/guardians. In addition to educational programming, the IEP shall provide for necessary disciplinary action and specify graduation requirements when appropriate. Any accommodations and/or modifications for the administration of statewide assessments shall be specified in the IEP.

The Board of Education will provide the kind and quality of those special education-related services prescribed in the IEP to enable students with disabilities to participate in regular educational programs to the maximum extent appropriate. Such education-related services shall include transportation, ensuring that hearing aids worn by deaf and/or hard of hearing children in school are functioning properly, etc.

The school district will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP, pursuant to N.J.A.C. 6A:14-4.5(d).

Participation in Regular Educational Programs to the Maximum Extent Appropriate/Least Restrictive Environment (N.J.A.C. 6A:14-4.2)

Educational placement decisions made for each disabled student shall always be, insofar as possible, in the least restrictive environment commensurate with the student's educational needs. This means that to the maximum extent appropriate, educationally disabled students shall be educated with children who are not educationally disabled. These decisions should be designed to produce a positive effect on the student and to ensure the quality of services which he/she requires.

The Board of Education will provide the kind and quality of those special education-related services prescribed in the IEP to enable students with disabilities to participate in regular educational programs to the maximum extent appropriate. Special classes, separate schooling or other removal of a student with a disability from the student's general education class occurs only when the nature or severity of the educational disability is such that education in the student's general education class with the use of appropriate supplementary aids and services cannot be achieved satisfactorily. All students shall be considered for placement in the general education class with supplementary aids and services including, but not limited to curricular or instructional modifications or specialized instructional strategies: Assistive technology devices and services; teacher aides; related services; integrated therapies; consultation services; and in-class resource programs.

When instruction in general education subjects or content areas is provided to groups consisting solely of students with disabilities, the size of the groups and age range shall conform to the requirements for special class programs. An exception to the age range and group size requirements of law (N.J.A.C. 6A:14-4) may be requested by writing to the Department of Education through the county office.

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When students with disabilities participate in physical education, intramural and interscholastic sports, non-academic and extracurricular activities in groups consisting solely of students with disabilities, the age range and group size shall be based on the nature of the activity, needs of the students participating in the activity and the level of supervision required.

The evaluation process to determine a student's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of the administrative code.

In order to ensure a continuum of alternative placements, when the Board cannot provide required instruction and related services from its own resources and facilities, it will seek appropriate placement outside the district and will assume such costs of that placement as are required by law.

Placement of a disabled student in the least restrictive environment shall be determined annually and, for a student in a separate setting, activities necessary to transition the student to a less restrictive placement are considered at least annually.

Placement is based on the student's individualized education program. Placement shall be provided in appropriate educational settings as close to home as possible. When the IEP does not describe specific restrictions, the student shall be educated in the school he/she would attend if not a student with a disability.

In determining the least restrictive setting consideration shall be given to whether the student can be satisfactorily educated in the regular classroom with supplemental aids and services; a comparison of the benefits provided in a regular class and the benefits provided in a special education class; and the potential beneficial or harmful effects which a placement may have on the student with disabilities or the other students in the class.

A student with a disability is not removed from the age-appropriate general education classroom solely based on needed modifications to the general education curriculum.

Placement in a program option shall be based on the individual needs of the student.

When determining the restrictiveness of a program option, the determination shall be based solely on the amount of time a student with disabilities is educated outside the general education setting.

The Board shall provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities; and that each student with a disability participates with nondisabled students to the maximum extent possible.

Reevaluation (N.J.A.C. 6A:14-3.8)

Within three years of the previous classification, a multi-disciplinary reevaluation shall be completed to determine whether the student continues to be a student with a disability. Reevaluation shall be conducted sooner if conditions warrant or if the student's parent or teacher

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requests the reevaluation. However, a reevaluation shall not be conducted prior to the expiration of one year from the date the parent is provided written notice of the determination with respect to eligibility in the most recent evaluation or reevaluation, unless the parent and district both agree that a reevaluation prior to the expiration of one year as set forth above is warranted. When a reevaluation is conducted sooner than three years from the previous evaluation, the reevaluation shall be completed within 60 days of the date the parent provides consent for the assessments to be conducted as part of the reevaluation or by the expiration of the three year timeframe from completion of the prior evaluation or reevaluation, whichever occurs sooner.

If a parent provides written consent and the district Board of Education agrees that a reevaluation is unnecessary, the reevaluation may be waived. If a reevaluation is waived, the date of the parent's written consent shall constitute the date upon which the next three-year period for conducting a reevaluation shall commence.

Prior to conducting any assessment as part of a reevaluation of a student with a disability, the district Board of Education shall obtain consent from the parent.

Reevaluation shall be conducted when a change in eligibility is being considered, except that a reevaluation shall not be required before the termination of a student's eligibility under this chapter due to graduation or exceeding age 21.

Unless the parent and the Board agree to waive a reevaluation, all requirements shall be completed within 60 days of the date the parent provides consent for the assessments to be conducted as part of the reevaluation or by the expiration of the three year timeframe from completion of the prior evaluation or reevaluation, whichever occurs sooner.

When a reevaluation is completed:

- A. A meeting of the student's IEP team shall be conducted to determine whether the student continues to be a student with a disability. A copy of the evaluation report(s) and documentation of the eligibility shall be given to the parent at least 10 days prior to the meeting;
- B. If the student remains eligible, an IEP team meeting shall be conducted to review and revise the student's IEP;
- C. By June 30 of a student's last year of eligibility for a program for preschoolers with disabilities, a reevaluation shall be conducted and, if the student continues to be a student with a disability, the student shall be classified according to N.J.A.C. 6A:14-3.5(c) or 3.6(a).

Required Materials and Services

Instructional materials will be provided to blind or print-disabled students in a timely manner, consistent with a plan developed by the district.

For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Developmentally Disabled Uniform Application Act, N.J.S.A. 30:4-25.10 et seq. and N.J.A.C. 6A:14-1.2(b)17, the necessary materials to the parent to apply for such services.

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Related Services (N.J.A.C. 6A:14-3.4)

Related services including, but not limited to, counseling, occupational therapy, physical therapy, school nurse services, recreation, social work services, medical services and speech-language services shall be provided to a student with a disability when required for the student to benefit from the educational program. Related services shall be provided by appropriately certified and/or licensed professionals as specified in the student's IEP.

Protection of Students Rights: Evaluation and Reevaluation Procedures (N.J.A.C. 6A:14-3.4 and 3.8)

A due process hearing is an administrative hearing conducted by an administrative law judge. For students age three through 21 years, a due process hearing may be requested when there is a disagreement regarding identification, evaluation, reevaluation, classification, educational placement, the provision of a free, appropriate public education, or disciplinary action. For students above the age of 21, a due process hearing may be requested while the student is receiving compensatory educational or related services.

In addition, the district Board of Education or public agency responsible for the development of the student's IEP may request a due process hearing when it is unable to obtain required consent to conduct an initial evaluation or a reevaluation, or to release student records. The district Board of Education shall request a due process hearing when it denies a written parental request for an independent evaluation in accordance with N.J.A.C. 6A:14-2.5(c).

Procedures shall provide all due process protection for the rights of the student and his/her parents/guardians whether the student is already enrolled in the schools or has been located through the process for identification as described above.

In order to achieve the district's goal of providing full educational opportunity to all students with disabilities in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process. All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the student unless it is not feasible to do so, in which case the provisions of administrative code shall be followed. The Superintendent shall develop and present to the Board for review and adoption procedures for:

A. Giving notice to parents/guardians and adult students in accordance with N.J.A.C. 6A:14-2.3 when an initial request is being made for consent to evaluate or when a proposal has been made to initiate or change a classification, evaluation or educational placement of the student, or the provision of a free, appropriate education. For each instance, all required information and documentation shall be supplied to the parents/guardians within the timelines set by the administrative code. Particular care must be taken to inform parents/guardians and adult students of their right to review all educational records with respect to the identification, evaluation and educational placement of the student; to appeal these by requesting a due process hearing; and their rights in regard to free and low cost legal services and legal fees;

B. An independent evaluation at the request of the parent/guardian or adult student in

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accordance with N.J.A.C. 6A:14-2.5(c). Such independent evaluation shall be at no cost to the parent/guardian if it is conducted in compliance with administrative code. The IEP team shall consider any independent evaluation submitted to it when making decisions regarding special education and/or related services;

C. Mediation, a voluntary process that is available to resolve disputes, when disputes arise during any stage of the special education process which cannot be settled between the original parties. A request for mediation shall not be used to deny or delay the right to request a due process hearing. A due process hearing may be initiated by the Board of Education, a parent/guardian or adult student;

D. Ensuring that all evaluation procedures, including but not limited to observations, tests and interviews used to determine eligibility and placement of students with disabilities, shall comply with the requirements of N.J.A.C. 6A:14-3.4, 3.5 and 3.7.

Graduation Requirements (N.J.A.C. 6A:14-4.11)

The IEP of a student with a disability who enters a high school program shall specifically address the graduation requirements. A disabled student must meet all state and local high school graduation requirements according to N.J.A.C. 6A:8-5.1(c) in order to receive a state-endorsed high school diploma except as specified in his/her IEP. When a student has been exempted from any graduation requirement, his/her IEP shall specify which requirements would qualify the student with a disability for the State endorsed diploma issued by the district.

Graduation with a State endorsed diploma is a change of placement that requires written notice in language understandable to the general public, and shall be provided in the native language of the parent/guardian (according to law N.J.A.C. 6A:14-2.3 and as described below). The parent/guardian shall be provided with a copy of the procedural safeguards statement published by the Department of Education (see 6171.4 Exhibit). The parent may resolve a disagreement with the proposal to graduate the student by requesting mediation or a due process hearing prior to graduation. A reevaluation shall not be required.

Beginning at age 14, the individualized education program (IEP) shall include a statement of the state and local graduation requirements that the student shall be expected to meet. The statement shall be reviewed annually. If a student with a disability is exempted from, or there is a modification to, local or state high school graduation requirements, the statement shall include the rationale for the exemption or modification based on the student's educational needs; and a description of the alternate proficiencies to be achieved by the student to qualify for a State endorsed diploma.

The annual review of the IEP for an elementary school student with disabilities shall be completed by June 30 of the student's last year in the elementary school program. The annual review shall include input from the staff of the secondary school. The IEP shall include a statement of the student's transition from an elementary program to the secondary program which shall be determined by factors including number of years in school; social, academic and vocational development; and chronological age.

If a district Board of Education grants an elementary school diploma, a student with a disability who fulfills the requirements of his or her IEP shall qualify for and receive a diploma.

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Students with disabilities who meet the standards for graduation shall have the opportunity to participate in graduation exercises and related activities on a nondiscriminatory basis.

Assessment (N.J.A.C. 14-4.10)

The Board shall ensure that all students with disabilities participate in statewide assessments in each content area of the general statewide assessment for their grade. Accommodations or modifications approved by the Department of Education shall be provided when determined necessary by the IEP team. Students with disabilities shall participate in the alternate proficiency assessment in each content area where the nature of the student's disability is so severe that the student is not receiving instruction in any of the knowledge and skills measured by the general statewide assessment and the student cannot complete any of the types of questions on the assessment in the content area(s) even with accommodations and modifications.

A statement of any individual modifications in the administration of statewide or districtwide assessments of student achievement needed for the student to participate in such assessment shall be included in the student's IEP. If the IEP team determines that the student shall not participate in a particular general statewide or districtwide assessment of student achievement (or part of such an assessment), a statement of why that assessment is not appropriate for the student according to N.J.A.C. 6A:14-4.10 and a statement of how that student shall be assessed and which assessment methodology is appropriate for the student shall be included in the student's IEP.

Following the 11th grade, students with disabilities who are required to pass a Department of Education approved high school proficiency assessment for graduation and have not done so shall participate in the dynamic learning map (DLM; formerly SRA and APA) in accordance with N.J.A.C. 6A:8. If a student is participating in a Department of Education alternative proficiency assessment determined by the IEP team, the student shall not be required to again participate in the high school proficiency assessment and pass that assessment.

Compilation, Maintenance, Access to and Confidentiality of Student Records (see Board policy 5125 Student Records, N.J.A.C. 6A:32-7.4 through -7.6)

The Board directs that the names and other personally identifiable data concerning students with disabilities shall be kept confidential and shall not be included in the public acts and public records of this district. Such names and data shall be reduced to code for inclusion in the public record. A special confidential file shall be maintained listing the names of students with disabilities on whose behalf the Board of Education must take public action. Motions concerning disabled students made at public meetings shall be anonymous and referred to this confidential file. This file shall be maintained in accordance with N.J.A.C. 6A:32-7.1.

The Superintendent or his or her designee shall be responsible for the security of student records maintained in the school district and shall devise procedures for assuring that access to such records is limited to authorized persons.

The student records shall be maintained according to N.J.A.C. 6A:32-7 and Board policy 5125 Student Records.

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A. The parent/guardian, adult student or their designated representative shall be permitted to inspect and review the contents of the student's records maintained by the district Board of Education under N.J.A.C. 6A:32 without unnecessary delay and before any meeting regarding the IEP.

Any consent required for students with disabilities under N.J.A.C. 6A:32-7 shall be obtained according to N.J.A.C. 6A:14-1.3 "consent" and 2.3(a) and (b) as follows:

1. The Board shall make reasonable efforts to obtain parental consent for an initial evaluation for any ward of the state. If, after reasonable efforts, the parent cannot be found, or parental rights have been terminated, or subrogated for purposes of consenting to eligibility by the court and consent has been given by an individual the court has appointed, parental consent need not be obtained for an initial evaluation.
2. When a parent refuses to provide consent for implementation of the initial IEP, no IEP shall be finalized and the Board may not seek to compel consent through a due process hearing. However, if a parent refuses special education and related services on behalf of a student, the Board shall not be determined to have denied the student a free, appropriate public education because the student failed to receive necessary special education and related services nor shall the Board be determined in violation of its child-find obligation solely because it failed to provide special education or related services to a student whose parents refused to provide consent for implementation of the initial IEP. If a parent refuses to provide consent and the district and the parent have not agreed to other action, prior to conducting any assessment as part of an initial evaluation or reevaluation and prior to the release of student records the district may request a due process hearing according to N.J.A.C. 6A:14-2.7(b) to obtain consent.

B. Records may be released with the consent of the parent/guardian or adult student having legal responsibility for educational decision making. Consent shall be agreed to in writing. The Board shall ensure that the parent/guardian or adult student having legal responsibility for educational decision making:

1. Has been fully informed of all information relevant to the activity for which consent is being sought, in his or her native language or other mode of communication;
2. Understands and agrees in writing to the implementation of the activity for which consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom;
3. Understands that the granting of consent is voluntary and may be revoked at any time; and
4. If the parent/guardian or adult student having legal responsibility for educational decision making revokes consent, that revocation is not retroactive (that is, it does not negate an action that has occurred after the consent was given and before the consent was revoked).

C. To ensure proper accessibility and confidentiality, the records of students with disabilities shall be gathered, updated, maintained, stored, transferred, made accessible and finally disposed of in accordance with the district policy 5125 Student Records in general. To assure the security of special education records:

1. Provision shall be made for access and security of electronic records of students with

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disabilities;

2. Clerical and secretarial tasks related to such records shall be performed only under the supervision of appropriately certified staff.

As with all student records, access shall be guaranteed to persons authorized according to N.J.A.C. 6A:32-7.5 within 10 days of the request, but prior to any review or hearing conducted in accordance with State Board of Education regulations.

For the district's general policy and regulation on student records see 5125, which deals with all requirements common to students with disabilities and general student records including enumeration and description of records, provisions for access, notice to parents/guardians of their rights in regard to the child's records, etc.

Procedural Safeguards (N.J.A.C. 6A:14-2.3 through –2.4):

The Board of Education directs the Superintendent to establish and implement the required procedural safeguards.

Procedural safeguards shall include:

- A. Ensuring that the rights of a student are protected through the provision of an individual to act as surrogate for the parent and assume all parental rights when a parent cannot be identified, located, and agency of the State has guardianship of the student, or the student is an unaccompanied homeless youth;
- B. Giving notice to parents/guardians per N.J.A.C. 6A:14-2.3 when an initial request is being made for consent prior to conducting any assessment as part of the initial evaluation; prior to the implementation of the initial IEP; prior to conducting any assessment as a part of a reevaluation; prior to the release of student records; each time the Board seeks access to private insurance; when a member of the IEP team is excused from participating in a meeting; when the IEP is amended; and when a parent or the Board agree to waive a reevaluation. For each instance, all required information and documentation shall be supplied to the parents/guardians within the timelines set by the administrative code. Particular care must be taken to inform parents/guardians of their right to appeal and their rights in regard to legal fees;
- C. Seeking consent of parents/guardians, when such consent is required by law and this policy;
- D. Seeking parent/guardian participation in conferences and determinations as specified in law and this policy, and in evaluation of the success of the educational plan for their child. When necessary, conference schedules shall be altered to accommodate working parents/guardians;
- E. Protection in the evaluation procedures including the use a variety of assessment tools and strategies to gather relevant functional and developmental information; valid measures that are not racially or culturally discriminatory; assessments that are administered in the language and form most likely to yield accurate information; assessment all areas of suspected disability; and other provisions of N.J.A.C. 6A:14-2.5;

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- F. Ensuring that a parent shall be entitled to only one independent evaluation at public expense each time the Board conducts an initial evaluation or reevaluation with which the parent disagrees;
- G. Ensuring mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties;
- H. Providing for a due process hearing conducted by an administrative law judge. For students age three through 21 years, a due process hearing may be requested when there is a disagreement regarding identification, evaluation, reevaluation, classification, educational placement, the provision of a free, appropriate public education, or disciplinary action. For students above the age of 21, a due process hearing may be requested while the student is receiving compensatory educational or related services;
- I. Discipline, suspension and expulsion procedures for up to 10 consecutive or cumulative school day that are subject to the same Board procedures as nondisabled students. However, at the time of removal, the principal shall forward written notification and a description of the reasons for such action to the case manager and the student's parent(s);
- J. Protection of student information and the maintenance of student records according to Board policy 5125 Student records and law (N.J.A.C. 6A:32-7);
- K. Except as provided in N.J.A.C. 6A:14-6.1(a) and required by an administrative law judge when the district failed to provide a free and appropriate education, the Board shall not be required to pay for the cost of education, including special education and related services, of a student with a disability if the district made available a free, appropriate public education and the parents elected to enroll the student in a nonpublic school, an early childhood program, or an approved private school for students with disabilities;
- L. Related services including, but not limited to, counseling, occupational therapy, physical therapy, school nurse services, recreation, social work services, medical services and speech-language services shall be provided to a student with a disability when required for the student to benefit from the educational program. Related services shall be provided by appropriately certified and/or licensed professionals as specified in the student's IEP;

The Superintendent shall ensure that the district's special education programs comply with the law in every respect, including fiscal regulations and reports;

These procedures shall provide all due process protection for the rights of the student and his/her parents/guardians. Procedures shall be conducted in strict compliance with the provisions of the administrative code dealing with parental notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf;

To implement achievement of the Board's goal for provision of special education, the Superintendent shall oversee development of a written plan for special education conforming to the state plan for the educationally disabled. The plan shall consist of policies, procedures, assurances; a comprehensive system of personnel development; data collection and an application that describes the use of IDEA Part B funds;

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Complying with other aspects of the district program for special education and/or requirements of N.J.A.C. 6A:14

Written Plan

To implement achievement of the Board's goal for provision of special education, the Superintendent shall oversee development of a written plan for special education conforming to the state plan for the educationally disabled. After the plan has been approved by the Board of Education and the executive county superintendent, the Superintendent shall implement it in this district and supervise its operation so that it will accomplish its stated goals and objectives. The plan, any alterations to it, and an evaluation of its effectiveness will be shared annually with the community.

Discipline

In general, students with disabilities are subject to the same disciplinary constraints and sanctions as nondisabled students. However, before disciplinary action is taken against an educationally disabled student, consideration must be given to whether the behavior is caused by the disabling condition, whether the program that is being provided meets the student's needs, whether a component of the student's IEP covers the behavior, or whether the student is an immediate danger to himself/herself or others.

A disabled student may be removed for disciplinary reasons from his/her current educational placement to an interim alternative educational setting, another setting, or a suspension without the provision of educational services for up to 10 consecutive or cumulative school days in a school year. The building principal/designee must forward a written notice and description of the reasons for the student's removal to the case manager and the student's parents:

- A. In imposing a removal of ten days or less on a classified student, the building principal may, on a case-by-case basis, consider any unique circumstances pertaining to the violation of the student code of conduct. Any such unique circumstance shall be included in the above written description of the reasons for removal;
- B. Special education students are entitled to receive general educational services on or before the fifth day of suspension. A building principal who imposes a suspension of five days or more on a special education student must contact the case manager to ensure that appropriate services are provided.

Preschool students with disabilities shall not be suspended or expelled.

Procedures for imposing and implementing disciplinary sanctions on students with disabilities, including removal to an interim alternative educational setting, suspension for more than 10 school days in a school year, or expulsion, shall be in strict compliance with the provisions of state and federal law and the administrative code. (See N.J.A.C. 6A:14-2.8, 3.7 and Appendix A)

(See Board policy 5114 Suspension and Expulsion)

Disabilities Services Resource (all school districts with grades nine through 12) N.J.S.A. 18A:46-

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7.3

The Board shall designate at least one staff member to serve as a disability services resource for parents. The designated staff member shall be able to demonstrate competency in the various services available through State agencies that serve persons with disabilities, and shall provide information to parents about how to access the services and assistance to parents in contacting the appropriate State agency. The district shall conduct outreach activities to ensure that the parents of children who receive special education services in the district, and local community disability organizations and service providers, are made aware of the name and contact information of the designated staff member.

Early Intervention

When an IEP is developed for a child age three who has been enrolled in an early intervention program and it is determined that the district shall provide a free, appropriate public education for that student by continuing the program in the early intervention program for the balance of that school year the Board shall be responsible to ensure:

- A. That a free, appropriate special education and related services to students with disabilities is provided in accordance with N.J.A.C. 6A:14-1.1(d);
- B. A contractual agreement shall be provided between the Board and the early intervention program;
- C. Personnel shall be appropriately certified and, if required, licensed; and
- D. Applications for exceptions to program and instruction requirements according to N.J.A.C. 6A:14-4.9 shall be made whenever necessary.

When a child who has been enrolled in the early intervention program requires an extended year program, the district may contract with the early intervention program for the provision of that program.

Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs will experience a smooth transition and have an individualized education program developed and implemented.

Preschool Disabled Program

The Superintendent shall develop and propose for Board adoption programs and related services for students ages three through five who have been identified and classified as preschool disabled. Such programs and services shall be in strict accordance with New Jersey administrative code.

Nonpublic Schools (N.J.A.C. 6A:14-6.1, -6.2)

The Board shall provide a genuine opportunity for the equitable participation of students with disabilities who have been enrolled in nonpublic schools by their parents/guardians, in accordance with federal law and regulations. All special education programs and services shall

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be provided with the consent of parents/guardians.

The Board shall make the final decisions with respect to the services to be provided to eligible students with disabilities enrolled in nonpublic schools or early childhood programs and spend an amount of money equal to a proportionate amount of Federal funds available under Part B of the IDEA for the provision of services to students with disabilities who are attending nonpublic schools.

The district, after timely and meaningful consultation with representatives of nonpublic schools, shall undertake a child find process in accordance with IDEA and its implementing regulations to determine the number of parentally placed children with disabilities attending nonpublic schools located within the district.

As part of the child find process, the district Board of Education shall consult with private school representatives and representatives of parents of parentally placed nonpublic school children with disabilities in the design and development of special education and related services for such children.

Students identified as having disabilities attending nonpublic schools located in this district shall receive programs and services as specified in N.J.A.C. 6A:14- 6.2.

Placement Private Schools (N.J.A.C. 6A:14-7.5)

When the Board places a student with a disability in an approved residential private school inside or outside the district or state in order to provide the student a free, appropriate public education, such placement shall be at no cost to the parent. The Board shall be responsible for special education costs, room and Board.

Native Language

Students who do not speak English; speak English but reside in a home where English is not the primary language spoken, and need instruction toward mastery of the English language; or speak some English but are more capable of performing school work in their native language, may have educationally disabling conditions that must be addressed in order to provide them the full educational opportunity that is the goal of the district for every child. Evaluation procedures shall be selected so that the student's cultural background and language abilities are taken into consideration unless it is clearly unfeasible to do so; and shall accurately reflect the student's ability rather than the impairment. All actions regarding parent/guardian notification, consent and participation shall be provided in the native language of the parent, unless that is clearly impossible. In that case, care shall be taken that the facts and procedures are made intelligible to the parents/guardians.

Staff Qualifications and Staff Development (N.J.A.C. 6A:14-1.2(b)13, 14)

All personnel serving students with disabilities shall be appropriately certified and licensed according to the State certification standards N.J.A.C. 6A:9B 11.4, where a license is required, in accordance with State and Federal law.

The Superintendent shall ensure that the in-service training need for professional and

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paraprofessional staff who provide special education, general education or related services are identified. Appropriate in-service training shall be provided. The Board directs the Superintendent to maintain information to demonstrate district efforts to:

- A. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;
- B. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;
- C. Acquire and disseminate to teachers, administrators, school Board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;
- D. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
- E. Provide for joint training activities of parents and special education, related services and general education personnel.

Cooperation with Other Agencies

The Superintendent shall investigate the possibilities of working with organizations and agencies providing services for students with disabilities, and shall present feasible programs and relationships to the Board for consideration.

Parent Advisory Council (N.J.A.C. 6A:14-1.2(h))

The Board shall ensure that a special education parent advisory group is in place in the district to provide input to the district on issues concerning students with disabilities.

Annual Reports

Annually, the Board shall submit to the Department of Education a report describing the special education programs and services provided. The end of the year report shall include the numbers of nonpublic school students provided each program or service and such other information as may be required by the Department of Education.

Eligibility for State and Federal Funds

The Superintendent shall ensure that all requirements for receiving, using and accounting for state and federal funds shall be fulfilled in an accurate and timely manner.

Procurement, control, use and disposition of equipment and supplies purchased with state/federal funds shall be in full compliance with law.

Access

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~~In addition to educational programs, the Board directs that the Superintendent take into consideration physical access to district facilities for students, staff and the community with disabilities in determining location of programs or planning new facilities per state and federal law.~~

~~In compliance with State Department of Education interpretation of the administrative code on special education, the Board adopts the following revision/amendment of its existing policies on providing educational and related services to pupils identified as having educationally disabling conditions as defined in federal and state law.~~

~~A. Exemption of educationally disabled pupils from the high school graduation requirements according to N.J.A.C. 6A:14-4.11 through 4.12~~

~~— A disabled pupil must meet all state and local high school graduation requirements in order to receive a state endorsed high school diploma unless exempted in his/her IEP. When a pupil has been exempted from any graduation requirement, his/her IEP shall address alternate requirements to be met. By the year specified in code, the Board shall ensure that all pupils with disabilities participate in statewide assessments with appropriate accommodations or modifications, as determined by the pupil's IEP. If the nature of the pupil's disability is so severe that the pupil is not receiving instruction in any of the knowledge and skills measured by the statewide assessment and the pupil cannot complete any of the questions on the assessment in a subject area with or without accommodations, the pupil shall participate in a locally determined assessment of pupil progress.~~

~~— By June 30 of a disabled pupil's last year in the elementary program, the pupil's case manager, parent/guardian and teacher(s) shall meet to review the instructional guide and basic plan of the pupil's IEP in view of the transition to the secondary program. Input from appropriate staff from the secondary school shall be part of the review.~~

~~— The basic plan of the IEP for the pupil entering the secondary program will address all the elements required in the administrative code, including specifically addressing graduation requirements. Required reviews of the IEP shall continue to address graduation requirements.~~

~~— A disabled pupil who has not been exempted from the proficiencies or has performed below the state minimum level of pupil proficiency on one or more areas of the state mandated high school proficiency test may participate in the alternative high school assessment (AHSA).~~

~~— Educationally disabled pupils meeting the standards for graduation according to N.J.A.C. 6A:14-4.12 shall have the opportunity to participate in graduation exercises and related activities on a nondiscriminatory basis.~~

~~B. Prevention of needless public labeling of educationally disabled pupils~~

~~— The Board directs that the names and other personally identifiable data concerning educationally disabled children shall be kept confidential and shall not be included in the public acts and public records of this district. Such names and data shall be reduced to code for inclusion in the public record. A special confidential file shall be maintained listing the~~

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~~names of educationally disabled pupils on whose behalf the Board of Education must take public action. Motions concerning disabled pupils made at public meetings shall be anonymous and referred to this confidential file. This file shall be maintained in accordance with N.J.A.C. 6:3-6.2.~~

~~Further, the Board, administrators, faculty and other personnel shall avoid unnecessary and needless public labeling of such pupils. This shall include the avoidance of public address announcements so designating pupils, any open identification of classrooms with signs so designating, or any item of open or general circulation, such as photographs, audio/videotapes, etc., that so designates an individual pupil or class. Pupil records shall be maintained in accordance with N.J.A.C. 6:3-6.4.~~

~~C. Compilation, maintenance, access to and confidentiality of pupil records according to N.J.A.C. 6:3-6.4 through 6.6.~~

~~To ensure proper accessibility and confidentiality, the records of educationally disabled pupils shall be gathered, updated, maintained, stored, transferred, made accessible and finally disposed of in accordance with the district policy 5125 on pupil records in general. To assure the security of special education records:~~

- ~~1. Provision shall be made for access and security of computer stored records of educationally disabled pupils;~~
- ~~2. Clerical and secretarial tasks related to such records shall be performed only under the supervision of appropriately certified staff.~~

~~As with all pupil records, access shall be guaranteed to persons authorized according to N.J.A.C. 6:3-6.5 within 10 days of the request, but prior to any review or hearing conducted in accordance with State Board of Education regulations.~~

~~For the district's general policy and regulation on pupil records see 5125, which deals with all requirements common to disabled and general pupil records including enumeration and description of records, provisions for access, notice to parents/guardians of their rights in regard to the child's records, etc.~~

~~D. Identification, location and evaluation of potentially educationally disabled pupils, according to N.J.A.C. 6A:14-3.3~~

~~The Superintendent shall prepare written procedures for identifying those pupils ages three through 21, including pupils attending nonpublic schools, who reside within the district and may be educationally disabled, who are not receiving special education and/or related services as required. Procedures shall include provision for the referral of pupils who may be experiencing physical, sensory, emotional, communication, cognitive or social difficulties. In order to ensure program placement by a disabled child's third birthday, a written request for initial evaluation shall be forwarded to the district at least 120 days prior to the preschooler attaining age three.~~

~~Activities undertaken to locate nonpublic school pupils with disabilities shall be comparable to~~

SPECIAL EDUCATION(continued)

~~activities taken to locate public school pupils with disabilities. In addition, the Board shall consult with appropriate representatives of nonpublic students on how to carry out these activities.~~

~~The Board shall ensure that all preschool pupils with disabilities shall have their IEPs implemented no later than their third birthdays. To provide a smooth transition between a child's preschool program and his/her school age program (public or private), particular attention shall be paid to articulation between those programs.~~

~~These procedures and arrangements shall be adopted by the Board after review and possible revision. The procedures shall include:~~

- ~~1. Criteria by which to identify the potentially disabled;~~
- ~~2. Utilizing strategies identified through intervention and referral services (N.J.A.C. 6A:16-8);~~
- ~~3. Criteria for staff referral for evaluation of pupils;~~
- ~~4. Evaluation criteria for the determination of eligibility for special education and related services; and~~
- ~~5. Required participation of staff, parents/guardians and appropriate agencies~~

~~Evaluation and Determination of Eligibility~~

~~The evaluation process to determine a pupil's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of N.J.A.C. 6A:14-2.3, 2.5, 3.4 and 3.5 dealing with:~~

- ~~1. Parental notice, notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf;~~
- ~~2. An initial evaluation that consists of a multi-disciplinary assessment in all areas of suspected disability and a written report of the results of each assessment;~~
- ~~3. Determination that a pupil is eligible for special education and related services when he/she has been identified as having one or more of the thirteen categories of disability described in the administrative code, and the disability adversely affects the pupil's educational performance.~~

~~The Superintendent shall oversee development of detailed procedures to govern the evaluation process, and shall implement them after they have been reviewed and adopted by the Board.~~

~~The Board shall ensure that a variety of assessment tools and strategies shall be applied to gather information to develop and monitor the IEP, including cooperation and input from the parents/guardians. Relevant information shall also be related to enabling the pupil to be~~

SPECIAL EDUCATION(continued)

~~involved in and progress in the general education curriculum or, for preschool children with disabilities to participate in appropriate activities.~~

~~E. Provision of full educational opportunity to educationally disabled pupils~~

~~— The Board of Education is responsible for providing education for all children residing in the district. All reasonable efforts will be made to resolve an enrolled child's learning and adjustment difficulties prior to his/her referral to the child study team for screening and/or evaluation. When a pupil is found eligible for special education and related services and the Board of Education cannot provide required instruction and related services from its own resources and facilities, the Board will seek appropriate placement outside the district, and will assume such costs of that placement as are required by law.~~

~~— The goal of the Board's special education program is to provide full educational opportunity to all educationally disabled resident pupils ages three through 21, as those terms are defined in federal and state law. The Board will make available to parents/guardians of educationally disabled children below the age of three information regarding services available through other state, county and local agencies.~~

~~— The Superintendent shall ensure that the district's special education programs comply with the law in every respect, including fiscal regulations and reports.~~

~~— The Superintendent shall also ensure that the district plan for special education is in compliance with administrative code and the approved state plan for special education, according to N.J.A.C. 6A:14-4.1. This plan shall consist of policies, procedures, assurances, a comprehensive system of personnel development, data collection and an application that describes the use of IDEA Part B funds. The Superintendent shall ensure that the plan is implemented in this district and shall supervise its operation so that it will accomplish its stated goals and objectives.~~

~~F. Participation of and consultation with the parents of educationally disabled pupils toward the goal of providing full educational opportunity to all educationally disabled pupils ages three through 21~~

~~— In order to achieve the district's goal of providing full educational opportunity to all educationally disabled pupils in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process, pursuant to N.J.A.C. 6A:14-2.3 and 2.4. All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the pupil unless it is not feasible to do so, in which case the provisions of administrative code shall be followed.~~

~~— **Written notice to parents/guardians and/or adult pupils shall be provided as follows:**~~

~~1. The Board shall provide written notice no later than 15 calendar days after making a determination;~~

~~2. The Board shall provide written notice at least 15 calendar days prior to the implementation of a proposed action so that the parents/guardians and/or adult pupil may~~

SPECIAL EDUCATION(continued)

~~consider the proposal.~~

~~—The Superintendent shall develop and present to the Board for review and adoption procedures for:~~

- ~~1. Giving notice to parents/guardians when an initial request is being made for consent to evaluate or when a proposal has been made to initiate or change a classification, evaluation or educational placement of the pupil, or the provision of a free, appropriate education. For each instance, all required information and documentation shall be supplied to the parents/guardians within the timelines set by the administrative code. Particular care must be taken to inform parents/guardians of their right to appeal and their rights in regard to low-cost legal counsel and fees;~~
- ~~2. Seeking consent of parents/guardians to the actions in 1, when such consent is required;~~
- ~~3. Seeking parent/guardian participation in conferences and determinations as specified in 1, and in evaluation of the success of the educational plan for their child. When necessary, conference schedules shall be altered to accommodate working parents/guardians;~~
- ~~4. Mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties.~~
- ~~5. Particularly, parental consent shall be obtained prior to implementation of the initial IEP resulting from evaluation; prior to reevaluation except in the circumstances outlined in code; and prior to the release of pupil records according to N.J.A.C. 6:3-6.~~

~~Procedures set out in the administrative code shall be followed when parent/guardian cooperation and/or participation cannot be obtained. When necessary, a surrogate parent shall be appointed to ensure the protection of a pupil's rights when the parents/guardians cannot be identified or located or the child is a ward of the State of New Jersey. The district shall select and train such surrogate parents in compliance with the administrative code.~~

~~No more than 90 calendar days after parental consent has been received shall be allowed for the evaluation, determination of eligibility and, if the pupil is eligible, the development and implementation of the IEP.~~

~~G. Provision of special services to enable educationally disabled pupils to participate in regular educational _____ programs to the maximum extent appropriate~~

~~—The Board of education will provide the kind and quality of those special education-related services prescribed in the IEP to enable educationally disabled pupils to participate in regular educational programs to the maximum extent appropriate. Such education-related services shall include transportation, ensuring that hearing aids worn by deaf and/or hard-of-hearing children in school are functioning properly, etc.~~

~~—When instruction in health, industrial arts, fine arts, music, home economics, and other education programs is provided to groups consisting solely of pupils with disabilities, the size of the groups and age range shall conform to the requirements for special class programs~~

SPECIAL EDUCATION(continued)

~~described in the administrative code.~~

~~—When pupils with disabilities participate in physical education, intramural and interscholastic sports, non-academic and extracurricular activities in groups consisting solely of pupils with disabilities, the age range and group size shall be based on the nature of the activity, needs of the pupils participating in the activity and the level of supervision required.~~

~~—The evaluation process to determine a pupil's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of the administrative code.~~

~~H. Determination of eligibility according to N.J.A.C. 6A:14-2.3(i)1 and 3.5 through 3.6~~

~~—Eligibility for special education and related services shall be determined collaboratively by the parents/guardians; a teacher who is knowledgeable about the pupil's educational performance or district's programs; the pupil, where appropriate; at least one child study team member who participated in the evaluation; the case manager; other appropriate individuals at the discretion of the parent or district; and for an initial eligibility meeting, certified school personnel referring the pupil as potentially disabled, or the school principal or designee if they choose to participate.~~

~~—A pupil shall be determined eligible and classified for special education and related services when it is determined that the pupil has one or more of the disabilities defined in the administrative code. A pupil shall be determined eligible for speech language services when he/she exhibits a speech or language disorder as outlined in the administrative code.~~

~~I. The individualized education program for each educationally disabled pupil shall be developed~~

~~—in accordance with the provisions of the administrative code, at N.J.A.C. 6A:14-2.3(i) and N.J.A.C. 6A:14-3.7.~~

~~—The Board shall ensure that an IEP is in effect for every pupil in the district who is receiving special education and related services.~~

~~—A written individualized education program shall be developed and implemented for each classified pupil and, in accordance with New Jersey law, a review shall be conducted by the appropriate staff members annually or more often, if necessary, to evaluate the disabled pupil's progress and to revise the individualized education program.~~

~~—Meetings shall be conducted to determine eligibility and to develop, review and revise a pupil's individualized education program. Such meetings shall be scheduled at a mutually agreed upon time and place, and notice of the meetings shall indicate the purpose, time, location and participants. If the parents/guardians cannot attend the meetings, the Superintendent/designee shall attempt to ensure parental participation, including the use of individual or conference telephone calls. Documentation shall be maintained of all attempts to secure parent/guardian participation.~~

~~—Parents/guardians shall receive a copy of the pupil's IEP and of any revisions made to it.~~

SPECIAL EDUCATION(continued)

- ~~— All communication with parents/guardians, including written notice, notifications and required meetings, shall be conducted in the language used for communication by the parent/guardian and pupil unless it is not feasible to do so. This shall include providing foreign language interpreters or translators and sign language interpreters for the deaf at no cost to the parents.~~
- ~~— The IEP shall be developed and monitored with the cooperation and input of parents/guardians. In addition to educational programming, the IEP shall provide for necessary disciplinary action and specify graduation requirements when appropriate. Any accommodations and/or modifications for the administration of statewide assessments shall be specified in the IEP.~~
 - ~~1. No more than 90 calendar days after parental consent has been received shall be allowed for the evaluation, determination of eligibility and, if the pupil is eligible, the development and implementation of the IEP. The IEP shall be implemented as soon as possible following the IEP meeting.~~
 - ~~2. The Board of Education will provide the kind and quality of those special education-related services prescribed in the IEP to enable educationally disabled pupils to participate in regular educational programs to the maximum extent appropriate. Such education-related services shall include transportation, ensuring that hearing aids worn by deaf and/or hard of hearing children in school are functioning properly, etc.~~
- ~~J. Protection of pupils rights in regard to evaluation and reevaluation procedures according to N.J.A.C. 6A:14-3.4 and 3.8~~
- ~~— Procedures shall provide all due process protection for the rights of the pupil and his/her parents/guardians whether the pupil is already enrolled in the schools or has been located through the process for identification in the section D of this policy.~~
- ~~— In order to achieve the district's goal of providing full educational opportunity to all educationally disabled pupils in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process. All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the pupil unless it is not feasible to do so, in which case the provisions of administrative code shall be followed. The Superintendent shall develop and present to the board for review and adoption procedures for:~~
 - ~~1. Giving notice to parents/guardians and adult pupils in accordance with N.J.A.C. 6A:14-2.3~~
 - ~~— when an initial request is being made for consent to evaluate or when a proposal has been made to initiate or change a classification, evaluation or educational placement of the pupil, or the provision of a free, appropriate education. For each instance, all required information and documentation shall be supplied to the parents/guardians within the timelines set by the administrative code. Particular care must be taken to inform parents/guardians and adult pupils of their right to review all educational records with respect to the identification, evaluation and educational placement of the pupil; to appeal these by requesting a due process hearing; and their rights in regard to free and low cost~~

SPECIAL EDUCATION(continued)

~~legal services and legal fees;~~

- ~~2. An independent evaluation at the request of the parent/guardian or adult pupil in accordance with N.J.A.C. 6A:14-2.5(c). Such independent evaluation shall be at no cost to the parent/guardian if it is conducted in compliance with administrative code, unless the district Board of Education initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing. The IEP team shall consider any independent evaluation submitted to it when making decisions regarding special education and/or related services;~~
- ~~3. Mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties. A due process hearing may be initiated by the Board of Education, a parent/guardian or adult pupil;~~
- ~~4. Ensuring what all evaluation procedures, including but not limited to observations, tests and interviews used to determine eligibility and placement of disabled pupils, shall comply with the requirements of N.J.A.C. 6A:14-3.4, 3.5 and 3.7.~~

~~K. Placement of educationally disabled pupils in the least restrictive environment according to N.J.A.C. 6A:14-4.2~~

~~— Educational placement decisions made for each disabled pupil shall always be, insofar as possible, in the least restrictive environment commensurate with the pupil's educational needs. This means that to the maximum extent appropriate, educationally disabled pupils shall be educated with children who are not educationally disabled. These decisions should be designed to produce a positive effect on the pupil and to ensure the quality of services which he/she requires.~~

~~— The Superintendent shall encourage positive attitudes toward the educationally disabled in all district pupils and personnel.~~

~~— Special classes, separate schooling or other removal of educationally disabled pupils from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.~~

~~— In order to ensure a continuum of alternative placements, when the Board cannot provide required instruction and related services from its own resources and facilities, it will seek appropriate placement outside the district and will assume such costs of that placement as are required by law.~~

~~—~~

~~Placement is based on the pupil's individualized education program. Placement shall be provided in appropriate educational settings as close to home as possible. When the IEP does not describe specific restrictions, the pupil shall be educated in the school he/she would attend if not disabled.~~

SPECIAL EDUCATION(continued)

~~In determining the least restrictive setting consideration shall be given to whether the pupil can be satisfactorily educated in the regular classroom with supplemental aids and services; a comparison of the benefits provided in a regular class and the benefits provided in a special education class; and the potential beneficial or harmful effects which a placement may have on the pupil with disabilities or the other pupils in the class.~~

~~A pupil with a disability is not removed from the age-appropriate general education classroom solely based on needed modifications to the general education curriculum.~~

~~Placement in a program option shall be based on the individual needs of the pupil.~~

~~When determining the restrictiveness of a program option, the determination is based solely on the amount of time a pupil with disabilities is educated outside the general education setting.~~

~~The Board shall provide or arrange for the provision nonacademic and extracurricular services and activities in the manner necessary to afford pupils with disabilities an equal opportunity for participation in those services and activities; and that each pupil with a disability participates with nondisabled students to the maximum extent possible.~~

~~L. Establishment and implementation of procedural safeguards according to N.J.A.C. 6A:14-2.3 through 2.4 and N.J.A.C. 1:6A~~

~~— The Board of Education directs the Superintendent to establish and implement the required procedural safeguards.~~

~~— Procedural safeguards shall include:~~

~~1. Giving notice to parents/guardians per N.J.A.C. 6A:14-2.3 when an initial request is being made for consent to evaluate or when a proposal has been made to initiate or change a classification, evaluation or educational placement of the pupil, or the provision of a free, appropriate education. For each instance, all required information and documentation shall be supplied to the parents/guardians within the timelines set by the administrative code. Particular care must be taken to inform parents/guardians of their right to appeal and their rights in regard to legal fees;~~

~~2. Seeking consent of parents/guardians to the actions in 1, when such consent is required;~~

~~3. Seeking parent/guardian participation in conferences and determinations as specified in 1, and in evaluation of the success of the educational plan for their child. When necessary, conference schedules shall be altered to accommodate working parents/guardians;~~

~~4. Mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties.~~

~~— The Superintendent shall ensure that the district's special education programs comply with the law in every respect, including fiscal regulations and reports.~~

SPECIAL EDUCATION(continued)

~~—These procedures shall provide all due process protection for the rights of the pupil and his/her parents/guardians. Procedures shall be conducted in strict compliance with the provisions of the administrative code dealing with parental notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf.~~

~~—To implement achievement of the Board's goal for provision of special education, the Superintendent shall oversee development of a written plan for special education conforming to the state plan for the educationally disabled. The plan shall consist of policies, procedures, assurances; a comprehensive system of personnel development; data collection and an application that describes the use of IDEA Part B funds.~~

~~M. Complying with other aspects of the district program for special education and/or requirements of N.J.A.C. 6A:14~~

Written Plan

~~To implement achievement of the Board's goal for provision of special education, the Superintendent shall oversee development of a written plan for special education conforming to the state plan for the educationally disabled. After the plan has been approved by the Board of Education and the County Superintendent, the Superintendent shall implement it in this district and supervise its operation so that it will accomplish its stated goals and objectives. The plan, any alterations to it, and an evaluation of its effectiveness will be shared annually with the community.~~

Discipline

~~In general, educationally disabled pupils are subject to the same disciplinary constraints and sanctions as nondisabled pupils. However, before disciplinary action is taken against an educationally disabled pupil, consideration must be given to whether the behavior is caused by the disabling condition, whether the program that is being provided meets the pupil's needs, whether a component of the pupil's IEP covers the behavior, or whether the pupil is an immediate danger to himself/herself or others.~~

~~A disabled pupil may be removed for disciplinary reasons from his/her current educational placement to an interim alternative educational setting, another setting, or a suspension without the provision of educational services for up to 10 consecutive or cumulative school days in a school year. Such suspensions are subject to the same district Board of Education procedures as nondisabled pupils. However, at the time of removal, the principal shall forward written notification and a description of the reasons for such action to the case manager.~~

~~Procedures for imposing and implementing disciplinary sanctions on educationally disabled pupils, including removal to an interim alternative educational setting, suspension for more than 10 school days in a school year, or expulsion, shall be in strict compliance with the provisions of state and federal law and the administrative code. (See N.J.A.C. 6A:14-2.8, 3.7~~

SPECIAL EDUCATION(continued)

and Appendix A)

Early Intervention

~~The Superintendent or designee shall gather and make available to parents/guardians of disabled children below the age of three information regarding ameliorative services and programs provided by other state, county and local agencies. The procedures for such dissemination shall be reviewed and adopted by the Board.~~

Preschool Disabled Program

~~The Superintendent shall develop and propose for Board adoption programs and related services for pupils ages three through five who have been identified and classified as preschool disabled. Such programs and services shall be in strict accordance with New Jersey administrative code.~~

Placement in Nonpublic Schools

~~The Board shall provide a genuine opportunity for the equitable participation of pupils with disabilities who have been enrolled in nonpublic schools by their parents/guardians, in accordance with federal law and regulations. All special education programs and services shall be provided with the consent of parents/guardians.~~

~~Pupils shall receive programs and services as specified in N.J.A.C. 6A:14-6.1.~~

Limited English Proficient

~~Pupils with limited English proficiency may have educationally disabling conditions that must be addressed in order to provide them the full educational opportunity that is the goal of the district for every child. Evaluation procedures shall be selected so that the pupil's cultural background and language abilities are taken into consideration unless it is clearly unfeasible to do so; and shall accurately reflect the pupil's ability rather than the impairment. All actions under Parent/Guardian Notification, Consent and Participation are to be conducted in the parents/guardians' dominant language, unless that is clearly impossible. In that case, care shall be taken that the facts and procedures are made intelligible to the parents/guardians.~~

Cooperation with Other Agencies

~~The Superintendent shall investigate the possibilities of working with organizations and agencies providing services for the disabled, and shall present feasible programs and relationships to the Board for consideration.~~

Evaluation of Program

~~At least annually, the Board shall review in a public meeting evidence of progress toward achievement of the special education plan as a whole, the success of identification procedures specifically, and the effectiveness of implementation of IEPs.~~

SPECIAL EDUCATION(continued)

Eligibility for State and Federal Funds

~~The Superintendent shall ensure that all requirements for receiving, using and accounting for state and federal funds shall be fulfilled in an accurate and timely manner.~~

~~Procurement, control, use and disposition of equipment and supplies purchased with state/federal funds shall be in full compliance with law.~~

Access

~~In addition to educational programs, the Board directs that the Superintendent take into consideration physical access to district facilities for disabled pupils, staff and the community in determining location of programs or planning new facilities per state and federal law.~~

Program Implementation

~~The Board of Education shall ensure that a special education parent advisory group is in place in the district to provide input to the district on issues concerning pupils with disabilities (N.J.A.C. 6A:14-1.2h).~~

~~ADDENDUM: TO 6171.4 SPECIAL EDUCATION POLICY~~

~~NEW JERSEY DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS~~

~~BOARD OF EDUCATION POLICIES AND PROCEDURES
FOR ELIGIBILITY UNDER PART B OF THE IDEA~~

~~PART I – POLICIES~~

~~In accordance with Part B of the IDEA and N.J.A.C. 6A:14-1.1, N.J.A.C. 6A:14-1.2(b) and (c), the Sayreville Board of Education has incorporated the following mandatory provisions into its Policies pertaining to the education of students with disabilities.~~

~~Policy #1: All students with disabilities, who are in need of special education and related services, including students with disabilities attending nonpublic schools, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3.~~

~~Policy #2: Homeless students are located, identified and evaluated according to N.J.A.C. 6A:14-3.3, and are provided special education and related services in accordance with the IDEA, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§11431 et seq.~~

~~Policy #3: Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.~~

~~Policy #4: An individualized education program is developed, reviewed, and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.~~

SPECIAL EDUCATION(continued)

~~Policy #5: To the maximum extent appropriate, students with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2.~~

~~Policy #6: Students with disabilities are included in statewide and district wide assessment programs, with appropriate accommodations, where necessary according to N.J.A.C. 6A:14-4.10. All students with disabilities will participate in statewide assessments or the applicable Alternate Proficiency Assessment, in grades 3, 4, 5, 6, 7, 8 and 11 in accordance with their assigned grade level.~~

~~Policy #7: Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq., including appointment of a surrogate parent, when appropriate.~~

~~Policy #8: A free appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school.~~

~~A. The obligation to make a free, appropriate public education available to each eligible student begins no later than the student's third birthday and that an individualized education program (IEP) is in effect for the student by that date;~~

~~B. If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin;~~

~~C. A free, appropriate public education is available to any student with a disability who is eligible for special education and related services, even though the student is advancing from grade to grade;~~

~~D. The services and placement needed by each student with a disability to receive a free, appropriate public education are based on the student's unique needs and not on the student's disability; and~~

~~E. The services and placement needed by each student with a disability to receive a free, appropriate public education are provided in appropriate educational settings as close to the student's home as possible, and, when the IEP does not describe specific restrictions, the student is educated in the school he or she would attend if not a student with a disability.~~

~~Policy #9: Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter will experience a smooth transition and have an individualized education program developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.~~

~~Policy #10: Full educational opportunity to all students with disabilities is provided.~~

~~Policy #11: The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6A:32-7.~~

~~Policy #12: Provision is made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2.~~

SPECIAL EDUCATION(continued)

~~Policy #13: Students with disabilities who are placed in private schools by the district board of education, are provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1(d) and N.J.A.C. 6A:14-7.5(b)3.~~

~~Policy #14: All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law.~~

~~Policy #15: The in-service training needs for professional and paraprofessional staff who provide special education, general education or related services are identified and that appropriate in-service training is provided.~~

~~Specifically, the Sayreville Board of Education shall maintain information to demonstrate its efforts to:~~

- ~~A. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;~~
- ~~B. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;~~
- ~~C. Acquire and disseminate to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;~~
- ~~D. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and~~
- ~~E. Provide for joint training activities of parents and special education, related services and general education personnel.~~

~~Policy #16: Instructional materials will be provided to blind or print-disabled students in a timely manner.~~

~~Policy #17: For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Uniform Application Act, N.J.S.A. 30:4-25.10 et seq., the necessary materials to the parent to apply for such services.~~

~~Policy #18: When the school district utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted, parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent as required by N.J.A.C. 6A:14.~~

~~Policy #19: The school district will provide teacher aides and the appropriate general or special~~

SPECIAL EDUCATION(continued)

~~education teaching staff time for consultation on a regular basis as specified in each student's IEP.~~

~~PART II – PROCEDURES~~

~~In accordance with Part B of the IDEA and N.J.A.C. 6A:14-1.1, N.J.A.C. 6A:14-1.2(b) and (c), the district board of education shall assure compliance with the following policies and related procedures below:~~

~~Policy #1: All students with disabilities, who are in need of special education and related services, including students with disabilities attending nonpublic schools, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3.~~

~~AND~~

~~Policy #2: Homeless students are located, identified and evaluated according to N.J.A.C. 6A:14-3.3, and are provided special education and related services in accordance with the IDEA, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§11431 et seq.~~

~~AND~~

~~Policy #7: Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq., including appointment of a surrogate parent, when appropriate.~~

~~Procedures for provision of Procedural Safeguards and Location of Students:~~

~~The Sayreville of Education, by and through District Administration shall locate students with disabilities and ensure that:~~

- ~~A. Person(s) responsible to conduct child find activities are identified.~~
- ~~B. Child find activities are conducted for all children ages three through 21, who reside within the district or attend nonpublic schools within the district.~~
- ~~C. Child find activities are conducted at least annually.~~
- ~~D. Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.~~
- ~~E. Child find activities address public and nonpublic students, including highly mobile students such as migrant and homeless students.~~
- ~~F. Child find activities for nonpublic school students are comparable to activities conducted for public school students.~~
- ~~1. Child find activities for nonpublic school children provide for consultation with appropriate representatives of the nonpublic school and parents on how to carry out these activities.~~

SPECIAL EDUCATION(continued)

~~G. Child find activities include outreach to a variety of public and private agencies and individuals concerned with the welfare of students, such as clinics, hospitals, physicians, social service agencies and welfare agencies.~~

~~Procedures for interventions in the general education program will ensure that:~~

~~A. Criteria/steps for initiating interventions in the general education program are identified.~~

~~B. Parents, teachers and other school professionals, as appropriate, are informed of the procedures to initiate interventions in the general education program.~~

~~C. Activities are in place to determine whether the interventions are effective.~~

~~— 1. School personnel who are responsible for the implementation/evaluation of the interventions are identified; and~~

~~— 2. The type, frequency, duration and effectiveness of the interventions are documented.~~

~~Procedures for referral will ensure that:~~

~~A. Steps are in place to refer students after it has been determined that interventions in the general education program are not effective in alleviating the educational difficulties.~~

~~B. Steps are in place to refer students directly to the child study team when warranted.~~

~~C. Steps are in place to refer students who may be disabled but are advancing from grade to grade.~~

~~D. Steps for initiating a referral to the child study team by school personnel identify:~~

~~— 1. The information/documentation of student performance required in the referral;~~

~~— 2. Forms, if any, that are to be submitted by school personnel;~~

~~— 3. School personnel who are responsible to process referrals; and~~

~~— 4. Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.~~

~~E. Steps for processing written referrals received from parents identify:~~

~~— 1. School personnel who are responsible to process referrals from parents; and~~

~~— 2. Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.~~

~~F. School personnel, parents and agencies are informed of referral procedures.~~

~~For students with disabilities potentially in need of a surrogate parent, procedures will ensure~~

SPECIAL EDUCATION(continued)

that:

~~A. A surrogate parent is provided to a student in accordance with N.J.A.C. 6A:14-2.2 when:~~

- ~~— 1. The parent of the student cannot be identified or located.~~
- ~~— 2. An agency of the State has guardianship of the student and that agency has not taken steps to appoint a surrogate parent for the student.~~
- ~~— 3. The student is a ward of the state and no State agency has taken steps to appoint a surrogate parent for the student.~~
- ~~— 4. No parent can be identified for the student in accordance with N.J.A.C. 6A:14-1.3 except a foster parent, the foster parent does not agree to serve as the student's parent and no State agency has taken steps to appoint a surrogate parent for the student.~~
- ~~— 5. The student is an unaccompanied homeless youth and no State agency has taken steps to appoint a surrogate parent for the student.~~

~~B. The district will make reasonable efforts to appoint a surrogate parent within 30 days of its determination that a surrogate parent is required for a student.~~

~~C. The district will appoint a person who will be responsible for appointing surrogate parents and overseeing the process. The responsible person will:~~

- ~~— 1. The person will determine whether there is a need for a surrogate parent for a student;~~
- ~~— 2. The person will contact any State agency that is involved with the student to determine whether the State has had a surrogate parent appointed for the student; and~~
- ~~— 3. The person will make reasonable efforts to select and appoint a surrogate parent for the student within 30 days of determining that there is a need for a surrogate parent for the student.~~

~~D. The district will establish a method for training surrogate parents that includes provision of information with respect to parental rights and procedural safeguards available to parents and students in accordance with N.J.A.C. 6A:14.~~

- ~~— 1. The district will appoint a person that will be responsible for training surrogate parents when and if necessary on a case-by-case basis;~~
- ~~— 2. The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;~~
- ~~— 3. The training will be designed to make surrogate parents familiar with State and federal requirements for assessment, individualized education program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;~~

SPECIAL EDUCATION(continued)

- ~~4. Surrogate parents will be provided with copies of: the Parental Rights in Special Education booklet; N.J.A.C. 6A:14; the Special Education Process; Code Training Materials from the Department of Education Website; and other relevant materials; and~~
- ~~5. Surrogate parents will be provided information to enable them to become familiar with the nature of the child's disability.~~

~~E. The district will ensure that:~~

- ~~1. All persons serving as surrogate parents have no interest that conflicts with those of the student he or she represents;~~
- ~~2. All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;~~
- ~~3. All persons serving as surrogate parents are at least 18 years of age;~~
- ~~4. If the school district compensates the surrogate parent for providing such services, a criminal history review of the person in accordance with N.J.S.A. 18A:6-7.1 is completed prior to his or her serving as the surrogate parent; and~~

~~No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the district board of education or a public or nonpublic agency that is involved in the education or case of the child.~~

~~Policy #3: Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-2.5 and 3.4, no additional written procedures are required.~~

~~Policy #4: An individualized education program is developed, reviewed, and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-2.6 and 3.7, no additional written procedures are required.~~

~~Policy #5: To the maximum extent appropriate, students with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-4.2, no additional written procedures are required.~~

~~Policy #6: Students with disabilities are included in statewide and districtwide assessment programs, with appropriate accommodations, where necessary according to N.J.A.C. 6A:14-4.10. All students with disabilities will participate in statewide assessments or the applicable Alternate Proficiency Assessment, in grades 3, 4, 5, 6, 7, 8 and 11 in accordance with their assigned grade level.~~

SPECIAL EDUCATION(continued)

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-4.10, no additional written procedures are required.~~

~~Policy #8: A free, appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school.~~

~~Procedures regarding the provision of a free, appropriate public education to students with disabilities who are suspended or expelled must ensure that:~~

~~A. School officials responsible for implementing suspensions/expulsions in the district are identified.~~

~~B. Each time a student with a disability is removed from his/her current placement for disciplinary reasons, notification of the removal is provided to the case manager.~~

~~C. A system is in place to track the number of days a student with disabilities has been removed for disciplinary reasons.~~

~~D. Suspension from transportation is counted as a day of removal if the student does not attend school.~~

~~1. If transportation is included in the student's IEP as a required related service, the school district shall provide alternate transportation during the period of suspension from the typical means of transportation.~~

~~E. Removal for at least half of the school day is reported via the Electronic Violence and Vandalism Reporting System.~~

~~F. If the district has an in-school suspension program, participation in the program is not considered a removal when determining whether a manifestation determination must be conducted if the program provides the following:~~

~~1. Opportunity for the student to participate and progress in the general curriculum;~~

~~2. Services and modifications specified in the student's IEP;~~

~~3. Interaction with peers who are not disabled to the extent they would have in the current placement; and~~

~~4. The student is counted as present for the time spent in the in-school suspension program.~~

~~G. When a series of short-term removals will accumulate to more than 10 school days in the year:~~

~~1. School officials and the case manager consult to determine whether the removals create a change of placement according to N.J.A.C. 6A:14-2.8(c)2;~~

SPECIAL EDUCATION(continued)

- ~~— 2. Written documentation of the consultation between school officials and the case manager is maintained;~~
- ~~— 3. If it is determined that there is no change in placement, school officials, the case manager and special education teacher consult to determine the extent to which services are necessary to:
 - ~~— a. Enable the student to participate and progress appropriately in the general education curriculum; and~~
 - ~~— b. Advance appropriately toward achieving the goals set out in the student's IEP; and~~~~
- ~~— 4. Written documentation of the consultation and services provided is maintained.~~

~~H. Steps are in place to convene a meeting of the IEP team and, as necessary or required, conduct a functional behavioral assessment and review the behavioral intervention plan according to N.J.A.C. 6A:14 Appendix A, 20 U.S.C. §1415(k).~~

~~Procedures regarding the provision of a free, appropriate public education to preschool age students with disabilities must ensure that:~~

~~A. Eligible preschool age children who are not participating in an early intervention program have an IEP in effect by their third birthday. Steps include:~~

- ~~— 1. Responding to referrals according to N.J.A.C. 6A:14-3.3(e)~~
- ~~— 2. Having a program in place no later than 90 calendar days from the date of consent.~~

~~Procedures regarding the provision of a free, appropriate public education to students with disabilities who are advancing from grade to grade must ensure that:~~

~~A. A student with a disability, who is advancing from grade to grade with the support of specially designed services, may continue to be eligible when:~~

- ~~— 1. As part of a reevaluation, the IEP team determines that the student continues to require specially designed services to progress in the general education curriculum; and~~
- ~~— 2. The use of functional assessment information supports the IEP team's determination.~~

~~Policy #9: Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter will experience a smooth transition and have an individualized education program developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.~~

~~A. A child study team member of the district will participate in the preschool transition planning conference arranged by the designated service coordinator from the early intervention system and will:~~

- ~~— 1. Review the Part C Individualized Family Service Plan for the child;~~

SPECIAL EDUCATION(continued)

- ~~— 2. Provide the parent(s) written district registration requirements;~~
- ~~— 3. Provide the parents written information with respect to available district programs for preschool students, including general education placement options; and~~
- ~~— 4. Provide the parent(s) a form to use to request that the Part C service coordinator be invited to the child's initial IEP meeting.~~

~~B. The Part C service coordinator will be invited to the initial IEP meeting for a student transitioning from Part C to Part B.~~

~~Policy #10: Full educational opportunity to all students with disabilities is provided.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-1.1, no additional written procedures are required.~~

~~Policy #11: The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6A:32-7.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:32-7, no additional written procedures are required.~~

~~Policy #12: Provision is made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-6.1 and 6.2, no additional written procedures are required.~~

~~Policy #13: Students with disabilities who are placed in private schools by the district board of education, are provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1(d) and N.J.A.C. 6A:14-7.5(b)3.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-1.1(d) and 7.5(b)3, no additional written procedures are required.~~

~~Policy #14: All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)13, no additional written procedures are required.~~

~~Policy #15: The in-service training needs for professional and paraprofessional staff who provide special education, general education or related services are identified and that appropriate in-service training is provided.~~

~~The Administration shall maintain information to demonstrate its efforts to:~~

- ~~A. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;~~

SPECIAL EDUCATION(continued)

~~B. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;~~

~~C. Acquire and disseminate to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;~~

~~D. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and~~

~~E. Provide for joint training activities of parents and special education, related services and general education personnel.~~

~~Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-2.5 and 3.4, no additional written procedures are required.~~

~~Policy #16: Instructional materials will be provided to blind or print-disabled students in a timely manner.~~

~~Instructional materials will be provided to blind or print-disabled students in accordance with a plan developed by the district. The plan will be the Individualized Education Program of each student with a disability, which will set forth the instructional materials needed, how they will be provided, and address any assistive technology needed to permit the student to utilize the materials.~~

~~Policy #17: For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Uniform Application Act, N.J.S.A. 30:4-25.10 et seq., the necessary materials to the parent to apply for such services.~~

~~— Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)17, no additional written procedures are required.~~

~~Policy #18: When the school district utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted, parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent as required by N.J.A.C. 6A:14.~~

~~— Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)18, no additional written procedures are required.~~

~~Policy #19: The school district will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP.~~

SPECIAL EDUCATION(continued)

~~—Procedures: Due to the specificity of the requirements at N.J.A.C. 6A:14-4.5(d), no
—additional written procedures are required.~~

SPECIAL EDUCATION(continued)

Possible

<u>Cross References:</u>	1120	Board of education meetings
	4112.2	Certification
	4131/4131.1	Staff development; inservice education/visitations/conferences
	5114	Suspension and expulsion
	5120	Assessment of individual needs
	5125	Pupil records
	5131	Conduct/discipline
	5200	Nonpublic school pupils
	6121	Nondiscrimination/affirmative action
	6122	Articulation
	6145	Extracurricular activities
	6151	Class size
	6164.2	Guidance services
	6164.4	Child study team
	<u>E6171.4</u>	<u>Special Education</u>
	9322	Public and executive sessions

Key Words

Special Education, Disabled, Graduation Requirements, Records, Pupil Records, Student Records, Special Education Pupil Records

Date Adopted: 08/23/2005

Date Revised: 04/14/2009, 10/15/2013

Rationale: Major policy overhaul.

SPECIAL EDUCATION

6171.4 Special Education Policy Crosswalk

DOE Policy #	Topic	Section	Page
Policy #1	Located, identified and evaluated	Location, Referral and Identification	5
Policy #2	Homeless students are located, identified and evaluated	Location, Referral and Identification	5
Policy #3	Evaluation	Evaluation and Determination of Eligibility	6
Policy #4	Individualized education program	Individualized Education Program	7-8
Policy #5	Least restrictive environment	Participation in Regular Educational Programs to the Maximum Extent Appropriate/ Least Restrictive Environment	9-10
Policy #6	Assessment programs	Assessment	12-13
Policy #7	Procedural safeguards	Procedural Safeguards	14-16
Policy #8	Free, appropriate public education available to students suspended or expelled	Full Educational Opportunity Discipline (also see board policy 5114 Suspension and Expulsion)	1-2 16-17
Policy #9	Early intervention programs	Early Intervention Programs	17
Policy #10	Full educational opportunity	Full Educational Opportunity	1-2
Policy #11	Student records	Compilation, Maintenance, Access to and Confidentiality of Student Records (also see board policy 5125 Student Records)	13-14
Policy #12	Participation of students and parents in nonpublic schools	Nonpublic Schools	17-18
Policy #13	Student placed in private schools/services	Placement in Private Schools	18
Policy #14	Staff qualifications	Staff Qualifications and Staff Development	18-19
Policy #15	In-service training needs for	Staff Qualifications and Staff	18-19

SPECIAL EDUCATION (continued)

	professional and paraprofessional staff	Development	
Policy #16	Instructional materials will be provided to blind or print-disabled students	Required Materials and Services	11
Policy #17	Receive services from the Division of Developmental Disabilities	Required Materials and services	11
Policy #18	Electronic mail	Parental Consent, Notice, Participation, and Meetings	3-4
Policy #19	Consultation on a regular basis	Individualized Education Program	7-8
Policy #20	Stability in special education programming	5118 Foster Care and Educational Stability	
Policy #21	Dyslexia screening	5120 Assessment of Individual Needs	

SPECIAL EDUCATION (continued)

ADDENDUM: TO 6171.4 SPECIAL EDUCATION POLICY

**NEW JERSEY DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS**

**BOARD OF EDUCATION POLICIES AND PROCEDURES
FOR ELIGIBILITY UNDER PART B OF THE IDEA
FOR 2016-2017**

PART I - POLICIES

COUNTY CODE: _____ COUNTY NAME: _____

DISTRICT CODE: _____ DISTRICT NAME: _____

In accordance with Part B of the IDEA and N.J.A.C. 6A:14-1.1, N.J.A.C. 6A:14-1.2(b) and (c), the district board of education shall adopt and assure compliance with the following policies:

Policy #1:

All students with disabilities, who are in need of special education and related services, including students with disabilities attending nonpublic schools, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3.

Policy #2:

Homeless students are located, identified and evaluated according to N.J.A.C. 6A:14- 3.3, and are provided special education and related services in accordance with the IDEA, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§11431 et seq.

Policy #3:

Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.

Policy #4:

An individualized education program is developed, reviewed, and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.

Policy #5:

To the maximum extent appropriate students with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2.

Policy #6:

SPECIAL EDUCATION (continued)

Students with disabilities are included in statewide and districtwide assessment programs, with appropriate accommodations, where necessary, according to N.J.A.C. 6A:14- 4.10. All students with disabilities will participate in statewide assessments or the applicable alternate assessment, in grades 3, 4, 5, 6, 7, 8, and high school in the applicable courses.

Policy #7:

Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq., including appointment of a surrogate parent as set forth at N.J.A.C. 6A:14-2.2, when appropriate.

Policy #8:

The rules set forth in N.J.A.C. 6A:14 ensure a free appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school:

- A. The obligation to make a free, appropriate public education available to each eligible student begins no later than the student's third birthday and that an individualized education program is in effect for the student by that date;
- B. If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin;
- C. A free, appropriate public education is available to any student with a disability who needs special education and related services, even though the student is advancing from grade to grade;
- D. The services and placement needed by each student with a disability to receive a free, appropriate public education are based on the student's unique needs and not on the student's disability; and
- E. The services and placement needed by each student with a disability to receive a free, appropriate public education are provided in appropriate educational settings as close to the student's home as possible, and, when the IEP does not describe specific restrictions, the student is educated in the school he or she would attend if not a student with a disability.

Policy #9:

Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter will experience a smooth transition and have an individualized education program developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.

Policy #10:

Full educational opportunity to all students with disabilities is provided.

Policy #11:

The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6A:32-7.

SPECIAL EDUCATION (continued)

Policy #12:

Provision is made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2.

Policy #13:

Students with disabilities who are placed in private schools by the district board of education, are provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1 and N.J.A.C. 6A:14-7.5(b)3.

Policy #14:

All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law, pursuant to N.J.A.C. 6A:14-1.2(b)13.

Policy #15:

Pursuant to N.J.A.C. 6A:14-1.2(b)4, the in-service training needs for professional and paraprofessional staff who provide special education, general education or related services are identified and that appropriate in-service training is provided. The district board of education shall maintain information to demonstrate its efforts to:

1. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;
2. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;
3. Acquire and disseminate to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;
4. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
5. Provide for joint training activities of parents and special education, related services and general education personnel.

Policy #16:

Instructional materials will be provided to blind or print-disabled students in a timely manner, consistent with a plan developed by the district.

Policy #17:

For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Developmentally Disabled Uniform Application Act, N.J.S.A. 30:4-25.10 et seq.

SPECIAL EDUCATION (continued)

and N.J.A.C. 6A:14-1.2(b)17, the necessary materials to the parent to apply for such services.

Policy #18:

When the school district utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted, parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent as required by N.J.A.C. 6A:14-1.2(b)18.

Policy #19:

The school district will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP, pursuant to N.J.A.C. 6A:14-4.5(d).

***Policy #20:**

The school district has a plan in effect to establish stability in special education programming. The plan takes into account the consistency of the location, curriculum, and staffing in the provision of special education services as required by N.J.A.C. 6A:14-3.7(c)4.

***Policy #21:**

The school district screens students who have exhibited one or more potential indicators of dyslexia or other reading disabilities in accordance with N.J.S.A. 18A:40-5.1 et seq.

PART II – PROCEDURES

In accordance with Part B of the IDEA and N.J.A.C. 6A:14-1.1, N.J.A.C. 6A:14-1.2(b) and (c), the district board of education shall assure compliance with the following policies and related procedures below:

Policy #1:

All students with disabilities, who are in need of special education and related services, including students with disabilities attending nonpublic schools, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3.

AND

Policy #2:

Homeless students are located, identified and evaluated according to N.J.A.C. 6A:14-3.3, and are provided special education and related services in accordance with the IDEA, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§11431 et seq.

SPECIAL EDUCATION (continued)

AND

Policy #7:

Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq. including appointment of a surrogate parent as set forth at N.J.A.C. 6A:14-2.2, when appropriate.

Pursuant to 20 U.S.C. §1412(a)(3), procedures to locate students with disabilities (child find) must ensure that:

1. Person(s) responsible to conduct child find activities are identified.
2. Child find activities are conducted for all children ages three through 21, who reside within the district or attend nonpublic schools within the district.
3. Child find activities are conducted at least annually.
4. Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.
5. Child find activities address public and nonpublic students, including highly mobile students such as migrant and homeless students.
6. Child find activities for nonpublic school students are comparable to activities conducted for public school students.
 - a. Child find activities for nonpublic school children provide for consultation with appropriate representatives of the nonpublic school and parents on how to carry out these activities.
7. Child find activities include outreach to a variety of public and private agencies and individuals concerned with the welfare of students, such as clinics, hospitals, physicians, social service agencies and welfare agencies.

For charter schools, renaissance schools or state agencies, procedures must ensure that:

1. Child find activities are limited to the population of students enrolled in the charter or renaissance school or served by the state agency.
2. Person(s) to conduct child find activities are identified.
3. Child find activities are conducted at least annually.
4. Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.

Procedures for interventions in the general education program must ensure that:

1. Criteria/steps for initiating interventions in the general education program are identified.
2. Parents, teachers and other school professionals, as appropriate, are informed of the procedures to initiate interventions in the general education program.
3. Activities are in place to determine whether the interventions are effective.
4. School personnel who are responsible for the implementation/evaluation of the interventions are identified; and
5. The type, frequency, duration and effectiveness of the interventions are documented.

SPECIAL EDUCATION (continued)

Procedures for referral must ensure that:

1. Steps are in place to refer students after it has been determined that interventions in the general education program are not effective in alleviating the educational difficulties.
2. Steps are in place to refer students directly to the child study team when warranted.
3. Steps are in place to refer students who may have a disability but are advancing from grade to grade.
4. Steps for initiating a referral to the child study team by school personnel identify:
 - a. The information/documentation of student performance required in the referral;
 - b. Forms, if any, that are to be submitted by school personnel;
 - c. School personnel who are responsible to process referrals; and
 - d. Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.
5. Steps for processing written referrals received from parents identify:
 - a. School personnel who are responsible to process referrals from parents; and
 - b. Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.
 - c. School personnel, parents and agencies are informed of referral procedures.

For students with disabilities potentially in need of a surrogate parent, procedures must ensure that:

1. A surrogate parent is provided to a student in accordance with N.J.A.C. 6A:14-2.2 when:
 - a. The parent of the student cannot be identified or located.
 - b. An agency of the State has guardianship of the student and that agency has not taken steps to appoint a surrogate parent for the student.
 - c. The student is a ward of the state and no State agency has taken steps to appoint a surrogate parent for the student.
 - d. No parent can be identified for the student in accordance with N.J.A.C. 6A:14-1.3 except a foster parent, the foster parent does not agree to serve as the student's parent and no State agency has taken steps to appoint a surrogate parent for the student.
 - e. The student is an unaccompanied homeless youth and no State agency has taken steps to appoint a surrogate parent for the student.
2. The district will make reasonable efforts to appoint a surrogate parent within 30 days of its determination that a surrogate parent is required for a student.
3. The district will appoint a person who will be responsible for appointing surrogate parents and overseeing the process. The responsible person will:
 - a. Determine whether there is a need for a surrogate parent for a student;
 - b. Contact any State agency that is involved with the student to determine whether the State has had a surrogate parent appointed for the student; and
 - c. Make reasonable efforts to select and appoint a surrogate parent for the student within

SPECIAL EDUCATION (continued)

30 days of determining that there is a need for a surrogate parent for the student.

4. The district will establish a method for training surrogate parents that includes provision of information with respect to parental rights and procedural safeguards available to parents and students in accordance with N.J.A.C. 6A:14.
 - a. The district will appoint a person that will be responsible for training surrogate parents;
 - b. The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;
 - c. The training will be designed to make surrogate parents familiar with State and federal requirements for assessment, individualized education program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;
 - d. Surrogate parents will be provided with copies of: the Parental Rights in Special Education booklet; N.J.A.C. 6A:14; the Special Education Process; Code Training Materials from the Department of Education Website; and other relevant materials; and
 - e. Surrogate parents will be provided information to enable them to become familiar with the nature of the child's disability.

5. The district will ensure that:
 - a. All persons serving as surrogate parents have no interest that conflicts with those of the student he or she represents;
 - b. All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;
 - c. All persons serving as surrogate parents are at least 18 years of age;
 - d. If the school district compensates the surrogate parent for providing such services, a criminal history review of the person in accordance with N.J.S.A. 18A:6-7.1 is completed prior to his or her serving as the surrogate parent; and
 - e. No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the district board of education or a public or nonpublic agency that is involved in the education or case of the child.

Policy #3:

Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-2.5 and 3.4, no additional written procedures are required.

Policy #4:

An individualized education program is developed, reviewed and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.

Procedures:

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Due to the specificity of the requirements at N.J.A.C. 6A:14-2.6 and 3.7, no additional written procedures are required.

Policy #5:

To the maximum extent appropriate, students with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-4.2, no additional written procedures are required.

Policy #6:

Students with disabilities are included in statewide and districtwide assessment programs, with appropriate accommodations, where necessary, according to N.J.A.C. 6A:14- 4.10. All students with disabilities will participate in statewide assessments or the applicable alternate assessment, in grades 3, 4, 5, 6, 7, 8, and high school in the applicable courses.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-4.10, no additional written procedures are required.

Policy #8:

A free, appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school.

Procedures regarding the provision of a free, appropriate public education to students with disabilities who are suspended or expelled must ensure that:

1. School officials responsible for implementing suspensions/expulsions in the district are identified.
2. Each time a student with a disability is removed from his/her current placement for disciplinary reasons, notification of the removal is provided to the case manager.
3. A system is in place to track the number of days a student with disabilities has been removed for disciplinary reasons.
4. Suspension from transportation is counted as a day of removal if the student does not attend school.
 - a. If transportation is included in the student's IEP as a required related service, the school district shall provide alternate transportation during the period of suspension from the typical means of transportation.

5. Removal for at least half of the school day is reported via the Student Safety Data System.

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6. If the district has an in-school suspension program, participation in the program is **not** considered a removal when determining whether a manifestation determination must be conducted if the program provides the following:
 - a. Opportunity for the student to participate and progress in the general curriculum;
 - b. Services and modifications specified in the student's IEP;
 - c. Interaction with peers who are not disabled to the extent they would have in the current placement; and
 - d. The student is counted as present for the time spent in the in-school suspension program.
7. When a series of short-term removals will accumulate to more than 10 school days in the year:
 - a. School officials and the case manager consult to determine whether the removals create a change of placement according to N.J.A.C. 6A:14-2.8(c)2;
 - b. Written documentation of the consultation between school officials and the case manager is maintained;
 - c. If it is determined that there is no change in placement, school officials, the case manager and special education teacher consult to determine the extent to which services are necessary to:
 1. Enable the student to participate and progress appropriately in the general education curriculum; and
 2. Advance appropriately toward achieving the goals set out in the student's IEP; and
 3. Written documentation of the consultation and services provided is maintained.
8. Steps are in place to convene a meeting of the IEP team and, as necessary or required, conduct a functional behavioral assessment and review the behavioral intervention plan according to N.J.A.C. 6A:14 Appendix A, Individuals with Disabilities Education Act Amendments of 2004 20 U.S.C. §1415 et seq.

Procedures regarding the provision of a free, appropriate public education to preschool age students with disabilities must ensure that:

Eligible preschool age children who are not participating in an early intervention program have an IEP in effect by their third birthday. Steps include:

1. Responding to referrals according to N.J.A.C. 6A:14-3.3(e)
2. Having a program in place no later than 90 calendar days from the date of consent.

Procedures regarding the provision of a free, appropriate public education to students with disabilities who are advancing from grade to grade must ensure that:

A student with a disability, who is advancing from grade to grade with the support of specially designed services, may continue to be eligible when:

1. As part of a reevaluation, the IEP team determines that the student continues to require

SPECIAL EDUCATION (continued)

2. specially designed services to progress in the general education curriculum; and
2. The use of functional assessment information supports the IEP team's determination.

Policy #9:

Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter will experience a smooth transition and have an individualized education program developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.3

1. A child study team member of the district will participate in the preschool transition planning conference arranged by the designated service coordinator from the early intervention system and will:
 - a. Review the Part C Individualized Family Service Plan for the child;
 - b. Provide the parent(s) written district registration requirements;
 - c. Provide the parents written information with respect to available district programs for preschool students, including general education placement options; and
 - d. Provide the parent(s) a form to use to request that the Part C service coordinator be invited to the child's initial IEP meeting.
2. The Part C service coordinator will be invited to the initial IEP meeting for a student transitioning from Part C to Part B.

Policy #10:

Full educational opportunity to all students with disabilities is provided.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.1, no additional written procedures are required.

Policy #11:

The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6A:32-7.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:32-7, no additional written procedures are required.

Policy #12:

Provision is made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2.

Procedures:

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Due to the specificity of the requirements at N.J.A.C. 6A:14-6.1 and 6.2, no additional written procedures are required.

Policy #13:

Students with disabilities who are placed in private schools by the district board of education, are provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1(d) and N.J.A.C. 6A:14-7.5(b)3.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.1 and 7.5(b)3, no additional written procedures are required.

Policy #14:

All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)13, no additional written procedures are required.

Policy #15:

The in-service training needs for professional and paraprofessional staff who provide special education, general education or related services are identified and that appropriate in-service training is provided. The district board of education shall maintain information to demonstrate its efforts to:

1. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;
2. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;
3. Acquire and disseminate to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;
4. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
5. Provide for joint training activities of parents and special education, related services and general education personnel.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)14, no additional written

SPECIAL EDUCATION (continued)

procedures are required.

Policy #16:

Instructional materials will be provided to blind or print-disabled students in a timely manner.

Instructional materials will be provided to blind or print-disabled students in accordance with a plan developed by the district. The plan will be the Individualized Education Program of each student with a disability, which will set forth the instructional materials needed, how they will be provided, and address any assistive technology needed to permit the student to utilize the materials.

Policy #17:

For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Uniform Application Act, N.J.S.A. 30:4-25.10 et seq., the necessary materials to the parent to apply for such services.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)17, no additional written procedures are required.

Policy #18:

When the school district utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted, parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent as required by N.J.A.C. 6A:14.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)18, no additional written procedures are required.

Policy #19:

The school district will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-4.5(d), no additional written procedures are required.

***Policy #20:**

SPECIAL EDUCATION (continued)

The school district has a plan in effect to establish stability in special education programming. The plan takes into account the consistency of the location, curriculum, and staffing in the provision of special education services.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-3.7(c)4, no additional written procedures are required.

***Policy #21:**

The school district screens students who have exhibited one or more potential indicators of dyslexia or other reading disabilities in accordance with N.J.S.A. 18A:40-5.1 et seq. The district board of education shall maintain information to demonstrate its efforts to:

1. Select and implement age-appropriate screening instruments for the early diagnosis of dyslexia and other reading disabilities;
2. Ensure that each student enrolled in the district who has exhibited one or more potential indicators of dyslexia or other reading disabilities is screened for dyslexia and other reading disabilities using the selected screening tool no later than the student's completion of the first semester of second grade;
3. Develops a procedure to screen eligible newly-enrolled students in accordance with the legislation;
4. Ensures the screening is administered by a teacher or other teaching staff member properly trained in the screening process for dyslexia and other reading disabilities; and

Ensures that students who are diagnosed with dyslexia or other reading disability receive appropriate evidence-based interventions.

Parental Rights In Special Education/Procedural Safeguard Statement

New Jersey Administrative Code for special education (N.J.A.C. 6A:14) and the federal Individuals with Disabilities Education Act of 2004 (IDEA 2004) are laws that ensure children with disabilities a free, appropriate public education in the least restrictive environment. An important part of these laws provides parents with the right to participate in their children's education.

You and representatives of your school district are team members who are responsible for developing an appropriate educational program for your child. This document will describe the state and federal laws affecting the provision of special education to help you understand your rights in the special education process. With this knowledge, you will be prepared to take an active role in your child's education.

This document has been developed for you by the Department of Education, Office of Special Education Programs, in an effort to provide the most comprehensive and up-to-date information. The document is periodically revised to reflect changes in the law, provide additional information that would be of use to you, and to provide the information in a more clear and concise manner.

If you need additional help in understanding your rights, contact information for the Statewide

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Parent Advocacy Network (SPAN), Disability Rights New Jersey (DRNJ), the County Offices of the New Jersey Department of Education and your local school district is listed on page 42 of the New Jersey Department of Education publication, Parental Rights in Special Education (revised August 2016).

This is the procedural safeguards statement required in accordance with New Jersey Administrative Code (N.J.A.C.) 6A:14-2.3(g)7.

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Possible

<u>Cross References:</u>	1120	Board of education meetings
	4112.2	Certification
	4131/4131.1	Staff development; inservice education/visitations/conferences
	5114	Suspension and expulsion
	5120	Assessment of individual needs
	5125	Pupil records
	5131	Conduct/discipline
	5200	Nonpublic school pupils
	6121	Nondiscrimination/affirmative action
	6122	Articulation
	6145	Extracurricular activities
	6151	Class size
	6164.2	Guidance services
	6164.4	Child study team
	6171.4	Special Education
	9322	Public and executive sessions

Key Words

Special Education, Disabled, Graduation Requirements, Records, Pupil Records, Student Records, Special Education Pupil Records

Date Adopted:

Date Revised:

EQUAL EDUCATIONAL OPPORTUNITY

The district shall provide equal and bias-free access for all pupils to all school facilities, courses, programs, activities and services and give them maximum opportunity to achieve their potential regardless of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, liability for service in the Armed Forces of the United States, nationality, place of residence within the district, socioeconomic status, disability or pregnancy. Enforcement of other district affirmative action/equity policies (2224, 4111.1, 4211.1 and 6121) contribute to this legally required equality of educational opportunity.

Staff members shall maintain professional relationships with pupils at all times and develop wholesome and constructive relationships with them. Staff members shall be expected to regard each pupil as an individual and to accord each pupil the rights and respect that is his/her due.

Staff members shall promote a learning environment that encourages fulfillment of each pupil's potential in regard to his/her program, consistent with district goals and with optimal opportunities for pupils. This goal may be reached by adapting instruction to individual needs, by:

- A. Insisting on reasonable standards of scholastic accomplishment for all pupils;
- B. Creating a positive atmosphere in and out of the classroom;
- C. Extending the same courtesy and respect that is expected of pupils;
- D. Treating all pupils with consistent fairness.

The Board of Education guarantees all pupils equal access to all academic programs within the learning environment.

Pupils shall respect the rights of other pupils to receive an education in an environment that is conducive to learning and personal growth. No pupil shall have the right to abridge another pupil's right to privacy or right to hold personal beliefs which are different from those of the mainstream.

Service Animals

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the school facilities where members of the community, participates in services, programs or activities, or invitees, as relevant, are allowed to go.

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OPPORTUNITY (continued)

Affirmative Action Program for School and Classroom Practices

The Board of Education shall, in accordance with law, systematically monitor district procedures with respect to school and classroom practices to insure continuing compliance with anti-discrimination laws and regulations. Pursuant to the direction of the Superintendent of Schools, the Affirmative Action Officer shall coordinate all activities designed to implement this policy.

The Affirmative Action Officer shall identify and recommend the correction or removal of impermissible bias based on race, color, creed, religion, national origin, ancestry, age, marital status, sex, social or economic status, handicap, or disability. He or she shall in conjunction with certificated staff members:

- A. Review current and proposed curriculum guides, textbooks, and supplemental materials for bias and determine whether such materials fairly depict the contribution of both men and women and various racial and ethnic groups in the development of human society;
- B. Develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias in all aspects of the school program;
- C. Review current and proposed programs, activities, and practices to ~~insure~~ ensure that all pupils have equal access to them and are not impermissibly segregated in any duty, work, play, classroom, or school practice, except as may be permitted under the rules of the State Board of Education;
- D. Insure that similar aspects of the school program receive commensurate support as to staff size and compensation, purchase and maintenance of facilities and equipment, and access to such facilities and equipment;
- E. Insure that test, procedures, and guidance and counseling materials that are designed to evaluate pupil progress or rate aptitudes, or analyze personality or in any manner establish or tend to establish a category by which a pupil may be judged are not impermissibly differentiated or stereotyped.

Parents, pupils, staff members, and members of the public shall be informed annually about the district's affirmative action plan for school and classroom practices and the designation of the Affirmative Action Officer.

The Affirmative Action Officer shall report as required to the Board on progress made in the affirmative action program for school and classroom practices. The Board will annually review district progress toward objectives of any state-approved affirmative action plan to include the Multi-Year Equity Plan.

Harassment

The district's affirmative action program is part of each academic program regarding all pupils. No one--including pupils, staff members, vendors, volunteers, or visitors--shall commit an act of

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harassment/discrimination of any kind against any member of the school community on any of the grounds prohibited by law.

“Harassment, intimidation or bullying” is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by 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, that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds, in accordance with law, that 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, 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 his/her person or damage to his/her 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 the student’s education or by severely or pervasively causing physical or emotional harm to the student.

All reported incidents of harassment, intimidation or bullying shall be handled according to law and board policy 5131.1 Harassment, Intimidation and Bullying. Harassment may be claimed by a third party. That is, individuals who are not directly involved in the behavior may experience a hostile environment. They shall have the same legal rights to act under this policy as those directly victimized.

Any member of the student body may file a formal grievance related to harassment. The school anti-bullying specialist will receive all complaints and initiate a thorough investigation and will protect the rights of both the pupil making the complaint and the alleged harasser. If the victim is from a protected class, the affirmative action officer will be included in the investigation. Filing of a grievance or otherwise reporting harassment of any kind will not reflect upon the pupil's status nor affect future grades or class assignments.

The administration will inform all pupils that sexual harassment is prohibited in the educational setting. Specifically, no person employed by the district or by a vendor, or acting in a voluntary capacity, shall threaten or insinuate, either directly or indirectly, that a pupil's refusal to submit to sexual advances will adversely affect the pupils standing in the school setting. Pupils are forbidden to harass other pupils or staff members or vendors or volunteers through conduct or communications of a sexual nature within the school setting.

Findings of discrimination in the form of harassment will result in appropriate disciplinary action. Harassment is defined as a repeated pattern of unprovoked aggressive behaviors of a physical and/or psychological nature carried out by an individual or a group against an individual or group with the effect of causing harm or hurt. Harassing behaviors are all those behaviors that are unwelcome, unwanted, and uncomfortable in the view of the recipient. They all have the effect of creating a hostile environment.

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~~Harassment may be claimed by a third party. That is, individuals who are not directly involved in the behavior may experience a hostile environment. They shall have the same legal rights to act under this policy as those directly victimized.~~

Sexual Harassment

Particularly, the Board of Education shall maintain an academic environment that is free from sexual harassment.

Sexual harassment shall consist of unwanted and unwelcome sexual advances, requests for sexual favors, and other inappropriate conduct or communication of a sexual nature when made by any staff member to a pupil, by any pupil to another pupil, or by any pupil to a staff member when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of a pupil's evaluation, promotion, opportunities, privileges, and other benefits of education;
- B. Submission to or rejection of such conduct by a pupil is used as a basis for decisions affecting the pupil;
- C. Such conduct has the purpose or effect of interfering with a pupil's academic performance or creating an intimidating or hostile educational environment.

The administration will inform all pupils that sexual harassment is prohibited in the educational setting. Specifically, no person employed by the district or by a vendor, or acting in a voluntary capacity, shall threaten or insinuate, either directly or indirectly, that a pupil's refusal to submit to sexual advances will adversely affect the pupil's standing in the school setting. Pupils are forbidden to harass other pupils or staff members or vendors or volunteers through conduct or communications of a sexual nature within the school setting.

Any member of the student body may file a formal grievance related to sexual harassment. The Affirmative Action Officer will receive all complaints and initiate a thorough investigation and will protect the rights of both the pupil making the complaint and the alleged harasser. Filing of a grievance or otherwise reporting sexual harassment will not reflect upon the pupil's status nor affect future grades or class assignments.

Findings of discrimination in the form of sexual harassment will result in appropriate disciplinary action.

Procedures shall be made available for pupils and/or parents/guardians who wish to file a grievance protesting alleged discriminatory or sexually (or other) harassing action. An immediate report of the allegation should be made to the Affirmative Action Officer or Superintendent.

Violations of this policy or its related procedures shall be cause for appropriate disciplinary action.

What will the Board Do to Avoid the Occurrence of Sexual Harassment?

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OPPORTUNITY (continued)

The Board will publicize this policy to all employees, pupils, vendors, and volunteers, and enforce the policy with respect to these persons. The Board will also provide periodic mandatory information and training sessions to all of its employees in order to deter and avoid any incidents of sexual harassment. These sessions will typically review the prohibition against sexual harassment, give concrete examples of the types of conduct which constitute sexual harassment, and provide time for questions and discussion. Any employee who fails to attend any mandatory training session will be subject to appropriate discipline. This policy will be disseminated to all employees and placed in the Sayreville Board of Education Policy Manual, which is accessible to all employees. The Policy Manual is available in the office of the Superintendent of Schools. All new employees will be provided with a copy of the policy upon employment.

All parents will be advised of the existence of this policy and provided with a copy of the policy upon request. Additionally, the Superintendent of Schools shall direct that all teachers and Principals inform pupils of this policy in age-appropriate terms, provide a summary of this policy to all pupils in grades 5 to 12, and advise pupils of the prohibition against sexual harassment, the consequences of engaging in such inappropriate conduct and their right to be free from sexual harassment. Pupils shall also be encouraged to report any incident of sexual harassment to any teaching staff member.

What Conduct is Prohibited?

Sexual harassment occurs when one employee, typically a supervising employee, attempts to make another employee's submission to unwelcome sexual demands or overtures a condition to: his or her continued employment; the terms, conditions or benefits thereof; or an employment decision of any kind affecting that employee. This type of sexual harassment typically involved a promise of favorable employment action in exchange for sexual favors, or an implicit or explicit threat that if the employee does not give in to the sexual demands or overtures, the employee will lose his or her job, receive unfavorable performance reviews, be passed over for promotion, or suffer other adverse employment consequences.

Additionally, sexual harassment occurs if a teacher attempts to make a pupil submit to such unwelcome sexual demands or overtures as a condition of a pupil's evaluation, promotion opportunities, privileges, and/or other benefits of education.

Sexual harassment also occurs when one person harasses another solely because of the victim's gender. This type of sexual harassment may involve unwelcome sexual demands or overtures, but it may also take the form of other harassing conduct not necessarily sexual in nature. If a "reasonable person" of the victim's gender would consider the conduct intimidating, hostile, or as creating an offensive working environment for an employee, then sexual harassment has occurred.

Such conduct often consists of unwelcome sexual touching and comments. For example, such conduct would include:

- A. unwelcome conduct such as hugging another or placing one's arm around the other;
- B. unwelcome sexual flirtations, advances, and propositions;

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- C. sexual degrading words used in referenced to an individual;
- D. comments on the speaker's own sexual abilities or those of co-workers;
- E. display of offensive pictures or objects such as posters or calendars which are of a sexual nature;
- F. unwelcome teasing, jokes and remarks of a sexual nature;
- G. unwelcome comments of a sexual nature on, or staring at, an individual's physical attributes;
- H. unwelcome questions about sexual conduct;
- I. repeated unwelcome requests for a date after prior requests have been refused, or the proposed invitee has stated that he or she is not interested in such social contact;
- J. unwanted pressure for sexual favors; and
- K. other harassment of a non-sexual nature that is engaged in due to the gender of the individual.

In order to constitute sexual harassment, the conduct need not be sexual in nature, provided that it is occurring solely because of the victim's sex. For example, with respect to women, this would include comments about the lesser abilities, capacities, or the "proper role" of members of the female sex. It would also include subjecting a woman or a man to a non-sexual harassment solely because of her or his gender. Sexual harassment is prohibited whether the harasser is male or female, and whether the harassment is opposite-sex or same-sex harassment.

The conduct described above may constitute prohibited sexual harassment even if the actor did not intend to injure or harass the victim. It is no excuse or justification for the conduct that the action was only "joking". The conduct would still constitute sexual harassment even if the victim is strong enough to endure it without any emotional or psychological impact, harm, or damage. The types of conduct described above need not even be directed at a particular individual for that individual to be the victim of sexual harassment; this is because the working environment in which an employee exists and works is directly affected by the treatment of co-workers if they are the subject of sexual harassment.

Complaint Procedure

Any employee who has been subjected to sexual harassment, or who has witnessed any incident of sexual harassment, (hereinafter the "complainant"), should report the matter without delay to either of the following: the School Principal or the Affirmative Action Officer.

Any pupil who has knowledge of, or feels victimized by, sexual harassment should immediately report is/her allegations to any one of the following: any teaching staff member, the School Principal, or the Affirmative Action Officer.

Any employee who receives a report of sexual harassment of a pupil, or has independent cause to suspect that a pupil has been subjected to sexual harassment, shall promptly notify the School

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Principal, who shall immediately refer the matter to the Affirmative Action Officer. In his/her absence, the matter should be reported to such other appropriate individual as designated by the Superintendent of Schools. The individual notified will promptly initiate an investigation in accordance with this policy. If either of these individuals is the subject of the complaint, the matter should be immediately referred to the Superintendent of Schools. The Superintendent will then designate an appropriate person to conduct the investigation.

An act of sexual harassment that appears to constitute institutional child abuse (which is abuse alleged to have taken place in a school or other institutional setting by school personnel, compensated and uncompensated (volunteer)) shall be immediately reported to the New Jersey Institutional Abuse Investigation Unit (IAIU) weekdays between 9:00 a.m. and 5:00 p.m. at (609) 292-0617, weekends, holidays, or after hours at (800) 792-8610 in accordance with the Child Abuse Policy of this Board.

Upon being advised of any claim of sexual harassment, the Affirmative Action Officer, or in his/her absence, the other appropriate individual as selected by the Superintendent of Schools (hereafter sometimes referred to as the "Investigator"), will promptly and thoroughly investigate the matter. If the investigation confirms that sexual harassment has, in fact, occurred, appropriate and swift remedial action will be taken.

In order to further the investigation of any claim of sexual harassment as noted above, all employees and pupils are encouraged to report any incident of sexual harassment to which they are subject, or which they have witnessed, pursuant to the complaint procedures described above. The matter will then be investigated by communicating not only with the parties involved, but also with those who have witnessed it or otherwise have knowledge of it.

It is the Board's goal, both during the investigation and thereafter, to maintain confidentiality to the fullest extent possible, including confidentiality of the identities of all persons involved or alleged to be involved in the incident, revealing only those particulars of the matter to the extent necessary for a thorough investigation. Any individual who unnecessarily compromises the confidentiality of an investigation will be subject to appropriate discipline.

"Whistleblower" Protection

The Board prohibits discrimination or retaliation against any school employee who does any of the following:

- A. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the board that the employee reasonably believes is in violation of a law, or a rule or regulation established pursuant to law;
- B. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation established pursuant to law by the board; or
- C. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes is in violation of law, rule or regulation; is fraudulent or criminal; or is incompatible with public health, safety or welfare or protection of the environment.

EQUAL EDUCATIONAL
OPPORTUNITY (continued)

The Board shall ensure that notices are posted conspicuously in each school, informing employees that they are protected under the "Conscientious Employee Protection Act."

Hate Crimes/Bias Incidents

An employee of the Board who becomes aware in the course of his/her employment that a student or other staff person has committed a hate crime or is about to commit one shall immediately inform the building principal and Superintendent. All incidents of hate/bias shall be reported whether they occur during school hours on school grounds or otherwise. The principal or his or her designee shall promptly notify the local police department and the bias investigation officer for the county prosecutor's office.

The principal or his or her designee shall immediately notify the local police department and the bias investigation officer for the county prosecutor's office where there is reason to believe a bias-related act that involves an act of violence has been or is about to be physically committed against a student, or there is otherwise reason to believe a life has been or will be threatened.

All incidents shall be reported utilizing the Student Safety Data System according to board policy 5131.5 Violence and Vandalism.

Equity in School

The Board of Education shall maintain an academic environment that is free from harassment and provide equal and bias free access for all students to all school facilities, courses, programs activities and services, regardless of race, creed, color, national origin, ancestry, age marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status. The board shall ensure that:

- A. School classrooms and facilities will be barrier free;
- B. Attention will be directed at attaining minority representation within each school that approximates the district's overall minority representation. Exact appointment is not required. The ultimate goal shall be to achieve the greatest degree of racial balance that is feasible and consistent with sound educational values and procedures;
- C. Utilizing on an annual basis a State-approved English language proficiency measure for determining the special needs of English language learners and their progress in learning English;
- D. Utilizing bias-free multiple measures for determining the special needs of students with disabilities;
- F. The district curriculum will be aligned with the ~~State's Core Curriculum Content Standards~~ New Jersey Learning Standards and address the elimination of discrimination by narrowing the achievement gap by:

- 1. Providing equity in educational programs and by providing opportunities for students to

EQUAL EDUCATIONAL
OPPORTUNITY (continued)

interact with others proactively regardless of status:

2. Ensuring there are no differential requirements for completion of course offerings or programs of study solely on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status;
3. Ensuring courses shall not be offered separately on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status;
4. Reducing or preventing the underrepresentation of minority, female, and male students in all classes and programs, including gifted and talented, accelerated, and advanced classes;
5. Ensuring schools demonstrate the inclusion of a multicultural curriculum in its instructional content, materials, and methods, and ensuring students understand the basic tenets of multiculturalism;
6. Ensuring African-American history, as well as the history of other cultures, is infused into the curriculum and taught as part of U.S. history;
7. Ensuring instruction on the Holocaust and other acts of genocide is included in the curriculum of all elementary and secondary schools, as developmentally appropriate.
8. Ensuring that students are not discriminated against because of a medical condition.

~~DF.~~ All students shall have support services, including intervention and referral services, school health services and counseling services; and have access to counseling services;

~~EG.~~ Physical education and athletic programs is shall be equitable and co-educational and do not discriminate based upon protected class status.

Procedures shall be made available for pupils and/or parents/guardians who wish to file a grievance protesting alleged discriminatory or sexually (or other) harassing action. An immediate report of the allegation should be made to the Affirmative Action Officer or Superintendent. Violations of this policy or its related procedures shall be cause for appropriate disciplinary action.

Appeals

Grievances related to equity in school and classroom shall be submitted to the affirmative action officer. Any individual may petition the Commissioner in writing to resolve a dispute arising related to equity in school and classroom.

~~Affirmative Action Program for School and Classroom Practices Implementation~~

The Superintendent shall direct development of procedures regarding the implementation of this policy to include sanctions, protection of individual rights to confidentiality and due process, and notification procedures. The Superintendent shall ensure that, annually, all staff and all pupils (in means and terms that are age-appropriate) be thoroughly informed of this policy, their right to file grievances under this policy and the law and the procedures relative to filing. Further, all staff and pupils shall be informed annually of the identity of the district's affirmative action officer and how he/she may be contacted.

The Superintendent shall also ensure that staff and pupils participate in educational programs

EQUAL EDUCATIONAL
OPPORTUNITY (continued)

relating to this policy and the maintenance of a safe and nurturing educational environment.

The Superintendent shall use all customary methods of information dissemination to ensure that the community is informed of its policies on educational equity.

Possible

<u>Cross References:</u>	2224	Nondiscrimination/affirmative action
	4111.1	Nondiscrimination/affirmative action
	4211.1	Nondiscrimination/affirmative action
	5134	Married/pregnant pupils
	6121	Nondiscrimination/affirmative action
	6141	Curriculum design/development
	6145	Extracurricular activities
	6161.1	Guidelines for evaluation and selection of instructional materials
	6171.4	Special education

Key Words

Nondiscrimination, Affirmative Action, Equal Educational Opportunity, Harassment, Sexual Harassment

Date Adopted: 08/23/2005

Date Revised: 12/18/2012, 07/15/2014

Rationale: Updated HIB definition to provide uniformity with state law and Board Policy 5131.1. Added language to reflect a shift in focus from compliance with Affirmative Action to a concentration on educational equity achievement.

CHILD ABUSE AND NEGLECTMISSING, ABUSED, AND NEGLECTED CHILDREN

Definition

~~“Child abuse” means the infliction of harm, physical, mental, or emotional, on a child under the age of eighteen by a person who has control over the child, even temporarily, and an opportunity to repeat the abusive acts. Child abuse includes negligence and the failure to respond to a child’s basic needs as well as deliberate, willfully abusive acts. An abused or neglected child is one who has been subjected to:~~

- ~~A. Serious physical injury;~~
- ~~B. The creation of risk of serious physical injury;~~
- ~~C. Sexual abuse;~~
- ~~D. The impairment or threat of impairment of the child’s physical, mental, or emotional condition by the failure to provide food, clothing, shelter, education, or medical care or by the infliction of harm, including corporal punishment; or~~
- ~~E. Willful abandonment.~~

Indications of Child Abuse

- ~~A. All school district personnel, including teaching staff members, support staff members, and unpaid volunteers, are charged by law with the responsibility for reporting suspected cases of child abuse. The suspicion of child abuse may be based on the complaints of the child or on the direct observations of the employee over a period of time or both. A person should suspect child abuse whenever:
 - ~~1. There is evidence of physical injury to a pupil not likely to have been caused by an accident, regardless of the pupil’s explanation of the injury;~~
 - ~~2. A pupil complains of having been injured or having been sexually molested, with or without external signs of physical injury;~~
 - ~~3. A pupil appears to be malnourished;~~
 - ~~4. A pupil’s general condition indicates a persistent want of care, such as clothing~~~~

CHILD ABUSE MISSING, ABUSED,
AND NEGLECTED CHILDREN (continued)

~~inadequate for the weather, inadequate hygiene, lack of sleep, decayed and broken teeth, and the like;~~

~~5. A pupil complains of or indicates by other means that he or she has been subjected to threats or emotional abuse;~~

~~6. A pupil is excessively apprehensive, fearful, withdrawn or aggressive; or~~

~~7. A parent or the caretaker of a child admits having abused the child~~

~~B. The employee should not wait to assemble corroborating evidence of child abuse; the observations and/or complaints of the pupil that gave rise to the reasonable belief that child abuse may have occurred are sufficient to warrant reporting the incident or incidents to the Division of Child Protection and Permanency (DCP&P) for investigation and remediation by that agency.~~

Reporting child Abuse

~~A. Whenever an employee has reason to believe that a pupil of this district has been subjected to child abuse or acts of child abuse, regardless of the identity of the suspected abuser, the employee shall immediately report that information to the DCP&P regional office in Perth Amboy at 732-293-5060. The employee shall offer the following information:~~

~~1. The child's name, age, grade and gender;~~

~~2. The name and address of the child's parent or guardian or other person having custody and control (such as a foster parent);~~

~~3. A description of the child's condition, including any available information concerning current or previous injuries, abuse, or maltreatment and including evidence of previous injuries;~~

~~4. The nature and possible extent of the child's injuries, abuse, or maltreatment; and~~

~~5. Any other pertinent information that the employee believes may be relevant with respect to the child abuse and/or to the identity of the alleged perpetrator.~~

~~B. The person who has reported a case of possible child abuse to the DCP&P shall promptly so inform the principal of the school in which the child is enrolled, unless the employee has reason to believe that such disclosure to the principal would be likely to:~~

~~1. Endanger the employee or the child;~~

~~2. Result in retaliation against the child, or~~

~~3. Result in discrimination against the employee with respect to his or her employment.~~

~~C. A pupil whose injuries or physical condition require immediate medical attention shall be~~

CHILD ABUSE MISSING, ABUSED,
AND NEGLECTED CHILDREN (continued)

~~reported promptly to the school nurse.~~

Cooperation with DCP&P

- ~~A. All district employees with information relevant to a case of suspected child abuse will cooperate fully with agents of DCP&P in the investigation of the matter.~~
- ~~B. The DCP&P investigator will be permitted to interview the child in the presence of the principal or a person designated by the principal. If the child is intimidated by the principal or his or her designee, the child may be accompanied during the interview by a staff member who he or she feels will be supportive. The accompanying staff member will give comfort to the child but will not participate in the investigation.~~
- ~~C. The principal will cooperate with the DCP&P in scheduling interviews with school personnel who may have information relevant to the investigation.~~
- ~~D. The custodian of pupil records will release, pursuant to N.J.A.C. 6:3-2, the records of investigated children that are deemed to be relevant to the assessment and/or treatment of child abuse.~~
- ~~E. School employees shall regard as confidential all information about a child abuse investigation and remediation.~~
- ~~F. School principals will permit agents of the DCP&P to remove pupils from school during the school day when removal is necessary to protect the child or to take the child to a service provider, on presentation of appropriate authorization.~~
- ~~G. School principals will cooperate with the DCP&P when that agency deems that it is necessary to remove the child from his or her home for proper care and protection and when such removal results in the transfer of the child to a school other than the one in which he or she is enrolled.~~
- ~~H. A school employee alleged to have committed an act of child abuse may be temporarily reassigned or suspended if there is reasonable cause to believe that the life or health of the allegedly abused child or other children is in imminent danger due to continued contact between the employee and a child.~~

Employee Protection

~~An employee who alleges that he or she has been reassigned or suspended or disciplined or otherwise discriminated against in employment as a result of having reported child abuse in compliance with law may appeal that action in accordance with an applicable grievance procedure.~~

General Statement

~~The Board of Education shall foster with its community of parents a sense of wellbeing and confidence that each child is valued and will be protected from any form of threat or danger to~~

CHILD ABUSE MISSING, ABUSED,
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their safety and wellbeing. The Board of Education adopts the New Jersey Legislature's determination that removal of children from school constitutes a deprivation in itself and may be an indicator of even more grievous abuses. The Board believes that it is important to identify and investigate suspected incidents involving missing, abused or neglected children immediately. Moreover, the public schools can and should provide an early warning to the appropriate authorities when a child appears to be missing from the educational system.

Therefore, the school district will cooperate with the New Jersey Division Child Protection and Permanency (DCP&P) and law enforcement authorities in identifying and reporting all such cases of missing, abused and neglected students whether institutional or noninstitutional.

The Board further believes that as required by law, school staff, volunteers and interns have the responsibility to report attempted or completed suicide. Reporting enables the district to plan supportive measures for the school community and facilitates the state's initiatives regarding suicide prevention and intervention. Therefore, school staff, volunteers and interns shall report the information to the New Jersey Department of Children and Families (DCF).

Staff Responsible

The following chart lists the staff members responsible for the implementation of the regulation and summarizes their responsibilities:

<u>Position</u>	<u>Summary of Main Responsibilities</u>
<u>Superintendent</u>	<ul style="list-style-type: none"> • <u>General policy and procedure oversight within the district</u> • <u>Designation of the liaison(s)</u> • <u>Liaison with law enforcement and DCP&P</u> • <u>Maintain contact information for police and DCP&P</u>
<u>Building principal</u>	<ul style="list-style-type: none"> • <u>General procedure oversight within the school</u> • <u>Development and implementation of reporting and notification procedures for the school</u> • <u>Contacting and being the liaison with law enforcement and DCP&P</u> • <u>Maintaining confidential records and oversee the transfer and release of relevant records as required by law</u> • <u>Maintain contact information for police and DCP&P</u> • <u>Contact parents/guardians or emergency contact as appropriate</u>
<u>District liaisons</u>	<ul style="list-style-type: none"> • <u>Primary contact with Law enforcement, the DCP&P case manager, and DCF as assigned</u> • <u>Facilitates all aspects of the report, investigation and follow-up for reported incidents</u> • <u>Coordinates school services with CST, I&RS, school nurse, EMS, or other services as necessary</u>
<u>Board Secretary</u>	<ul style="list-style-type: none"> • <u>Manage policy adoption and revision cycle</u> • <u>Oversight of student records and access to same</u>

CHILD ABUSE/MISSING, ABUSED,
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<u>Director of Student Services</u>	<ul style="list-style-type: none"> <u>In conjunction with Superintendent, oversight of student enrollment and documentation of attendance</u> <u>Review procedures for maintenance and access to student records</u> <u>Default liaison between the school district and DCP&P</u>
<u>Director of Curriculum</u>	<ul style="list-style-type: none"> <u>In conjunction with Superintendent, oversight and implementation of instruction in suicide prevention</u> <u>In conjunction with Superintendent, coordinate with Commissioner of the Department of Human Services to provide in-service & classroom instruction re: suicide prevention</u>
<u>Medical Inspector</u>	<ul style="list-style-type: none"> <u>In conjunction with Superintendent, notify licensed and medical staff of immunity from civil liability for professional services</u>
<u>Attendance Officer</u>	<ul style="list-style-type: none"> <u>Investigate and report certain student absences</u>

Definitions

"Abandonment" is defined in N.J.S.A. 9:6-1, as any of the following acts committed by anyone having the custody or control of the child:

- A. Willfully forsaking a child;
- B. Allowing the child to be exposed to physical or moral risk without proper and sufficient protection;
- C. Failing to care for a child to the extent that the child must be supported and maintained at the expense of the public or by private persons who are not legally responsible for the child.

"Abuse" is defined by the above statute as any of the following:

- A. Disposing or resolving the custody of a child in ways contrary to law;
- B. Employing the child in a position that is dangerous to the child's health, or in violation of the child employment laws of New Jersey;
- C. Employing the child in a position that would endanger the morals of the child;
- D. Parental/guardian's subjection of the child to the habitual use of profane language;
- E. Performing an indecent act or deed, in the presence of a child, where the act may degrade the morals of the child or allowing another person to perform such an act;
- F. The use of excessive physical restraint on the child under circumstances which do not indicate that the child's behavior is harmful to himself, others or property;

CHILD ABUSE MISSING, ABUSED,
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G. Willfully isolating the child from ordinary social contact under circumstances which indicate emotional or social deprivation.

"Abused child" is defined by N.J.S.A. 9:6-8.9 as a child under the age of 18 years whose parent, guardian, or other person having his custody and control:

A. Inflicts or allows non-accidental physical injury which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;

B. Creates or allows a non-accidental and substantial or ongoing risk of physical injury to a child which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ; or

C. Commits or allows to be committed an act of sexual abuse against the child;

D. Or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his/her parent/guardian to exercise a minimum degree of care;

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1. In supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so; or

2. In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to harm, or substantial risk thereof, including the infliction of excessive corporal punishment or using excessive physical restraint under circumstances which do not indicate that the child's behavior is harmful to himself, others or property; or by any other act of a similarly serious nature requiring the aid of the court; or

E. A child who has been willfully abandoned by his parent or guardian, or such other person having his custody and control; or

F. A child who is in an institution as defined in N.J.S.A. 9:6-8.21 and (1) has been so placed inappropriately for a continued period of time with the knowledge that the placement has resulted and may continue to result in harm to the child's mental or physical well-being or (2) has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.

"Child Cruelty" is defined as:

A. Inflicting unnecessarily severe corporal punishment;

B. Inflicting unnecessary suffering or pain, either mental or physical;

C. Habitually tormenting, vexing or afflicting a child;

CHILD ABUSE/MISSING, ABUSED,
AND NEGLECTED CHILDREN (continued)

D. Any willful act of omission or commission causing or permitting unnecessary pain and suffering; or

E. Exposing a child to unnecessary hardship, fatigue or mental or physical strains that may tend to injure the health or physical or moral well-being of such child.

"Missing child" is defined in N.J.S.A. 52:17B-9.8a as a person under 18 years of age reported to a law enforcement agency as being abducted, enticed away, taken, missing or a runaway. A missing child is also defined in N.J.S.A. 52:17B-212 as a person 13 years of age or younger whose whereabouts are not currently known.

"Neglect" is defined as any of the following acts committed by a person having the custody or control of the child:

A. Willfully failing to provide proper and sufficient food, clothing, maintenance, regular school education as required by law, medical attendance or surgical treatment, and a clean and proper home, or

B. Failure to do or permit any act necessary for the child's physical or moral well-being. Neglect includes the continued inappropriate placement of a child in an institution, knowing that the placement has resulted and may continue to result in harm to the child's mental or physical well-being.

"Parent or guardian" means any natural parent, adoptive parent, resource family parent, stepparent, paramour of a parent, or any person, who has assumed responsibility for the care, custody, or control of a child or upon whom there is a legal duty for such care. "Parent" includes the adoptive or resource family parent. The term also includes any person who has assumed the care of a child, or any person with whom a child is living at the time an offense is committed. Parent, as used in this regulation and attendant policy shall include this definition as well as the legal guardian of the child.

In all cases, the right of a parent/guardian to provide treatment for an ill child in accordance with the religious tenets of any church as authorized by other statutes of New Jersey shall be maintained, provided that laws, rules, and regulations relating to communicable diseases and sanitary matters are not violated. No child, who in good faith, is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a duly accredited practitioner of that recognized church or religious denomination, shall for this reason alone, be considered to be abused or neglected.

"New Jersey State Department of Children and Families (DCF)" was created in July 2006 as New Jersey's first Cabinet agency devoted exclusively to serving and safeguarding the most vulnerable children and families in the state. DCF includes:

1. Child Protection and Permanency (DCP&P);
2. Children's System of Care;
3. Family and Community Partnerships;
4. Office of Adolescent Services;
5. Office of Education;

CHILD ABUSE/MISSING, ABUSED,
 AND NEGLECTED CHILDREN (continued)

- 6. Child Welfare Training Academy;
- 7. Centralized Child Abuse/Neglect Hotline;

- "Non-institutional child abuse and neglect" is abuse and/or neglect alleged to have taken place in the home or community by a parent/guardian or any other person having custody or control of the child, and should be reported in person or by telephone to the local DCP&P office.

- "Institutional child abuse and neglect" is abuse alleged to have taken place in a school or other institutional setting by school personnel, compensated and uncompensated (volunteer) and should be reported in person or by telephone to the Institutional Abuse Investigation Unit (IAIU) of the local DCP&P office.

- Indicators of Child Abuse/Neglect

- (from: <http://www.nj.gov/dcf/reporting/indicators/>)

- Physical Abuse

<u>Physical Indicators</u>	<u>Behavioral Indicators</u>
<p><u>Unexplained bruises and welts:</u></p> <ul style="list-style-type: none"> • <u>On face, lips, mouth</u> • <u>On torso, back, buttocks, thighs</u> • <u>In various stages of healing</u> • <u>Cluster, forming regular patterns</u> • <u>Reflecting shape of article used to inflict (electric cord, belt buckle)</u> • <u>On several different surface areas</u> • <u>Regularly appear after absence, weekend or vacation</u> <p><u>Unexplained burns:</u></p> <ul style="list-style-type: none"> • <u>Cigar, cigarette burns, especially on soles of the feet, palms, back or buttocks</u> • <u>Immersion burns (sock-like, glove-like doughnut shaped on buttocks or genitalia)</u> • <u>Patterned like electric burner, iron, etc.</u> • <u>Rope burns on arms, legs, neck or torso</u> <p><u>Unexplained fractures:</u></p> <ul style="list-style-type: none"> • <u>To skull, nose, facial structure</u> • <u>In various stages of healing</u> • <u>Multiple or spiral fractures</u> <p><u>Unexplained laceration or abrasions:</u></p> <ul style="list-style-type: none"> • <u>To mouth, lips, gums, eyes</u> • <u>To external genitalia</u> 	<p><u>Wary of adult contacts</u></p> <p><u>Apprehensive when other children cry</u></p> <p><u>Behavioral extremes:</u></p> <ul style="list-style-type: none"> • <u>Aggressiveness</u> • <u>Withdrawal</u> <p><u>Frightened of parents</u></p> <p><u>Afraid to go home</u></p> <p><u>Reports injury by parents</u></p>

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CHILD ABUSE/MISSING, ABUSED,
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Physical Neglect

<u>Physical Indicators</u>	<u>Behavioral Indicators</u>
<u>Consistent hunger, poor hygiene, inappropriate dress</u> <u>Consistent lack of supervision, especially in dangerous activities or long periods</u> <u>Constant fatigue or listlessness</u> <u>Unattended physical problems or medical needs</u> <u>Abandonment</u>	<u>Begging, stealing food</u> <u>Extended stays at school (early arrival and late departure)</u> <u>Constantly falling asleep in class</u> <u>Alcohol or drug abuse</u> <u>Delinquency (e.g. thefts)</u> <u>States there is no caregiver</u>

Sexual Abuse

<u>Physical Indicators</u>	<u>Behavioral Indicators</u>
<u>Difficulty in walking or sitting</u> <u>Torn, stained or bloody underclothing</u> <u>Pain or itching in genital area</u> <u>Bruises or bleeding in external genitalia, vaginal or anal areas</u> <u>Venereal disease, especially in pre-teens</u> <u>Pregnancy</u>	<u>Unwilling to change for gym or participate in PE</u> <u>Withdrawn, fantasy or infantile behavior</u> <u>Bizarre, sophisticated or unusual sexual behavior or knowledge</u> <u>Poor peer relationships</u> <u>Delinquent or run away</u> <u>Reports sexual assault by caregiver</u>

Emotional Maltreatment

<u>Physical Indicators</u>	<u>Behavioral Indicators</u>
<u>Habit disorders (sucking, biting, rocking, etc.)</u> <u>Conduct disorders (antisocial, destructive, etc.)</u> <u>Neurotic traits (sleep disorders, speech disorders, inhibition of play)</u>	<u>Behavior extremes:</u> <ul style="list-style-type: none"> • <u>Compliant, passive</u> • <u>Aggressive, demanding</u> <u>Overly adoptive behavior:</u> <ul style="list-style-type: none"> • <u>Inappropriately adult</u> • <u>Inappropriately infant</u>

HOTLINE INFORMATION

All reports of child abuse and neglect, including those occurring in institutional settings such as child care centers, schools, foster homes and residential treatment centers, must be reported to the State Central Registry (SCR). This is a toll-free, 24-hour, seven-days-a-week hotline.

CHILD ABUSE MISSING, ABUSED,
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Child Abuse Hotline (State Central Registry)

1-877 NJABUSE
(1-877-652-2873)
TTY 1-800-835-5510

PROCEDURES

Child Protection and Permanency Liaison

A. The Superintendent/Designee shall be the liaison to the Division of Child Protection and Permanency (DCP&P) and/or to the local law enforcement agency

B. The roles and functions of the liaison is to:

1. Act as the primary contact person between schools in the school district and law enforcement authorities, consistent with the memorandum of agreement;
2. Facilitate communication and cooperation between DCP&P and the district including the sharing or transfer of records;
3. Identify issues or problems that arise in the implementation of district policy and procedures related to missing, abused and neglected children and facilitate the resolution of any such problems;
4. Act as the primary contact with DCP&P with regard to training, general information sharing and the maintenance and development of cooperative efforts;
5. Coordinate intervention and prevention efforts.

Law Enforcement Liaison

A. The Superintendent/Designee shall be the liaison to the county prosecutor's office and to the local law enforcement agency

B. The roles and functions of the liaison is to:

1. Facilitate communication and cooperation;
2. Identify issues or problems that arise in the implementation of this Agreement and facilitate the resolution of any such problems;
3. Act as the primary contact person between the schools and the affected law enforcement agencies;
4. Act together in developing joint training and other cooperative efforts, including information exchanges and joint speaking engagements;
5. Coordinate drug and alcohol abuse and violence intervention and prevention efforts; and
6. Consult on the review of school safety and security plans, pursuant to N.J.A.C. 6A:16-5.1, and the review of approved model policies of the School Security Task Force.

Incident Reporting

CHILD ABUSE MISSING, ABUSED,
AND NEGLECTED CHILDREN (continued)

Any person having reasonable cause to believe that a child has been subjected to child abuse, including sexual abuse, or acts of child abuse shall report the same immediately to the Division of Child Protection and Permanency by telephone or otherwise. Such reports, where possible, shall contain the names and addresses of the child and his parent, guardian, or other person having custody and control of the child and, if known, the child's age, the nature and possible extent of the child's injuries, abuse or maltreatment, including any evidence of previous injuries, abuse or maltreatment, and any other information that the person believes may be helpful with respect to the child abuse and the identity of the perpetrator.

Any person who, in good faith, makes a report of child abuse or neglect or testifies in a child abuse hearing resulting from such a report is immune from any criminal or civil liability as a result of such action. Calls can be placed to the hotline anonymously. Any such person who is discharged from employment or is subject to employment discrimination may file a cause of action in the family part of the Chancery Division of the Superior Court in the county in which the discharge or alleged discrimination occurred or in the county of the person's primary residence.

Any person who, in good faith, makes a report of child abuse or neglect or testifies in a child abuse hearing resulting from such a report shall be free from any type of retaliation.

When a complaint made against a school employee alleging child abuse or neglect is determined by the Department of Children and Families to be unfounded, the school district shall remove any references to the complaint and investigation by the department from the employee's personnel records. A complaint made against a school employee that has been classified as unfounded by the department shall not be used against the employee for any purpose relating to employment, including but not limited to, discipline, salary, promotion, transfer, demotion, retention or continuance of employment, termination of employment or any right or privilege relating to employment.

Any person who knowingly violates the reporting requirements and fails to report an act of child abuse having reasonable cause to believe that an act of child abuse has been committed, is a disorderly person.

Any person who knowingly fails to report an act of sexual abuse against a child and who has reasonable cause to believe that an act of sexual abuse has been committed is guilty of a crime of the fourth degree which carries a term of imprisonment for up to 6 months, a fine of up to \$1,000, or both (N.J.S.A. 9:6-8.14; P.L. 2019, c. 40).

Reporting Procedures

The Superintendent has developed these procedures in compliance with statutory requirements that suspected incidents of potentially missing, abused and neglected children be reported. If a student is reasonably believed to be missing, abused or neglected, the following procedures shall apply:

A. Any person having reasonable cause to believe that a child has been subjected to child abuse, including sexual abuse, or acts of child abuse shall report the same immediately to the Division of Child Protection and Permanency by contacting 1-877 NJABUSE (1-877-652-

CHILD ABUSE MISSING, ABUSED,
AND NEGLECTED CHILDREN (continued)

2873) or TTY 1-800-835-5510 or otherwise. Such reports, where possible, shall contain the following:

1. Name, title and position of individual reporting the alleged abuse;
 2. Date, time and location that the report of alleged abuse is being submitted to the district;
 3. Names and addresses of the child and his parent, guardian, or other person having custody and control of the child;
 4. If known, the child's age;
 5. The nature and possible extent of the child's injuries, abuse or maltreatment;
 6. Any evidence of previous injuries, abuse or maltreatment, and any other information that the person believes may be helpful with respect to the child abuse and the identity of the perpetrator.
- B. All staff members, volunteers and interns having contact with pupils are required to report directly and immediately to DCP&P all incidents of alleged missing, abused and neglected children. The person having reason to believe that a child may be missing or may have been abused or neglected may inform the principal or other designated school officials prior to notifying DCP&P if the action will not delay immediate notification. The employee making a report to DCP&P shall inform the principal or other designated school officials that a report was made. Employees, volunteers and interns shall not be required to obtain confirmation by another person to report a suspected missing, abused or neglected child situation;
- C. If a student attendance investigation demonstrates reasonable cause to believe a child is missing or has been abused or neglected, the investigator shall immediately notify the building principal who shall then notify the Superintendent. The Superintendent shall then notify the Division of Child Protection and Permanency in the Department of Children and Families for its determination of whether the division is or has been involved with the child and whether action, as appropriate, is warranted (pursuant to N.J.S.A. 18A:36-25.2);
- D. The person notifying DCP&P shall inform the principal or other designated school officials of the notification if this was not done prior to notifying DCP&P. The principal or other school designated school official should not be given this notification if the person making the notification believes that it would likely endanger the reporter or student involved or result in retaliation against the student or in discrimination against the reporter with respect to his or her employment. In the event that the person notifying DCP&P believes that making such a report to the principal or other designated school official would endanger the reporter or student involved or result in retaliation against the student or in discrimination against the reporter with respect to his or her employment, the reporter should document reasons for that belief in writing to the Superintendent or other appropriate school official.
- E. The principal shall notify the Superintendent and law enforcement authorities of incidents of potentially missing, abused, or neglected child situations. Procedures for the notification of the law enforcement authority shall be consistent with the district Memorandum of Agreement (see board policy 1410 Local Units);
- F. The principal shall ensure that all involved staff cooperate with DCP&P and law enforcement authorities in all investigations of potential missing, abused, or neglected children including

CHILD ABUSE MISSING, ABUSED,
AND NEGLECTED CHILDREN (continued)

facilitating:

1. Accommodations permitting investigators to interview the student in the presence of the school principal or other designated school official. If the student is uncomfortable in the presence of the school representative, the student shall be requested to name an employee, volunteer, or intern he or she feels will be supportive to be present during the interview;
2. Interviews by scheduling time with any employee, volunteer, or intern who may have information relevant to the investigation;
3. The release of all records of the student who is the subject of the investigation that are deemed relevant to the assessment or treatment of a potentially missing, abused, or neglected child;
4. The maintenance, security, and release of all confidential information about potential missing, abused, or neglected child situations;
5. The release of the student to child welfare authorities while school is in session when it is necessary to protect the student or take the student to a service provider. This removal shall take place only after the principal or his or her designee has been provided, either in advance or at the time removal is sought, with appropriate documentation that DCP&P has already removed, or has appropriate authority to remove, the student from his or her home;
6. The transfer to another school of a student who has been removed from his or her home by DCP&P for proper care and protection (see board policy 5118.2 Foster Care and Educational Stability);
7. Notification to the student's parents or guardians shall not be made by school officials or employees when it is suspected that either parent or guardian is responsible for the suspected abuse.

Administrative Responsibilities

The principal shall:

- A. Immediately notify the law enforcement authorities of incidents of potentially missing, abused, or neglected child situations reported by employees, volunteers, or interns. Procedures for the notification of the law enforcement authority shall consistent with the district Memorandum of Agreement (see board policy 1410 Local Units). If the student is attending pursuant to a send-receive or other type of shared services agreement, immediate notice shall also be provided to the law enforcement authorities of the receiving districts. The administration shall consider providing notice to the law enforcement authorities of the sending district where circumstances warrant.
- B. In timely fashion, notify the Superintendent of incidents of potentially missing, abused, or neglected child situations reported by employees, volunteers, or interns;
- C. Document in writing any reported incident of a missing, abused or neglected student. There may be one report or multiple reports depending on the actions taken at the school and the time frame within which the actions were taken. Reports shall include at a minimum:
 1. The date, time and location the incident was reported;

CHILD ABUSE MISSING, ABUSED,
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2. The name of the staff member, volunteer or intern who reported the incident;
3. The date and time the principal notified the law enforcement authorities;
4. The date and time the principal notified the Superintendent;
5. A description of the facts reported which may include the reason the report was made, statements and/or observations that caused the suspicion inciting the report, and who was involved;
6. The date and time of any investigative interviews conducted with school students and staff, including the names, contact information and title of the professional or professionals conducting the interview;
7. A description of any physical evidence that may have been provided or reported by witnesses.

All records of child abuse reports, all information obtained by the Department of Children and Families in investigating such reports, and all reports of findings forwarded to the child abuse registry shall be kept confidential.

Interviews and Investigations

When DCP&P and/or law enforcement officials investigate allegations of missing, abused or neglected students on school grounds the principal shall:

- A. Check the credentials of the DCP&P caseworker or law enforcement official requesting the interview or information;
- B. Arrange for any necessary accommodations permitting authorized investigators to interview the student in the presence of the principal or designated school official;
- C. If necessary arrange for a school representative of the student's preference to be present during the interview, when the student is not comfortable with the principal or the other designated school official;
- D. As requested by DCP&P and/or the law enforcement official, schedule interview times and locations with any employee, volunteer, or intern who may have information relevant to the investigation;
- E. Prepare and release the records of the student who is the subject of the investigation that are deemed relevant to the assessment or treatment of the potentially missing, abused, or neglected student, to the extent permitted by N.J.S.A. 18A:36-19 and 9:6-8.40 and allowable under the Family Education Rights and Privacy Act (FERPA), 34 CFR Part 99;
- F. Cooperate with the maintenance, security, and release of all confidential information:
 1. All information regarding allegations of potentially missing, abused, or neglected children reported to authorities about an employee, volunteer, or intern shall be considered confidential and may be disclosed only as required to cooperate in investigations or as required by court order;

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AND NEGLECTED CHILDREN (continued)

2. Records pertaining to such information about an employee, volunteer, or intern shall be maintained in a secure location separate from other employee personnel records and accessible only to the Superintendent or his or her designee;

G. Facilitate the release of the student to DCP&P while school is in session when it is necessary to protect the student or take the student to a service provider. This removal shall take place only after the principal or his or her designee has been provided, either in advance or at the time removal is sought, with appropriate documentation that DCP&P has already removed, or has appropriate authority to remove, the student from his or her home;

H. Cooperate with and facilitate any transfer arrangements made to another school of a student who has been removed from his or her home by DCP&P for proper care and protection according to the provisions of board policy and procedure 5118.2 Foster Care and Educational Stability.

Due Process Rights of a School Employee, Volunteer, or Intern Named As a Suspect

A. An employee, volunteer, or intern working in the school district who has been named as a suspect in a notification to child welfare and law enforcement authorities regarding a missing, abused, or neglected child situation shall be entitled to due process rights;

B. Temporary reassignment or suspension of an employee, volunteer, or intern working in the school district named as a suspect shall occur only if there is reason to believe that the life or health of the alleged victim or other pupil is in imminent danger due to continued contact between the employee, volunteer, or intern and the pupil;

C. All references to a notification to DCP&P of a potential missing, abused, or neglected child situation involving a school district employee, shall be removed from the employee's personnel records immediately following the receipt of an official notice from DCP&P that the allegation was unfounded.

D. Any employee who is licensed in the State of New Jersey to practice psychology, psychiatry, medicine, nursing, clinical social work or marriage counseling, is immune from any civil liability for a patient's violent act against another person or against himself unless the practitioner has incurred a duty to warn and protect the potential victim and fails to discharge that duty. Both the duty to warn and exceptions to that duty are located at N.J.S.A. 2A:62A-16.

Suicide Reporting

A. Any employee, volunteer, or intern with reasonable cause to suspect or believe that a student has attempted or completed suicide, shall report the information to the Department Children and Families. The information shall be reported in the form and manner prescribed by the Department of Children and Families;

B. Any person who has reported attempted or completed suicide, shall notify the principal of the reported suspicion, if they did not notify the principal prior to filing the initial report;

CHILD ABUSE MISSING, ABUSED,
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C. The principal or his or her designee may assist the staff member, volunteer or intern in making the report to the Department Children and Families (DCF). Assistance may include:

1. Distributing the board policy and procedure 5141.4 Missing, Abused and Neglected Children;
2. Directing the staff member, volunteer or intern to the DCF website and the electronic reporting form at <http://www.nj.gov/dcf/adolescent/prevention/suicidereportingform.html>;
3. Provide information regarding confidentiality of reporting;

D. The principal shall notify the Superintendent of any incident where a staff member, volunteer or intern has reported to the principal and/or DCF that a student has attempted or completed suicide;

E. The principal or his or her designee shall keep a written record of any reported incidents of attempted or completed suicide including:

1. The date and time the incident was reported;
2. The name of the staff member, volunteer or intern who reported the incident.

The staff member, volunteer or intern that reports attempted or completed suicide shall have immunity from any civil or criminal liability on account of that report, unless the person has acted in bad faith or with malicious purpose.

Staff members, volunteers or interns shall not be required to disclose, or be penalized for the failure to disclose, any information which would be privileged according to law (N.J.S.A. 2A:84A-18 through -23).

Professional Development

The Superintendent shall require each teaching staff member to complete at least two hours of instruction in suicide prevention during each professional development cycle. The instruction must be provided by a licensed health care professional with training and experience in mental health issues. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and 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.

CHILD ABUSE MISSING, ABUSED,
AND NEGLECTED CHILDREN (continued)

Possible

<u>Cross References:</u>	5113	Absences and excuses
	5125	Pupil records
	5141.1	Accidents
	5141.4	Child Abuse and Neglect
	5142	Pupil safety

Key Words

Pupil Safety, Child Abuse, Child Neglect, Student Safety

Date Adopted: 08/23/2005

Date Revised: 05/19/2015

Rationale: Provide for more comprehensive directives in managing child abuse as well as more detailed indicators to staff to ensure its prompt identification.

CHILD ABUSE AND NEGLECTMISSING, ABUSED, AND NEGLECTED CHILDREN

The Board of Education believes that a child's physical and mental well-being must be maintained as a prerequisite to achievement through the formal educational process. The Board therefore believes that it is important to identify and investigate suspected child abuse or neglect immediately. The school district will cooperate with the New Jersey Division of Child Protection and Permanency (DCP&P) in identifying and reporting all such cases, whether institutional or noninstitutional.

In order to increase awareness of the signs and symptoms of missing, abused and neglected children and cause employees, volunteers and interns to be better informed on all aspects of missing, abused and neglected children, the Board directs the Superintendent to provide information and in-service training on these subjects to all school employees, volunteers and interns. Specifically, this training shall include information on the district's policies and procedures for reporting allegations of missing, abused, or neglected child situations. All new employees, volunteers and interns shall receive the required information and training as part of their orientation.

Liaisons to DCP&P and Law Enforcement Authorities

The Superintendent/designee shall act as liaison between DCP&P and the district. The liaison shall facilitate communication and cooperation between the district and DCP&P and act as primary contact between the schools and DCP&P. The Superintendent/designee shall act as liaison between law enforcement authorities and the district. The liaison shall facilitate communication and cooperation between the district and law enforcement authorities and act as primary contact between the school and law enforcement.

Reporting Procedures

In accordance with law (N.J.S.A. 9:6-8.10; P.L. 2019, c. 40), any person having reasonable cause to believe that a child has been subjected to child abuse, including sexual abuse, or acts of child abuse shall report the same immediately to the Division of Child Protection and Permanency by telephone or otherwise. Such reports, where possible, shall contain the names and addresses of the child and his/her parent, guardian, or other person having custody and control of the child and, if known, the child's age, the nature and possible extent of the child's injuries, abuse or maltreatment, including any evidence of previous injuries, abuse or maltreatment, and any other information that the person believes may be helpful with respect to the child abuse and the identity of the perpetrator.

CHILD ABUSE/MISSING, ABUSED
AND NEGLECTED CHILDREN (continued)

The Superintendent is directed to develop procedures for compliance with statutory requirements that suspected incidents of potentially missing, abused and neglected children be reported. The following procedures shall apply:

- A. All staff members, volunteers and interns having contact with pupils are required to report directly and immediately to DCP&P all incidents of alleged missing, abused and neglected children. The person having reason to believe that a child may be missing or may have been abused or neglected may inform the principal or other designated school officials prior to notifying DCP&P if the action will not delay immediate notification. Employees, volunteers and interns shall not be required to obtain confirmation by another person to report a suspected missing, abused or neglected child situation;
- B. The person notifying DCP&P shall inform the principal or other designated school officials of the notification, if this was not done prior to notifying DCP&P. The principal or other designated school officials should not be given this notification if the person making the notification believes that it would likely endanger the reporter or student involved or result in retaliation against the student or in discrimination against the reporter with respect to his or her employment;
- C. The principal shall notify the law enforcement authorities of incidents of potentially missing, abused, or neglected child situations. Law enforcement authorities shall be notified about all reports by employees, volunteers, or interns working in the school district. Procedures for the notification of the law enforcement authority shall consistent with the district Memorandum of Agreement (see Board policy 1410 Local Units);
- D. The principal shall ensure that all involved staff cooperate with DCP&P and law enforcement authorities in all investigations of potential missing, abused, or neglected children including facilitating:
 1. Accommodations permitting investigators to interview the student in the presence of the school principal or other designated school official. If the student is intimidated by the presence of the school representative, the student shall be requested to name an employee, volunteer, or intern he or she feels will be supportive to be present during the interview;
 2. Interviews by scheduling time with any employee, volunteer, or intern who may have information relevant to the investigation;
 3. The release of all records of the student who is the subject of the investigation that are deemed relevant to the assessment or treatment of a potentially missing, abused, or neglected child;
 4. The maintenance, security, and release of all confidential information about potential missing, abused, or neglected child situations;
 5. The release of the student to child welfare authorities while school is in session when it is necessary to protect the student or take the student to a service provider. This removal shall take place only after the principal or his or her designee has been provided, either in advance or at the time removal is sought, with appropriate documentation that DCP&P has already removed, or has appropriate authority to remove, the student from his or her home;
 6. The transfer to another school of a student who has been removed from his or her home

CHILD ABUSE MISSING, ABUSED
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by DCP&P for proper care and protection (see Board policy 5118.2 Foster Care and Educational Stability).

Any person who knowingly violates the reporting requirements and fails to report an act of child abuse having reasonable cause to believe that an act of child abuse has been committed, is a disorderly person.

Any person who knowingly fails to report an act of sexual abuse against a child and who has reasonable cause to believe that an act of sexual abuse has been committed is guilty of a crime of the fourth degree which carries a term of imprisonment for up to 6 months, a fine of up to \$1,000, or both (N.J.S.A. 9:6-8.14; P.L. 2019, c. 40).

~~The Board directs the Superintendent/designee to gather, maintain, secure and make available to DCP&P the relevant confidential district records of any pupil alleged either by school personnel or DCP&P to be the victim of abuse or neglect as defined by law. The Board also directs the Superintendent/designee to cooperate with DCP&P in scheduling interviews with any employee, volunteer or pupil who may have information relevant to an investigation of child abuse.~~

~~In order to increase school employees' and volunteers' awareness of the symptoms of child abuse and neglect and cause them to be better informed on all aspects of abuse and neglect, the Board directs the Superintendent to provide information and in-service training on the subject to all school employees and volunteers.~~

~~The Superintendent is therefore directed to develop procedures for compliance with statutory requirements that child abuse and neglect be reported. All procedures as well as this policy shall be reviewed by the County Superintendent. Procedures shall:~~

~~A. Impress on all staff members and volunteers having contact with pupils of their responsibility to report directly and immediately to DCP&P all cases of suspected abuse, abandonment, cruelty or neglect resulting in physical or mental injury, and the penalties for failing to do so. Point out that institutional abuse—abuse alleged to have taken place in the school or other institutional setting by paid school staff or a volunteer—must be reported on the same basis as noninstitutional abuse. Information reported shall include the name, age, and grade of the child, as well as the name and address of the child's parents/guardians. The report shall also include a description of the child's condition, nature and extent of his/her possible injuries, and any other information pertinent to the child abuse or neglect or identification of the suspected perpetrator;~~

~~B. Provide for the annual delivery of information and inservice training to all school staff members and volunteers concerning child abuse and neglect. This shall include instructional methods and personnel responsibilities;~~

~~C. Provide for the delivery of information and inservice training to all school district employees, —both paid and voluntary, as part of their orientation;~~

~~D. Require all school personnel and volunteers to report suspected instances of child abuse or neglect to the building principal after reporting to DCP&P, unless the reporting personnel~~

CHILD ABUSE/MISSING, ABUSED
AND NEGLECTED CHILDREN (continued)

~~believes that he/she may be endangering the welfare of the child or himself/herself or causing retaliation or discrimination against the child or himself/herself by such notice to the building principal;~~

- ~~E. Require prompt action to facilitate treatment options of such injuries as result from abuse or neglect so as to protect the health of the child;~~
- ~~F. Provide for DCP&P investigators to interview alleged victims in the presence of the school principal, his/her designee, or any staff member with whom the child is comfortable;~~
- ~~G. Provide for cooperation with DCP&P in scheduling interviews with any school personnel or volunteers who may have information relevant to the investigation;~~
- ~~H. Permit DCP&P to remove pupils from school during the course of the school day when it is necessary to protect the child or take the child to a service provider. Removal shall take place when the principal is provided, either in advance or at the time removal is sought, with appropriate authorization as specified in N.J.S.A. 9:6-8.27 through 8.30;~~
- ~~I. Require that a report of each case of unexplained absence which might be a cause of child abuse or neglect be reported to DCP&P as the law provides, and to other appropriate school staff;~~
- ~~J. Require that appropriate school staff follow the progress of the child and maintain communication through the liaison with DCP&P in order to ensure continuance of the appropriate educational program for the child;~~
- ~~K. Release all pupil records of the child(ren) under investigation that are deemed relevant and maintain, secure and release all confidential information about child abuse cases, according to law;~~
- ~~L. Fulfill all other procedural requirements of the law.~~

~~Any employee's act of unbecoming conduct in the treatment of children, including alleged acts of child abuse reported to the Division of Youth and Family Services, shall be promptly reported to the principal, who shall immediately inform the Superintendent and institute an investigation of the matter. The Superintendent may temporarily reassign the employee or, with the concurrence of the Board President, suspend the employee without loss of pay pending an investigation.~~

~~The Board assures all school personnel and volunteers that no one will be discharged from employment or discriminated against in any way as a result of making in good faith any reports of child abuse and neglect.~~

Due Process

Due process rights will be provided to school personnel or volunteers who have been reassigned or suspended as a result of an accusation of child abuse or neglect. Temporary reassignment or suspension of school personnel or volunteers alleged to have committed an act of child abuse or neglect shall occur if there is reasonable cause to believe that the life or health of the alleged

CHILD ABUSE MISSING, ABUSED
AND NEGLECTED CHILDREN (continued)

victim or other children is in imminent danger due to continued contact between the school personnel and a child. Due process rights shall include notice of the proposed suspension and a pre-suspension opportunity to respond.

If abuse is found, resulting from a single incident occurring in the school district, the Superintendent shall be available to meet with the Department of Children and Families, which may request that the Superintendent create a corrective action plan. The plan may include, but shall not be limited to, action to be taken with respect to a teacher, intern, employee, volunteer or other staff member to assure the health and safety of the alleged victim and other children and to prevent future acts of abuse or neglect. Within 30 days of the date the Department requested the remedial plan, the Superintendent shall notify the Department in writing of the progress in preparing the plan. The Superintendent shall complete the plan within 90 days of the date the Department requested the plan.

If the child abuse or neglect is the result of several incidents occurring in the school district, within 30 days of receipt of the report of child abuse or neglect, the Department of Children and Families may request that the Superintendent make administrative, personnel or structural changes within the district.

Records

All information regarding allegations of potentially missing, abused, or neglected children reported to authorities about an employee, volunteer, or intern working in the school district shall be considered confidential and may be disclosed only as required to cooperate in investigations. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the Superintendent or his or her designee

All references to a report of child abuse or neglect against school personnel shall be removed from employee personnel records immediately following the receipt of an official notice from DCP&P that such allegations were unfounded.

Suicide Reporting

The Board is committed to supporting State efforts to improve the information available to both professionals, who are in contact with youth at risk of suicide, and families at risk; identify and provide suitable intervention services to reduce the incidence of suicide; and educate youths and families at risk about the resources available for suicide prevention and intervention about youths who attempt suicide.

Therefore, in compliance with law (N.J.S.A. 30:9A-24 and N.J.A.C. 6A:16-11.1) school district employees, volunteers, or interns with reasonable cause to suspect or believe that a student has attempted or completed suicide, shall report the information to the Department of Children and Families. The information shall be reported in the form and manner prescribed by the Department of Children and Families.

The information contained in the report to Department of Children and Families shall not be considered a public record, but the division may aggregate the data for the purpose of preparing

CHILD ABUSE MISSING, ABUSED
AND NEGLECTED CHILDREN (continued)

an annual report. The reporter shall not be required to identify the student or youth by name or other unique identifier but may be required to supply non-identifying demographic information about the student or youth, other attempts made by the student or youth and the response or referral made to deal with the incident.

Any person who reports an attempted or completed suicide shall have immunity from any civil or criminal liability on account of that report, unless the person has acted in bad faith or with malicious purpose.

Protection from Reprisal or Retaliation

The Board assures all school personnel and volunteers that no one will be discharged from employment or discriminated against in any way as a result of making in good faith any reports of child abuse and neglect. Reprisal or retaliation against any person who, in good faith, reports or causes a report to be made of a potential missing, abused or neglected child situation is prohibited.

Staff members, volunteers or interns shall not be required to disclose, or be penalized for the failure to disclose, any information which would be privileged according to law (N.J.S.A. 2A:84A-18 through -23).

Possible

Cross References: 5113 Absences and excuses
5125 Pupil records
5141.1 Accidents
R5141.4 Child Abuse and Neglect
5142 Pupil safety

Key Words

Pupil Safety, Child Abuse, Child Neglect, Student Safety

Date Adopted: 08/23/2005

Date Revised: 05/19/2015

Rationale: Policy rewritten and formatted for ease of reference as well as to accommodate mandatory reporting requirements and penalties for non-reporting as noted in N.J.S.A. 9:6-8.14; P.L. 2019, c. 40

CONDUCT/DISCIPLINE

The Board believes that an effective instructional program requires an orderly school environment and that the effectiveness of the educational program is, in part, reflected in the behavior of pupils. The Board approved Code of Pupil Conduct is established to achieve the following purposes:

- A. Foster the health, safety, and social and emotional well-being of pupils;
- B. Support the establishment and maintenance of civil, safe, secure, supportive and disciplined school environments conducive to learning;
- C. Promote achievement of high academic standards;
- D. Prevent the occurrence of problem behaviors;
- E. Establish parameters for the intervention and remediation of problem pupil behaviors at all stages of identification; and
- F. Establish parameters for consistent responses to violations of the code of pupil conduct that take into account, at a minimum, the severity of offenses, the developmental ages of pupil offenders and pupils' histories of inappropriate behaviors as appropriate.

The Board of Education expects pupils to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other pupils, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment. Pupils are required to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority and respond to those who hold that authority.

The Board of Education believes that standards of pupil behavior must be set cooperatively by interaction among the pupils, parents/guardians, staff and community, producing an atmosphere that encourages pupils to grow in self-discipline. Such an atmosphere must include respect for self and others, as well as for district and community property.

The best discipline is self-imposed, and pupils must learn to assume and accept responsibility for their own behavior, and for the consequences of their misbehavior. Staff members who interact with pupils shall use preventive disciplinary action and place emphasis on the pupils' ability to grow in self-discipline.

CONDUCT/DISCIPLINE (continued)

~~The Superintendent shall develop general guidelines for pupil conduct on school property and shall direct development of detailed regulations suited to the age level of the pupils and the physical facilities of the individual schools.~~ Board policy requires each pupil of this district to adhere to the rules and regulations established by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. The Superintendent shall provide to pupils and their parents/guardians the rules of this district regarding pupil conduct and the sanctions that may be imposed for breach of those rules. Provisions shall be made for informing parents/guardians whose primary language is other than English, when necessary and possible

The Superintendent shall establish the degree of order necessary to the educational program in which pupils are engaged. In developing regulations to implement this policy, the Superintendent shall provide appropriate recognition for pupils who consistently maintain high standards of self-discipline and good citizenship.

Code of Conduct

The Superintendent shall oversee the development of and the Board shall approve a code of pupil conduct which establishes standards, policies and procedures for positive pupil development and pupil behavioral expectations on school grounds, including on a school bus or at school sponsored functions. The code of conduct may be based on parent/guardian, pupil and community involvement. The Superintendent has the right and authority to impose a consequence on a pupil for conduct away from school grounds that is consistent with the Board's approved code of pupil conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.6.

This authority shall be exercised only when it is reasonably necessary for the pupil's physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other pupils, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, and when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. The Board shall direct development of detailed regulations suited to the age level of the pupils and the physical facilities of the individual schools.

The district code of conduct shall contain:

A. A description of pupil responsibilities that includes expectations for academic achievement, behavior and attendance;

B. A description of behaviors that will result in suspension or expulsion;

C. A description of the pupils' rights to:

1. Advance notice of behaviors that will result in suspensions or expulsions;
2. Education that supports pupil development into productive citizens;
3. Attendance in safe and secure school environment;
4. Attendance in school irrespective of marriage, pregnancy, or parenthood;
5. Due process and appeal procedures in accordance with law and Board policy;
6. Parent notifications consistent with Board policy and law for law enforcement interviews

CONDUCT/DISCIPLINE (continued)

(5145.11 Questioning and Apprehension), short-term and long-term suspension (5114 Suspension and Expulsion), due process and appeal procedures, and attendance (5113 Attendance, Absences and Excuses);

7. Records and privacy protections (5125 Pupil Records).

D. A description of comprehensive behavioral supports that promote positive pupil development and assist each pupil in fulfilling the district behavioral expectations established including:

1. Positive reinforcement for good conduct and academic success;
2. Supportive interventions and referral services;
3. Remediation of problem behavior that takes into account the behavior's nature, the pupils' developmental ages and the pupils' histories of problem behaviors and performance; and
4. Behavioral interventions and supports for pupils with an IEP or accommodation plans.

E. A description of responses to violations of behavioral expectations that, at a minimum, are graded according to the severity of the offenses, and consider the developmental ages of the pupil offenders and their histories of inappropriate behaviors that shall:

1. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;
2. Be consistent with other responses as required by law for serious offences including firearms, weapons and assault offenses;
3. Ensure that the code of pupil conduct is applied equitably without regard to race, color, religion, ancestry, national origin, nationality, sex, gender, sexual orientation, gender identity or expression, marital, domestic-partnership, or civil-union, mental, physical, or sensory disability, or any other distinguishing characteristic;
4. Be consistent with the provisions of N.J.S.A. 18A:6-1 regarding the corporal punishment of pupils.

F. Expectations and consequences consistent Board policies and procedures 5113 Attendance, Absences and excuses and 5131.1 Harassment, Intimidation and Bullying;

G. A current list of community-based health and social service provider agencies available to support a pupil and the pupil's family, as appropriate, and a list of legal resources available to serve the community.

A pupil may be denied privileges such as participation in extracurricular activities, school functions, sports, graduation exercises or other privileges as disciplinary sanctions in order to maintain the order and integrity of the school environment.

Pupil Behavioral Infractions

Pupils who display chronic behavioral or academic problems may be referred to the child study team by the Superintendent for an evaluation to determine disability or the need for other services. Such referrals shall be in strict accordance with the due process regulations prescribed by the administrative code. Pupils so identified shall be provided with appropriate programs and services as prescribed by the child study team.

CONDUCT/DISCIPLINE (continued)

A pupil whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be suspended in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.4, following due process. However, one incident alone is not sufficient cause for an expulsion.

Any pupil who commits an assault (as defined by N.J.S.A. 2C:12-1) upon a board member, teacher, administrator or other employee of the Board of Education shall be suspended from school immediately according to procedural due process, and suspension in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.4. However, one incident alone is not sufficient cause for an expulsion. Proceedings shall begin no later than 30 calendar days from the date of the pupil's suspension.

The Superintendent or his or her designee shall take appropriate measures to ensure that minority and male pupils shall not be disproportionately represented in detentions, suspensions, and expulsions.

Substance Abuse

In accordance with statute and code, penalties shall be assigned for use, possession and distribution of proscribed substances and drug paraphernalia. The penalties shall be graded according to the severity of the offense in accordance with policy 5131.6 Substance Abuse. Infractions shall be reported to the local law enforcement agency in accordance with the district's memorandum of agreement. Confidentiality shall be protected in accordance with federal and state law.

Weapons Offenses

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The Superintendent may modify this suspension on a case-by-case basis. Each pupil so removed shall be placed in an alternative educational program or on home instruction pending alternative education program placement and shall be entitled to a hearing before the Board. The hearing shall take place no later than 30 days following the day the pupil is removed from the regular education program and shall be closed to the public.

The principal shall be responsible for the removal of such pupils and shall immediately report them to the Superintendent. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

The Superintendent shall determine at the end of the year whether the pupil is prepared to return to the regular education program, in accordance with N.J.A.C. 6A:16-5.5(i).

Teaching staff members and other employees of this Board having authority over pupils shall take such lawful means as may be necessary to control the disorderly conduct of pupils in all situations and in all places where such pupils are within the jurisdiction of this Board.

Harassment, Intimidation or Bullying

CONDUCT/DISCIPLINE (continued)

The Board expects all pupils to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. This type of behavior interferes with a pupil's ability to learn and a school's ability to educate its pupils in a safe environment. Therefore, the school district will not tolerate acts of harassment, intimidation or bullying.

The Board prohibits acts of harassment, intimidation or bullying against any pupil in accordance with Board policy 5131.1 Harassment, Intimidation and Bullying, and law.

"Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds in accordance with law, that substantially disrupts or interferes with the orderly operation of the school or the rights of other pupils and that:

- A. A reasonable person should know, under the circumstances, will have the effect of physically or mentally harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of physical or mental harm to his/her person or damage to his/her property; or
- B. Has the effect of insulting or demeaning any pupil or group of pupils; or
- C. Creates a hostile educational environment by interfering with the pupil's education or by severely or pervasively causing physical or emotional harm to the pupil.

"Electronic communication" means a communication that is transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager, that takes place on school grounds, at any school-sponsored function or on a school bus.

~~The regulations shall:~~

- ~~A. Require that pupils conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority and respond to those who hold that authority;~~
- ~~B. Establish the degree of order necessary to the educational program in which pupils are engaged.~~

~~Pupils who display chronic behavioral or academic problems may be referred to the Child Study Team by the Superintendent for possible identification as disruptive or disaffected. Such referrals shall be in strict accordance with the due process regulations prescribed by the administrative code. Pupils so identified shall be provided with appropriate programs and services as prescribed by the child study team.~~

~~A pupil whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be suspended or expelled, following due process.~~

CONDUCT/DISCIPLINE (continued)

~~Any pupil who commits an assault (as defined by N.J.S.A. 2C:12-1) upon a board member, teacher, administrator or other employee of the Board of Education shall be suspended from school immediately according to procedural due process, and suspension or expulsion proceedings shall begin no later than 30 calendar days from the date of the pupil's suspension.~~

Pupils with Disabilities~~Disabled~~

Classified pupils are subject to the same disciplinary procedures as nondisabled pupils and may be disciplined in accordance with their IEP. However, before disciplining a classified pupil, it must be determined that:

- A. The pupil's behavior is not primarily caused by his/her educational disability;
- B. The program that is being provided meets the pupil's needs.

Staff shall comply with state and federal law and the regulations of the New Jersey administrative code in dealing with discipline and/or suspension of all pupils with disabilities.

Policy and Procedure Development, Review and Dissemination

~~The standards and procedures developed to implement this policy shall be aligned with the Board approved code of pupil conduct and accepted Board approved core ethical values. Policies, standards and procedures shall be based on parent, pupil and community involvement which represents, where possible, the composition of the schools and community, in accordance with N.J.A.C. 6A:16-7.1.~~

~~This policy shall be reviewed annually and updated along with the code of pupil conduct. This process shall include:~~

- ~~A. Parent, pupil and community involvement which represents, where possible, the composition of the schools and community;~~
- ~~B. Consideration of the findings of the annual reports of pupil conduct, suspensions and expulsions; and incidences reported under the Student Safety Data System.~~

Implementation

The Superintendent shall ensure that the rules for this policy are applied consistently with the district's code of pupil conduct (N.J.A.C. 6A:16-7) and all applicable laws and regulations and uniformly, and that all disciplinary sanctions are carried out with necessary due process.

The Board shall review and update the code of pupil conduct annually. The code of pupil conduct shall be disseminated annually to all school staff, pupils and parents/guardians.

The Superintendent shall report as required by law to the New Jersey Department of Education on pupil conduct, including all pupil suspension and expulsion and incidences reported under the Student Safety Data System.

Employees shall receive annual training on the code of pupil conduct, including training on the

CONDUCT/DISCIPLINE (continued)

prevention, intervention, and remediation of pupil conduct that violates the code of pupil conduct. Information on the code of pupil conduct shall be incorporated into the orientation for new employees.~~all related policies on a regular basis.~~

CONDUCT/DISCIPLINE (continued)

Possible

<u>Cross References:</u>	1220	<u>Ad hoc</u> advisory committees
	1410	Local units
	3541.33	Transportation safety
	4131/	Staff development; inservice education/visitation conferences
	4131.1	
	4231/	Staff development; inservice education/visitation conferences
	4231.1	
	5020	Role of parents/guardians
	5113	Absences and excuses
	5114	Suspension and expulsion
	5124	Reporting to parents/guardians
	5127	Commencement activities
	R5131	Student Behavior on School Buses
	5131.1	Harassment, Intimidation or Bullying
	5131.5	Vandalism/violence
	5131.6	Drugs, alcohol, tobacco (substance abuse)
	5131.7	Weapons and dangerous instruments
	5145.4	Equal educational opportunity
	5145.6	Pupil grievance procedure
	5145.11	Questioning and apprehension
	5145.12	Search and seizure
	6145	Extracurricular activities
	6164.4	Child study team
	6171.4	Special education
	6172	Alternative educational programs

Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Pupil Behavior on School Bus

Date Adopted: 08/23/2005

Date Revised:

Rationale: Added recommended NJSBA language to reference other district policies (weapons, HIB, Substance Abuse). Directed the creation of a Pupil Code of Conduct (which the Board already has adopted as R5131). Clarified Implementation and Dissemination procedures.

DRUGS, ALCOHOL, TOBACCO and STEROIDS
(Substance Abuse)

Drugs, Alcohol, Tobacco, and Steroids

It is the responsibility of the Board of Education to safeguard the health, character, citizenship, and personality development of the students in its schools. The Board of Education recognizes that the misuse of drugs, alcohol, anabolic steroids, electronic smoking devices, and tobacco threatens the positive development of students and the welfare of the entire school community. We therefore, must maintain that the use of drugs and the unlawful possession and use of alcohol is wrong and harmful. The Board of Education is committed to using wellness strategies that encourage the prevention, intervention, and cessation of drug, alcohol, tobacco and steroid abuse.

The Board of Education recognizes that tobacco is a gateway drug and highly addictive and that the use of tobacco products is a health, safety, and environmental hazard for students, employees, visitors, and school facilities. The Board believes that the use of tobacco products on school grounds, in school buildings and facilities, on school property or at school-related or school-sponsored events is detrimental to the health and safety of students, faculty/staff and visitors. The board acknowledges that adult employees and visitors serve as role models for students. The board recognizes that it has an obligation to promote positive role models in schools and to promote a healthy learning and working environment, free from unwanted smoke and tobacco use for the students, employees, and visitors on the school campus. Finally, the Board recognizes that it has a legal authority and obligation pursuant to P.L. 2005, Chapter 383 New Jersey Smoke-Free Air Act as well as the federal Pro-Children's Act, Title X of Public Law 103-227 and the ~~No Child Left Behind Act, Part C, Environmental Smoke, Section 4303~~Every Student Succeeds Act, Environmental Tobacco Smoke, Section 8573.

Drugs, Alcohol, Steroids

A. Definitions

For the purpose of this policy and its corresponding regulation, "drug" includes all controlled dangerous substances set forth in N.J.S.A. 24:21-1 et seq., N.J.S.A. 2C:35-2 and all chemicals that release toxic vapors set forth in N.J.S.A. 39:4-50.

For the purpose of this policy and its corresponding regulation, "drug" shall also include "counterfeit controlled substances" which shall be defined as follows:

DRUGS, ALCOHOL, TOBACCO AND
STEROIDS (SUBSTANCE ABUSE) (continued)

1. Any drug that bears, or whose container or label bears a trademark, trade name, or identifying mark used without authorization of the owner of rights to such trademark, trade names or identifying mark;
2. Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;
3. Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;
4. Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, in its marking, labeling, packaging, distribution, or the price for which it sold, or offered for sale.
5. Any over the counter drugs and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupification, or dulling of the brain or nervous system.
6. Any substance, natural or synthetic, used for the recreational purpose of chemically inducing a feeling of intoxication, inebriation, excitement, stupification or dulling of the brain or nervous system.

B. Students

1. The Board of Education (Board) prohibits the use, possession and/or distribution of any drug, alcohol, or steroids on school premises, and at any event away from the school provided by the Board. Compliance with a drug-free standard of conduct at all school functions is mandatory for all students. Pupils, suspected of being under the influence of drugs, alcohol, or steroids will be identified, evaluated, and reported in accordance with the law. Assessment will be provided by individuals who are certified by the New Jersey State Board of Examiners as student assistance coordinators or by individuals who are appropriately certified by the New Jersey Board of Examiners and trained in alcohol and other drug abuse prevention. A pupil who uses, possesses, or distributes drugs, alcohol or steroids on school premises or while attending a school-sponsored activity will be subject to discipline that may include suspension or expulsion, and will be reported to appropriate law enforcement personnel. Pupils suspected of involvement with alcohol, drugs or steroids away from school premises will be advised of appropriate treatment and remediation. Treatment services for students who are affected by alcohol or other drug use will be provided by individuals who are certified as student assistance coordinators or who are otherwise appropriately trained in drug and alcohol prevention, intervention, and follow-up. Treatment will not be at the Board's expense.
2. The Board directs the establishment of a program designed to provide short-term counseling and support services for pupils who are in care or returning from care for alcohol and other drug dependencies. Pursuant to N.J.S.A. 18A:40A-16 the district shall identify substance abuse programs and resources to the parents/guardians of pupils enrolled in the district.

DRUGS, ALCOHOL, TOBACCO AND
STEROIDS (SUBSTANCE ABUSE) (continued)

3. Students may take advantage of a self-referral procedure to seek information, guidance, counseling and/or assessment in regard to his/her use of alcohol and/or other drugs. First time voluntary referrals DO NOT carry any punitive consequences. The following are guidelines for this procedure:
 - i. Students are allowed to voluntarily refer themselves for help for a substance abuse problem during their high school or middle school participation.
 - ii. Self-referrals may be made by the student or the student's family.
 - iii. Self-referrals cannot be used as a way to avoid consequences once a policy, regulation, or rule of the Sayreville Board of Education or the school has been violated. This stipulation applies not only to violations of this policy, but also applies to any policy, regulation, or rule of the Sayreville Board of Education or the school.
 - iv. Self-referrals will lead to a referral for an assessment at an approved agency or provider
 - v. Self-referrals will remain confidential. However, proper release of information forms must be on file with the student assistance coordinator.

C. Law Enforcement for Drugs and Alcohol

1. Enforcement of Drug-free School Zones

The Board of Education recognizes its responsibility to ensure continuing cooperation between school staff and law enforcement authorities in all matters relating to the use, possession, and distribution of controlled dangerous substances and drug paraphernalia on school property. The Board further recognizes its responsibility to cooperate with law enforcement authorities in planning and conducting law enforcement activities and operations on school property. The Board shall, therefore, establish a formal Memorandum of Agreement with the appropriate law enforcement authorities and set forth the following policies and procedures after consultation with the county prosecutor and approval by the Executive County Superintendent of schools. The Memorandum of Agreement shall be consistent with the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials.

2. Law Enforcement Liaison

In order to ensure that such cooperation continues, the Board directs the Superintendent to designate a school district liaison(s) to law enforcement agencies and to prescribe the roles and responsibilities the school liaison(s). Such assignment shall be in accordance with the district's bargaining agreement, if applicable.

3. Undercover Operations

The Board hereby recognizes that the Superintendent may request that law enforcement

DRUGS, ALCOHOL, TOBACCO AND
STEROIDS (SUBSTANCE ABUSE) (continued)

authorities conduct an undercover operation in the school if he/she has reason to believe that drug use and/or drug trafficking is occurring in the school and that a less intrusive means of law enforcement intervention would be ineffective. The Board hereby authorizes the Superintendent to request such intervention under these circumstances. The Board recognizes that the Superintendent is not permitted to ask the Board's approval for his/her action and is not permitted to discuss any aspect of the undercover operation until authorized to do so by law enforcement authorities.

The Board recognizes that law enforcement authorities may contact the Superintendent to request that an undercover operation be established in a district school. The Board recognizes that the Superintendent is prohibited from discussing the request with the Board. The Board hereby authorizes the Superintendent to act upon any such request in the manner that he/she determines is in conformity with the law and the Attorney General's Executive Directive 1988-1 and that is in the best interests of the students and the school district.

The Board directs the Superintendent and school principal to cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The Superintendent, principal, or any other school staff or district Board member who may have been informed about the undercover operation is required to immediately communicate information to the county prosecutor or designee if the integrity of the undercover school operation has been compromised in any way.

At the completion of an undercover operation in a school, and with the consent of the appropriate law enforcement authority, the Superintendent shall report to the Board regarding the nature of the operation, the result of the operation, and any serious problems encountered during the operation.

4. **Summoning Law Enforcement Authorities onto School Property for the Purpose of Conducting Investigations, Searches, Seizures, and Arrests**

Any school employee who has reason to believe a student(s) or a staff member(s) is using or distributing controlled dangerous substances, including anabolic steroids, or drug paraphernalia on school premises shall bring that information to the school principal who, in turn, shall report same to the Superintendent. The Superintendent shall immediately report that information to the appropriate law enforcement agency. If, after consultation with law enforcement official, it is determined that further investigation is necessary, the Superintendent will cooperate with the law enforcement authorities in accordance with the law and administrative code. He/she will provide the officials with a room in an area away from the general student population in which to conduct their law enforcement duties. If law enforcement officials do not choose to investigate the incident, the Superintendent may continue the investigation to determine if any school rules have been broken and whether any school discipline is appropriate.

If an arrest is necessary, and no exigent circumstances exist, the Superintendent and staff will cooperate with the law enforcement officials and provide them access to the office of a school administrator or some other area away from the general student population. Every effort shall be made to enable law enforcement personnel to carry out

DRUGS, ALCOHOL, TOBACCO AND
STEROIDS (SUBSTANCE ABUSE) (continued)

the arrest in a manner that is least disruptive to the educational environment. The Superintendent or the principal shall immediately notify the student's parent/guardian whenever a pupil is arrested for violating any laws prohibiting the possession, use, sale, or distribution of any controlled substance or drug paraphernalia.

Whenever the police have been summoned to a school building by the Superintendent, the Superintendent shall report the reason the police were summoned and any pertinent information to the Board. If confidentiality is required, the report shall be made in executive session.

5. Student Searches and Securing Physical Evidence

The principal or his/her designee may conduct a search of a student's person or belongings if the search is necessary to maintain discipline and order in the school, and the school official has a reasonable suspicion that the student is concealing contraband. All searches and seizures conducted by designated school staff shall comply with the standards prescribed by the United States Supreme Court in *New Jersey v. T.L.O.*, U.S. 325 (1985), and the New Jersey School Search Policy Manual.

If, as a result of the search, a controlled dangerous substance or drug paraphernalia is found, or if a controlled dangerous substance or drug paraphernalia is by any means found on school property, the individual discovering the item or substance shall immediately notify the building principal; the principal shall immediately notify the Superintendent who shall immediately, in turn, notify the appropriate law enforcement agency. The principal shall ensure that the controlled or dangerous substance and/or drug paraphernalia is labeled and secured in a locked cabinet or desk until law enforcement officials pick it up. The principal shall then contact the student's parents/guardians to inform them of the occurrence.

Whenever law enforcement officials have been called into the school, and a search of a student's person or belongings is necessary, or an interrogation is to be conducted, the Superintendent shall request that the law enforcement officials conduct the search, seizure, or interrogation.

6. Police Presence at Extracurricular Activities

The Superintendent is hereby authorized to contact the appropriate law enforcement agency and arrange for the presence of an officer(s) in the event of an emergency or when the Superintendent believes that uniformed police presence is necessary to deter illegal drug use or trafficking or to maintain order or crowd or traffic control at a school function.

7. Resolving Disputes Concerning Law Enforcement Activities

The Board authorizes the Superintendent to contact the chief executive officer of the law enforcement agency involved with any dispute or objection to any proposed or ongoing law enforcement operation or activity on school property. If for any reason the dispute or objection is not satisfactorily resolved with the chief executive officer of the agency, the

DRUGS, ALCOHOL, TOBACCO AND
STEROIDS (SUBSTANCE ABUSE) (continued)

Superintendent shall work in conjunction with the county prosecutor and, where appropriate, the division of criminal justice to take appropriate steps to resolve the matter. Any dispute that cannot be resolved at the county level shall be reported to the Board and shall be resolved by the attorney general whose decision will be binding.

8. Confidentiality of Pupil Involvement in Intervention and Treatment Programs

Nothing in this policy shall be construed in any way to authorize or require the transmittal of any information or records that are in the possession of a substance-abuse counseling or treatment program including, but not limited to, the school district's own substance abuse programs. All information concerning a pupil's or staff member's involvement in a school intervention or treatment program shall be kept strictly confidential. See 42 CFR Part 2, N.J.A.C. 6A:16-3.2 and N.J.S.A. 18A:40A-7.1 and 7.2.

Tobacco

Tobacco use is now recognized as a chronic disease and public health hazard. Tobacco use is associated with conditions such as heart disease, emphysema, asthma, high blood pressure, diabetes, and many other chronic diseases. The most effective strategy for discouraging tobacco use by young people is a wellness strategy that supports prevention, intervention, and cessation.

Tobacco use and/or possession on school grounds is prohibited in accordance with Board Policy 3515.

In recognition that tobacco use is a public health issue and that tobacco is a gateway drug and highly addictive, the Board of Education recognizes that intervention is the most effective way to address violations of this Policy. Students who violate the school district's tobacco-use policy will be referred to the student assistance coordinators (SAC), guidance counselor, a school nurse, or other health or counseling services for all offenses for health information, counseling, and referral. Penalties regarding violations of this policy can be found in Board Regulation R5131 – Code of Student Conduct.

Parents/guardians will be notified of all violations and actions taken by the school. Schools may also use community service as part of the consequences. Ordinarily, and consistent with a wellness strategy, suspension will only be used after a student has three or more prior violations or has refused to participate in other outlined measures.

Ongoing Implementation of this Policy

A. The Board will enforce the laws of New Jersey requiring a program of drug, alcohol, steroid, and tobacco education. The Superintendent shall prepare and submit to the Board for its approval a comprehensive curriculum for such instruction, in grades kindergarten through 12, of alcohol and other drug education in accordance with department of education chemical health guidelines, pursuant to N.J.S.A. 18A:40A-1 et seq.

B. All district personnel shall be alert to signs of alcohol, drug, steroid, and tobacco use by pupils and shall respond to those signs in accordance with procedures established by the

DRUGS, ALCOHOL, TOBACCO AND
STEROIDS (SUBSTANCE ABUSE) (continued)

Superintendent. The Board of Education will provide in-service training to assist teaching staff members in identifying the pupil who uses drugs, alcohol, steroids, and/or tobacco and in helping pupils with drug-, alcohol-, steroid-, and tobacco-related problems in a program of rehabilitation. The Superintendent will ensure that all district employees receive annual in-service training to make them aware of their responsibilities in accordance with board policies and N.J.A.C. 6A:16-3.1.

- C. The Board will review annually the effectiveness of these policies and the Memorandum of Agreement entered into with the appropriate law enforcement agency. As part of this review, the Board will consult with the Executive County Superintendent, local community members, and the county prosecutor's office.
- D. In accordance with N.J.S.A. 18A:40A-10, copies of the policy statement shall be distributed to pupils and their parents/guardians at the beginning of each school year. Board policy and procedures shall be disseminated annually to all school staff, students and parents through the district website or other means (N.J.A.C. 6A:16-4.2).
- E. The Superintendent will annually submit a report utilizing the ~~Electronic Violence and Vandalism Reporting system (EVVRS)~~ Student Safety Data System (SSDS) accurately reporting on each incident of violence, vandalism including harassment, intimidation and bullying, and alcohol and other drug abuse within the school district. Any allegations of falsification of data will be reviewed by the Board of Education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record. At an annual hearing the chief school administrator shall report to the board all acts of violence and vandalism and incidents of alcohol and other drug abuse that occurred during the previous school year. Any staff member who reports a pupil to the principal or his/her designee in compliance with the provisions of this policy shall not be liable in civil damages as a result of making such a report as provided for under N.J.S.A. 18A:40A-1 et seq.
- F. All policies and procedures must comply with the confidentiality requirements established in federal regulation found at 42 CFR Part II.
- G. Substance abuse in the district is considered a health risk. It is the expressed position of the district that when school rules have been violated, and when a student's health is at risk, we must notify the student's parents/guardians and attempt to involve the family in the rehabilitation plan subject to the confidentiality restrictions of 42 CFR Part II.
- H. Any staff member who reports a pupil to the principal or his/her designee in compliance with the provisions of this subsection shall not be liable in civil damages as a result of making such a report as provided for under N.J.S.A. 18A:40A-1 et seq.

DRUGS, ALCOHOL, TOBACCO AND
STEROIDS (SUBSTANCE ABUSE) (continued)

Possible

<u>Cross References:</u>	1330	Use of school facilities
	1410	Local units
	4131.1	Inservice education/visitations/conferences
	4231.1	Inservice education/visitations/conferences
	5114	Suspension and expulsion
	5124	Reporting to parents/guardians
	5125	Pupil records
	5131	Conduct/discipline
	5131.7	Weapons and dangerous instruments
	5141.3	Health examinations and immunizations
	5141.21	Administering medication
	5145.12	Search and seizure
	6145.1/6145.2	Intramural competition; interscholastic competition
	6154	Homework/makeup work
	6172	Alternative educational programs
	6173	Home instruction

Key Words: Drugs, Alcohol, Tobacco, Steroids, Substance Abuse, Smoking, Drinking
Drug Testing

Date Adopted: 08/23/2005

Date Revised: 05/17/2016

Rationale: Changed reference to No Child Left Behind to the Every Student Succeeds Act. Replaced the Electronic Violence and Vandalism Reporting System (EVVRS) with the Student Safety Data System (SSDS).

VANDALISM/ARSON/VIOLENCE

Vandalism/Arson

The Board of Education views vandalism/arson against school property by pupils as reprehensible. The causes of such misbehavior often are complex, calling for careful study by parents/guardians, school staff and appropriate community officials.

The Board believes that pupils should respect property and take pride in the schools of this district. Whenever a pupil has been found to have done willful and malicious damage to property of the Board, the principal of the school shall notify Superintendent. The Board will hold the pupil or his/her parents/guardians liable for the damage caused by him/her.

When vandalism/arson is discovered, the administration is directed to take such steps as are necessary to identify the vandals. If pupils have taken part in the vandalism/arson, the appropriate administrator shall:

- A. Identify the pupils involved;
- B. Call together persons, including the parents/guardians, needed to study the causes;
- C. Decide upon disciplinary and/or legal action possibly including suspension. Should parents/guardians fail to cooperate in the discussions, the administration may charge the pupil with being delinquent by a petition stating the offense and requesting appearance in juvenile court;
- D. Take any constructive actions needed to try to guard against further such pupil misbehavior;
- E. Seek appropriate restitution.

Violence

Physical violence including assault with or without a weapon, against another pupil, a staff member or board member is prohibited and will result in the disciplinary sanctions included in policies on suspension and expulsion and conduct/discipline. Disruptive behavior that is characterized by verbal or physical violence, even though not directed toward another person, should be reported by the classroom teacher to the building principal or his/her designee, so that possible program adjustments may be identified.

VANDALISM/ARSON/VIOLENCE (continued)

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm or any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The Superintendent may modify this suspension on a case-by-case basis. Each pupil so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the Board.

Any school employee observing or having direct knowledge from a participant or victim of an act of violence in the Sayreville Public Schools should complete the standard report form and submit it to the school principal who is responsible for preparing the official report to the Superintendent. Staff will report accurately and not falsify information.

The Board shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements pursuant to N.J.S.A. 18A:17-46.

Two times each school year between September 1 and January 1 and between January 1 and June 30, the school board shall hold a public hearing at which the Superintendent reports to the Board of Education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

Threats of Violence

The Board is committed to promoting healthy relationships and a safe learning environment. Therefore, it shall not tolerate pupil threats of harm to self or others or other threatening behaviors, including threats to damage school property. Threatening behaviors shall not be tolerated on school property or at activities under the jurisdiction of the Board of Education.

Pupils shall inform a teacher, guidance counselor or principal when he/she is in possession of knowledge of such threats. Staff shall immediately notify the principal of any threat or threatening behavior that he/she has knowledge of, has witnessed or received. All such threats shall be promptly reported to the appropriate law enforcement agency.

Pupils who perpetrate threatening behaviors shall be disciplined in accordance with policy and regulations on suspension and expulsion and conduct/discipline.

Unsafe School Choice Option

The Superintendent shall comply with all requirements of the Unsafe School Choice Option policy adopted by the State Board of Education for schools in districts that receive funds under the Every Student Succeeds Act (ESSA). He/she shall keep the board informed of all state requirements and actions taken to implement the policy.

Particularly, if a school in the district is designated as "persistently dangerous" as defined in the policy, corrective action plans shall be prepared and presented to the board for review. The corrective action plans shall be in the format provided by the Department of Education and shall describe how the schools will reduce the number of incidents of violence as determined by the

VANDALISM/ARSON/VIOLENCE (continued)

Student Safety Data System (SSDS).

Likewise, if a student while at school or on school grounds becomes a victim of a violent criminal offense as defined by state statute, he/she shall be offered the option of transferring to another safe school within the district.

Parents/guardians shall be informed according to law and policy.

The Board shall be provided with access to a copy of the current statewide Unsafe School Choice Option Policy.

School Violence Awareness Week

This school district shall observe School Violence Awareness Week, the week beginning on the third Monday in October of each year. Organized activities focused on the prevention of school violence will be offered to students, employees and board members. Local law enforcement personnel will be invited to participate.

Violence and Vandalism Reporting

The Superintendent will annually submit a report utilizing the ~~Electronic Violence and Vandalism Reporting system (EVVRS)~~ Student Safety Data System (SSDS) accurately reporting on each incident of violence, vandalism and alcohol and other drug abuse within the school district. Any allegations of falsification of data will be reviewed by the Board of Education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record.

Implementation

The Superintendent shall oversee the development of implementing regulations on all aspects of this policy, including the establishment of procedures for cooperation between school staff and law enforcement officials for all situations involving firearms or other deadly weapons.

No employee of this district shall be disciplined or discriminated against as a consequence of having reported an act/threat of violence pursuant to law and this policy.

Possible

<u>Cross References:</u>	1120	Board of education meetings
	3250	Income from fees, fines, charges
	5114	Suspension and expulsion
	5124	Reporting to parents/guardians
	5131	Conduct/discipline
	R5131.5	Assaults upon Board Employees or Board Members
	5131.6	Drugs, alcohol, tobacco (substance abuse)
	5131.7	Weapons and dangerous instruments
	6114	Emergencies and disaster preparedness
	6172	Alternative educational programs

VANDALISM/ARSON/VIOLENCE (continued)

Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Vandalism, Violence, Arson

Date Adopted: 08/23/2005

Date Revised: 09/06/2011

Rationale: Adopted NJSBA recommended language requiring that staff not falsify reports. Added required language regarding the Unsafe School Choice Option. Replaced the Electronic Violence and Vandalism Reporting System (EVVRS) with the Student Safety Data System (SSDS).

HARASSMENT, INTIMIDATION OR BULLYING

The Board of Education believes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Since students learn by example, school administrators, faculty, staff, and volunteers are required to demonstrate appropriate behavior treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying. 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 environment. Therefore, the school district will not tolerate acts of harassment, intimidation or bullying.

The Board of Education expects all students to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. The Board expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment.

The standards of character education are an essential component of the Sayreville Public School District's Code of Conduct. The Board believes that with the appropriate infusion of character education into the school curriculum, modeling of appropriate behavior by adults; support and assistance of students in school, the community and home; our students will achieve the above standards of character education.

The Board prohibits acts of harassment, intimidation or bullying against any student. School responses to harassment, intimidation and bullying shall be aligned with the Board approved code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions. The Superintendent shall be responsible for ensuring the prompt investigation and response to all reports of harassment, intimidation and bullying committed on school grounds, at school activities and on school buses. In addition, the Superintendent shall ensure that this policy is applied to incidents of harassment, intimidation and bullying that are committed off school grounds in cases where a school employee is made aware of such actions. The Superintendent has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.6.

This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2

HARASSMENT, INTIMIDATION OR BULLYING (continued)

and when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. The Board directs the Superintendent or his or her appropriately trained and qualified designee to develop detailed regulations suited to the age level of the students and the physical facilities of the individual schools.

Bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance. "Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by 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, that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds, in accordance with law, that 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, 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 his/her person or damage to his/her 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 the student's education or by severely or pervasively causing physical or emotional harm to the student.

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

Consequences and Remedial Measures for Acts of Harassment, Intimidation or Bullying

Students

Consequences and remedial measures for a student who commits an act of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance. Consequences shall be consistent with the board approved code of student conduct and N.J.A.C. 6A:16-7. Consequences and remedial measures shall be designed to:

- A. Correct the problem behavior;
- B. Prevent another occurrence of the problem;
- C. Protect and provide support for the victim of the act; and
- D. Take corrective action for documented systemic problems related to harassment, intimidation or bullying.

Consequences and appropriate remedial actions for a student who commits an act of

HARASSMENT, INTIMIDATION OR BULLYING (continued)

harassment, intimidation or bullying may range from positive behavioral interventions up to and long-term suspension or expulsion, as permitted by law. The consequences and remedial measures may include, but are not limited to:

A. Consequences

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Classroom or administrative detention;
5. Referral to disciplinarian;
6. In-school suspension during the school week or the weekend;
7. After-school programs;
8. Out-of-school suspension (short-term or long-term);
9. Legal action; and
10. Expulsion.

B. Remedial Measures

1. Personal
 - a. Restitution and restoration;
 - b. Mediation;
 - c. Peer support group;
 - d. Recommendations of a student behavior or ethics council;
 - e. Corrective instruction or other relevant learning or service experience;
 - f. Supportive student interventions, including participation of the intervention and referral services team;
 - g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
 - h. Behavioral management plan, with benchmarks that are closely monitored;
 - i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);

HARASSMENT, INTIMIDATION OR BULLYING (continued)

- j. Involvement of school disciplinarian;
 - k. Student counseling;
 - l. Parent conferences;
 - m. Student treatment; or
 - n. Student therapy.
2. Environmental (Classroom, School Building or School District)
- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
 - b. School culture change;
 - c. School climate improvement;
 - d. Adoption of research-based, systemic bullying prevention programs;
 - e. School policy and procedures revisions;
 - f. Modifications of schedules;
 - g. Adjustments in hallway traffic;
 - h. Modifications in student routes or patterns traveling to and from school;
 - i. Supervision of students before and after school, including school transportation;
 - j. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
 - k. Teacher aides;
 - l. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
 - m. General professional development programs for certificated and non-certificated staff;
 - n. Professional development plans for involved staff;
 - o. Disciplinary action for school staff who contributed to the problem;
 - p. Supportive institutional interventions, including participation of the intervention and referral services team;

HARASSMENT, INTIMIDATION OR BULLYING (continued)

- q. Parent conferences;
- r. Family counseling;
- s. Involvement of parent-teacher organizations;

Classified students are subject to the same disciplinary procedures as nondisabled students and may be disciplined in accordance with their IEP. However, before disciplining a classified student, it must be determined that:

- A. The student's behavior is not primarily caused by his/her educational disability;
- B. The program that is being provided meets the student's needs.

Staff

Consequences and appropriate remedial actions for any staff member who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to disciplinary charges which could result in suspension or termination. The consequences and remedial measures may include, but are not limited to:

- A. Consequences
 - 1. Admonishment;
 - 2. Temporary removal from the classroom;
 - 3. Deprivation of privileges;
 - 4. Referral to disciplinarian;
 - 5. Withholding of Increment
 - 6. Suspension;
 - 7. Legal action; and
 - 8. Termination
- B. Remedial Measures
 - 1. Personal
 - a. Restitution and restoration;
 - b. Mediation;
 - c. Support group;

HARASSMENT, INTIMIDATION OR BULLYING (continued)

- d. Recommendations of behavior or ethics council;
 - e. Corrective action plan;
 - f. Behavioral assessment or evaluation;
 - g. Behavioral management plan, with benchmarks that are closely monitored;
 - h. Involvement of school disciplinarian;
 - i. Counseling;
 - j. Conferences;
 - k. Treatment; or
 - l. Therapy.
2. Environmental (Classroom, School Building or School District)
- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
 - b. School culture change;
 - c. School climate improvement;
 - d. Adoption of research-based, systemic bullying prevention programs;
 - e. School policy and procedures revisions;
 - f. Modifications of schedules;
 - g. Supervision;
 - h. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
 - i. General professional development programs for certificated and non-certificated staff;
 - j. Professional development plans for involved staff;
 - k. Disciplinary action;
 - l. Supportive institutional interventions, including participation of the intervention and referral services team;
 - m. Conferences;

HARASSMENT, INTIMIDATION OR BULLYING (continued)

n. Counseling;
Reporting Harassment, Intimidation and Bullying Behavior

The Superintendent, principal and/or their designee shall be responsible for receiving complaints alleging violations of this policy.

The Board shall allow reports to be anonymous, but no formal disciplinary action shall be based solely on an anonymous report. Any school employee, board member, contracted service provider, student, visitor or volunteer who has witnessed, or has reliable information that a student has been subject to harassment, intimidation or bullying, must report the incident to the building principal or his/her designee.

The following procedures shall apply to the reporting of incidents of harassment, intimidation and bullying:

- A. All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident;
- B. The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services; and
- C. All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying.

A board member, school employee, contracted service provider, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or bullying shall report the incident to the building principal and any appropriate school official, or to any school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning school bullying.

A board member or a school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, and who makes this report in compliance with the procedures in this policy, shall be immune from a cause of action for damages arising from any failure to remedy the reported incident.

A school administrator who receives a report of harassment, intimidation, or bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

District Anti-Bullying Coordinator

The Superintendent shall appoint a district anti-bullying coordinator. The Superintendent shall make every effort to appoint an employee of the school district to this position. The district

HARASSMENT, INTIMIDATION OR BULLYING (continued)

antibullying coordinator shall:

- A. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, and 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, and bullying of students in the district;
- C. Provide data, in collaboration with the Superintendent, to the Department of Education regarding harassment, intimidation, and bullying of students; and
- D. Execute such other duties related to school harassment, intimidation, and bullying as requested by the Superintendent.

The district anti-bullying coordinator shall meet at least twice a school year with the school antibullying specialists in the district to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.

School Anti-Bullying Specialist

The principal in each school shall appoint a school anti-bullying specialist. When a school guidance counselor, school psychologist, or another individual similarly trained is currently employed in the school, the principal shall appoint that individual to be the school anti-bullying specialist. If no individual meeting these criteria is currently employed in the school, the principal shall appoint a school anti-bullying specialist from currently employed school personnel. The school anti-bullying specialist shall:

- A. Chair the school safety team;
- B. Lead the investigation of incidents of harassment, intimidation, and bullying in the school; and
- C. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school.

School Safety/School Climate Team

The district shall form a school safety/school climate team in each school to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school and to address school climate issues such as harassment, intimidation, or bullying. The school safety team shall meet at least two times per school year.

The school safety/school climate team shall be appointed by the principal and consist of the principal or his or her designee who, if possible, shall be a senior administrator; a teacher in the school; the 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 team.

HARASSMENT, INTIMIDATION OR BULLYING (continued)

The school safety team shall:

- A. Receive any complaints of harassment, intimidation, or bullying of students that have been reported to the principal;
- B. Receive copies of any report 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;
- G. Collaborate with the district anti-bullying coordinator in the collection of district-wide data and in the development of district policies to prevent and address harassment, intimidation, or bullying of students; and
- H. Execute such other duties related to harassment, intimidation, and bullying as requested by the principal or district anti-bullying coordinator.

A parent shall be on the school safety/school climate team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality. Other members of the school safety/school climate team who are not authorized to access student records (see board policy 5125 Student Records) shall be on the team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.~~No parent/guardian who is a member of the school safety team shall:~~

- ~~A. Receive complaints of harassment, intimidation or bullying of students that have been reported to the principal;~~
- ~~B. Receive copies of reports prepared after an investigation of a harassment, intimidation or bullying incident;~~
- ~~C. Identify and address patterns of harassment, intimidation or bullying of students; or~~
- ~~D. Participate in any other activities of the team which may compromise the confidentiality of a student.~~

Investigating Reported Harassment, Intimidation and Bullying

HARASSMENT, INTIMIDATION OR BULLYING (continued)

To protect the victim, the Superintendent shall take into account the circumstances of the incident when communicating with parents/guardians and when following the investigation procedures.

The principal, or his or her designee, in consultation with the anti-bullying specialist, shall make a preliminary determination prior to initiating an investigation, as to whether a reported incident or complaint, assuming all facts presented are true, is a report that qualifies as harassment, intimidation and bullying according to the law (within the scope of N.J.S.A. 18A:37-14).

If the principal, or his or her designee, in consultation with the anti-bullying specialist, determines that the incident or complaint is a report outside the scope of the law (N.J.S.A. 18A:37-14) and does not qualify as harassment, intimidation and bullying, this determination may be appealed to the Board of Education according to the appeal process detailed below. The determination of the Board may be appealed to the commissioner of education in accordance with law (N.J.A.C. 6A:3).

When the principal, or his or her designee, in consultation with the anti-bullying specialist, determines that the reported incident qualifies as harassment, intimidation and bullying, the report shall be investigated promptly and in accordance with law and the following procedures:

- A. All investigations shall be thorough and complete, and documented in writing, and shall include, but not be limited to:
 1. Taking of statements from victims, witnesses and accused;
 2. Careful examination of the facts;
 3. Support for the victim; and
 4. Determination if alleged act constitutes a violation of this policy.
- B. The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.
- C. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.
- D. The results of the investigation shall be reported to the Superintendent within two school days of the completion of the investigation, and in accordance with law and board policy. The Superintendent may initiate intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action.
- E. The results of each investigation shall be reported to the board of education no later than the

HARASSMENT, INTIMIDATION OR BULLYING (continued)

date of the next board meeting following the completion of the investigation, and include:

1. Any services provided;
 2. Training established;
 3. Discipline imposed; or
 4. Other action taken or recommended by the Superintendent.
- F. The Superintendent or his or her designee shall ensure that parents or guardians of the students who are parties to the investigation shall receive information about the investigation. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board and include:
1. The nature of the investigation;
 2. Whether the district found evidence of harassment, intimidation, or bullying; or
 3. Whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying.

G. 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.

Range of Ways to Respond to Harassment, Intimidation or Bullying

The Board of Education recognizes that some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts and provide support programs for victims. 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. In considering whether a response beyond the individual is appropriate, the administrator 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 include:

- A. School and community surveys;
- B. Mailings;
- C. Focus groups;
- D. Adoption of research-based bullying prevention program models;
- E. Training for certificated and non-certificated staff;
- F. Participation of parents and other community members and organizations;

HARASSMENT, INTIMIDATION OR BULLYING (continued)

- G. Small or large group presentations for staff, students, and the community for fully addressing a positive school climate and culture as well as the issues surrounding harassment, intimidation and bullying in the school community; and
- H. The involvement of law enforcement officers, including school resource officers.

For every incident of harassment, intimidation or bullying, the district shall respond to the individual who committed the act. Responses may include:

- A. 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);
- B. 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;
- C. 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;
- D. District-wide responses can include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs and coordination with community-based organizations (e.g., mental health; health services; health facilities; law enforcement; faith-based).

The range of ways in which the school shall respond once an incident of harassment, intimidation or bullying is identified shall be defined by the principal in conjunction with the school anti-bullying specialist, and shall include an appropriate combination of counseling, support services, intervention services, and other programs as defined by the commissioner.

Retaliation and Reprisal Prohibited

The Board prohibits reprisal or retaliation or false accusation against any person who witnesses and/or reports an act of harassment, intimidation or bullying by any student, school employee, board member, contracted service provider, visitor or volunteer. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation or false accusation shall be determined by the Superintendent and/or principal or their designee after consideration of the nature, severity and circumstances of the act, in accordance with case law and board policies and procedures.

Any act of retaliation or reprisal or false accusation against any person who reports an act of harassment, intimidation or bullying shall not be tolerated. Any student, school employee, board member, contracted service provider, volunteer or visitor who engages in the act of retaliation or reprisal or who falsely accuses another shall be subjected to consequence and appropriate remedial action. In cases where any state or federal law has allegedly been violated, the local law enforcement agency shall be notified.

HARASSMENT, INTIMIDATION OR BULLYING (continued)

A. Students

The consequences and appropriate remedial action for a student found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance, and shall be consistent with this policy. Consequences may include positive behavioral interventions, notification of the parents/guardians, up to and including short or long-term suspension or expulsion, as permitted by law;

B. School Employees

Consequences and appropriate remedial action for a school employee found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with district policies, procedures and agreements, up to and including suspension or dismissal from service;

C. Board Members

Consequences and appropriate remedial action for a board member found to have committed an act of harassment, intimidation, or bullying; or found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with district policies, procedures and agreements, up to and including a public sanction or filed ethics charges;

D. Visitors, Volunteers, Contracted Service Providers, and All Other Persons

Consequences and appropriate remedial action for a visitor, volunteer, contracted service providers and all other persons found to have engaged in harassment, intimidation or bullying; or engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined by the Superintendent after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

Consequences and remediation for students, employees, board members, visitors, volunteers, and contracted service providers, engaging in harassment, intimidation or bullying or engaged in retaliation, reprisal and/or false accusations may include the following:

A. Consequences

1. Admonishment;
2. Temporary removal from the classroom or school;
2. Deprivation of privileges
4. Prohibited from access to the school facilities (visitors, vendors, board members, all other people);

HARASSMENT, INTIMIDATION OR BULLYING (continued)

5. Classroom or administrative detention;
6. Referral to disciplinarian;
7. In-school suspension during the school week or the weekend;
8. After-school programs;
9. Out-of-school suspension (short-term or long-term);
10. Legal action;
11. Withholding of Increment;
12. Suspension;
13. Expulsion;
14. Termination;
15. Termination of service agreements or contracts (vendors, volunteers);
16. Public sanction (board members);
17. Ethics charges (some administrators, board members).

B. Remedial Measures

1. Personal
 - a. Restitution and restoration;
 - b. Mediation;
 - c. Peer support group;
 - d. Recommendations of a student behavior or ethics council;
 - e. Corrective instruction or other relevant learning or service experience;
 - f. Supportive student interventions, including participation of the intervention and referral services team;
 - g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
 - h. Behavioral management plan, with benchmarks that are closely monitored;

HARASSMENT, INTIMIDATION OR BULLYING (continued)

- i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
 - j. Involvement of school disciplinarian;
 - k. Counseling;
 - l. Conferences;
 - m. Treatment; or
 - n. Therapy.
2. Environmental (Classroom, School Building or School District)
- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
 - b. School culture change;
 - c. School climate improvement;
 - d. Adoption of research-based, systemic bullying prevention programs;
 - e. School policy and procedures revisions;
 - f. Modifications of schedules;
 - g. Supervision;
 - h. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
 - i. General professional development programs for certificated and non-certificated staff;
 - j. Professional development plans for involved staff;
 - k. Disciplinary action;
 - l. Supportive institutional interventions, including participation of the intervention and referral services team;
 - m. Conferences;
 - n. Counseling;

Appeal Process

The parent or guardian may request a hearing before the Board after receiving the information
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HARASSMENT, INTIMIDATION OR BULLYING (continued)

from the Superintendent regarding the investigation. The hearing shall be held within 10 days of the request. The Board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents.

At the next Board of Education meeting following its receipt of the report, 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 law, no later than the 90 days after the issuance of the Board's decision.

A parent, student, guardian, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination."

Approved Private Schools For Students With Disabilities (PSSDs)

The Board is committed to ensuring that all district students that require placement in approved private schools for students with disabilities (PSSD) have the safe and civil environment in their school placement necessary for students to learn and achieve high academic standards. All approved PSSDs receiving students with disabilities from this district shall be committed to treating their students with civility and respect, and shall refuse to tolerate harassment, intimidation or bullying.

When an approved PSSD receives a complaint or report of an act of harassment, intimidation, or bullying involving a district student placed in the approved PSSD that occurred on a district school bus, at a district school-sponsored function and off school grounds, the approved PSSD shall notify the anti-bullying coordinator of the report or complaint.

The Superintendent shall assign a school anti-bullying specialist to investigate a complaint or report 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 PSSD. The investigation conducted by the district anti-bullying specialist shall be in consultation with the approved PSSD.

The full-time non-teaching principal of the approved PSSD shall report to the anti-bullying coordinator and the child study team director, any complaint or report of an act of harassment, intimidation, or bullying involving a district student placed in the approved PSSD that occurred at the PSSD or an activity sponsored by the PSSD. The report shall include the names of the district students who are parties to the harassment, intimidation, or bullying investigation and the results of each investigation. The principal of the approved PSSD shall make this report to the district anti-bullying coordinator and to the student's parents/guardians no later than five school days following the investigation's completion. The report to the district shall include information on any service(s) provided; training established; and, discipline imposed or other action taken or recommended by the full-time non-teaching principal of the PSSD.

Once an incident of harassment, intimidation, or bullying is identified, the full-time non-teaching principal of the approved PSSD shall determine the appropriate response to address the individual circumstances in consultation and conjunction with appropriate district staff, as

HARASSMENT, INTIMIDATION OR BULLYING (continued)

necessary. The approved PSSD shall not, pursuant to N.J.A.C. 6A:14-7.6(f), unilaterally implement disciplinary action involving removal to an interim alternative educational setting, suspension of more than 10 consecutive or cumulative school days in a school year or termination of placement. Disciplinary action involving suspension and expulsion from the approved PSSD shall be implemented in conjunction with the district and according to law (N.J.A.C. 6A:14-2.8) and board policies 5114 Suspension and Expulsion and 6171.4 Special Education.

Parents or guardians of students who are parties to a harassment, intimidation, or bullying investigations conducted by this district or an approved PSSD in which their child is placed may request a hearing before the Board of Education concerning the information received about an investigation. Any request for a hearing before the Board of Education shall be filed within 60 calendar days after the written information about the harassment, intimidation, or bullying investigation is received by the district and the parents or guardians. The hearing before the Board shall be scheduled in collaboration with the approved PSSD and held by the Board within 10 business days of the request. The approved PSSD and the board shall coordinate the policies and procedures for conducting such hearings.

Week of Respect

The week beginning with the first Monday in October of each year is designated as a "Week of Respect" in the State of New Jersey. The district, in order to recognize the importance of character education, shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation, or bullying as defined by law (N.J.S.A. 18A:37-14). Throughout the school year the district shall provide ongoing age-appropriate instruction focusing on preventing harassment, intimidation, and bullying in accordance with the Core Curriculum Content Standards.

Training

A. School Leaders

Any school leader who holds a position that requires the possession of a Superintendent, principal, or supervisor endorsement shall complete training on issues of school ethics, school law, and school governance as part of the professional development for school leaders required in accordance with State Board of Education regulations. This training shall also include information on the prevention of harassment, intimidation, and bullying (N.J.S.A. 18A:26-8.2).

B. Teaching Staff Development

Each public school teaching staff member shall complete at least two hours of instruction in suicide prevention, to be provided by a licensed health care professional with training and experience in mental health issues, in each professional development period. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and 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 (N.J.S.A. 18A:6-112).

C. Board Members

HARASSMENT, INTIMIDATION OR BULLYING (continued)

Within one year after being newly elected or appointed or being re-elected or re-appointed to the board of education, a board member shall complete a training program on harassment, intimidation, and bullying in schools, including a school district's responsibilities as required by law (N.J.S.A. 18A:37-13 et seq.). A board member shall be required to complete the program only once (N.J.S.A. 18A:12-33).

D. Staff, Student and Volunteer Training

The school district shall:

1. Provide training on the school district's harassment, intimidation, or bullying policy to school employees and volunteers who have significant contact with students;
2. Provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements;
3. Ensure that the training includes instruction on preventing bullying on the basis of the protected categories as required by law (N.J.S.A.18A:37-14) and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying; and
4. Develop a process for discussing the district's harassment, intimidation or bullying policy with students.

The Board shall annually require the Superintendent to examine the training needs of school employees and volunteers who have significant contact with students for the effective implementation of the harassment, intimidation, or bullying policies, procedures, programs, and initiatives of the district board of education and direct the Superintendent to implement training programs for school employees and volunteers who have significant contact with students. The annual examination of training needs shall take into consideration the findings of the annual review and update of the code of student conduct.

Information regarding the school district policy against harassment, intimidation or bullying shall be incorporated into a school's employee training program and shall be provided to full-time and part-time staff, volunteers who have significant contact with students, and those persons contracted by the district to provide services to students.

Throughout the school year, the district shall provide ongoing age-appropriate instruction on preventing harassment, intimidation and bullying, consistent with the Core Curriculum Content Standards.

Reporting to the Board

~~Two times each year between September 1 and January 1 and between January 1 and June 30, the school board shall hold a public hearing at which the Superintendent will report to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. As required by law, the Superintendent shall regularly report to the Board: the number of HIB reports in the schools, the~~

HARASSMENT, INTIMIDATION OR BULLYING (continued)

~~status of all investigations, the nature of the HIB, and other data required by law.~~

- A. The number of reports of harassment, intimidation, or bullying;
- B. The status of all investigations;
- C. The nature of the bullying based on one of the protected categories identified in N.J.S.A. 18A:37-14 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;
- D. The names of the investigators;
- E. The type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying; and
- F. Any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying.

Two times each year between September 1 and January 1 and between January 1 and June 30, the school board shall hold a public hearing at which the Superintendent will report to the Board of Education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period.

Reporting to the Department of Education

The information, including but not limited to, oral reports, written reports or electronic reports shall also be reported once during each reporting period between September 1 and January 1 and between January 1 and June 30, to the Department of Education. The report shall include:

- A. Data broken down by the enumerated categories including the protected categories as listed above and the type of harassment, intimidation and bullying (any gesture; any written, verbal or physical act; or any electronic communication, whether it be a single or series of incidents); and
- B. Data broken down by each school in the district, in addition to district-wide data.

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with law (N.J.S.A. 18A:37-13 et seq.). The district shall receive a grade determined by averaging the grades of all the schools in the district.

Each school shall post the grade received by the school and the overall district grade on the homepage of the school's website. The district shall post all the grades for each school of the district and the overall district grade on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within 10 days of the receipt of a grade by the school and district.

It shall be a violation to improperly release any confidential information not authorized by federal

HARASSMENT, INTIMIDATION OR BULLYING (continued)

or State law for public release.

The Superintendent will annually submit the report to the Department of Education utilizing the Student Safety Data System (SSDS). The Superintendent shall accurately report on each incident of violence, vandalism, alcohol and other drug abuse, and incident of harassment intimidation and bullying within the school district. Any allegations of falsification of data will be reviewed by the board of education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g).

The State Board of Education shall impose penalties on any school employee who knowingly falsifies the report. Therefore, the Superintendent shall make a reasonable effort to verify reports of violence, vandalism, and harassment, intimidation, or bullying. The board shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements. The majority representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, and harassment, intimidation, or bullying.

Program Assessment and Review

Schools and school districts shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. The programs or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying.

Policy Development and Review

The district harassment, intimidation and bullying policy shall be adopted through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

The district shall annually conduct a re-evaluation, reassessment, and review of this policy, making any necessary revisions and additions. The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review. The district shall transmit a copy of the revised policy to the appropriate executive county superintendent within 30 school days of the revision (beginning September 1, 2011).

Publication, Dissemination and Implementation

In publicizing this policy, the community including students, staff, board members, contracted service providers, visitors and volunteers, shall be duly notified that the rules detailed within apply to any incident of harassment intimidation and bullying that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students in accordance with law.

The Superintendent shall take the following steps to publicize this policy:

- A. Provide a link to this policy on a prominent place on the district website;

HARASSMENT, INTIMIDATION OR BULLYING (continued)

- B. Provide a link to this policy on a prominent place on each school's website;
- C. Distribute this policy annually to all staff, students and parents/guardians; and
- D. Print this policy in any district publication that sets forth the comprehensive rules, procedures and standards of student conduct and in student handbooks;

The district shall notify students and parents/guardians that the policy is available on the district's website. The district shall publish the name, school phone number, school address and school email address of the district anti-bullying coordinator on the home page of the district website. Each school within the district shall publish the name, school phone number, school address and school email address of the district anti-bullying coordinator and their school anti-bullying specialist on the home page of the school's website. The information concerning the district antibullying coordinator and the school anti-bullying specialists shall also be maintained on the Department of Education's website.

Additionally, the district shall make available, in an easily accessible location of its website, the Department of Education's guidance document for the use by parent/guardians, students and district staff to assist in resolving complaints concerning student harassment, intimidation or bullying.

The Superintendent shall ensure that the rules for this policy are applied consistently with the district's code of student conduct (N.J.A.C. 6A:16-7) and all applicable laws and regulations. All disciplinary sanctions shall be carried out with necessary due process.

This and all related policies shall be reviewed on a regular basis.

HARASSMENT, INTIMIDATION OR BULLYING (continued)

Possible

<u>Cross References:</u>	3541.33	Transportation safety
	5114	Suspension and expulsion
	5124	Reporting to parents/guardians
	5131	Conduct/Discipline
	R5131	Student Behavior on School Bus
	5131.5	Vandalism/violence
	5131.7	Weapons and dangerous instruments
	5145.4	Equal educational opportunity
	5145.6	Student grievance procedure
	5145.11	Questioning and apprehension
	5145.12	Search and seizure
	6145	Extracurricular activities
	6164.4	Child study team
	6171.4	Special education
	6172	Alternative educational programs

Key Words

Conduct, Discipline, Student Conduct, Student Conduct, Student Behavior on School Bus, Bullying, Intimidation, Harassment, Bus Driver, Weapons and Dangerous Instruments

Date Adopted: 08/23/2005

Date Revised: 11/21/2007, 12/16/2008, 08/18/2009, 12/15/2009, 08/16/2011, 02/20/2018,
08/28/2018

Rationale: Clarified the role of the school climate team. Clarified that anyone conducting an HIB investigation of a staff member may not be from the same bargaining unit. Added language requiring the Board's annual examination of training needs.

RECRUITMENT, SELECTION AND HIRING OF NON-CERTIFICATED STAFF

The Board guarantees equal employment, advancement opportunity and equal pay for equal work for all people regardless of race, creed, color, national origin, nationality, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability or because of genetic information or refusal to submit to or make available the results of a genetic test, pregnancy or other conditions not related to the duties and responsibilities of the job.

The Superintendent shall have the responsibility of locating and recruiting the best qualified candidates to provide for the identified needs of the district. Recruiting practices shall include measures for targeting underrepresented populations in every category of employment.

The Superintendent or his or her designee shall ensure that the district's employment application process and pre-employment inquiry and interview process conform to the guidelines of the New Jersey Division on Civil Rights and the Law Against Discrimination.

The Board of Education shall appoint all staff members only from nominations made by the Superintendent. All appointments shall be by recorded roll call majority vote of the full membership of the Board. The Superintendent shall adhere to the following in recruiting and interviewing candidates:

- A. There will be no discrimination in the employment process in regard to race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, pregnancy, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, nationality, or because of genetic information or refusal to submit to or make available the results of a genetic test, or other conditions not related to the duties and responsibilities of the job.
- B. Of those candidates who are most qualified for the vacant position, it is the intent of the Board to give preference first to candidates who are residents of the Borough of Sayreville whenever possible and practical.
- C. It shall be the duty of the Superintendent to see that persons nominated for employment shall meet all qualifications established by state or federal law, including the completion of a criminal history check and proof of citizenship or eligible alien status.

RECRUITMENT, SELECTION AND HIRING
OF NON-CERTIFICATED STAFF (continued)

The Superintendent is responsible for the preparation and maintenance of job descriptions that define the duties, responsibilities and qualifications required for each support position. The Board shall adopt those job descriptions required by law or code and others as appropriate.

The employment of any candidate is not official until the contract is approved by the Board of Education and signed by the candidate. It shall be the responsibility of the Superintendent to communicate this fact to all candidates.

The Superintendent may make temporary appointments in emergency situations in accordance with law. These must be ratified by the Board at the next regular meeting.

Residency Requirements

Every employee hired by the board shall have their principal residence with the State of New Jersey. For the purposes of this policy an employee may have only one principal residence which shall be defined as:

- A. Where the employee spends the majority of their nonworking time;
- B. Is most clearly the center of the employee's domestic life; and
- C. The employee's designated legal address and legal residence for voting.

The fact that an employee is either domiciled or owns a home or property in the State of New Jersey shall not by itself satisfy the requirement of principal residence.

Exemptions

- A. An employee hired on or after September 1, 2011 who is not a resident when hired shall receive one year to establish residency in New Jersey. If the employee fails to establish residency within that year, he/she shall be deemed unqualified for employment and shall be removed pursuant to N.J.S.A. 52:14-7(d);
- B. An existing employee who was not a resident of New Jersey on or prior to September 1, 2011 is exempted from this policy, if he/she has not had a break in public service for a period of time greater than seven days;
- C. An employee hired by the district who was a non-resident public employee prior to September 1, 2011 is exempted from this policy, unless he/she has not had a break in public service for a period of time greater than seven days;
- D. A break in public service shall be defined as an actual separation from employment for more than seven calendar days due to such causes as resignation, retirement, layoff, or disciplinary removal. But a leave of absence shall not be considered a break in public service.
- E. An employee may request an exemption to the State committee formed under N.J.S.A. 52:14-7 on a basis of critical need or hardship. The decision on whether to approve an

RECRUITMENT, SELECTION AND HIRING
OF NON-CERTIFICATED STAFF (continued)

application of the employee shall be made by a majority vote of this committee. If this committee fails to act within 30 days after receipt of the employee's application, no exemption shall be granted and the residency requirements set forth in this policy shall be in effect.

Employment History - Definitions

For the purpose of this policy:

A. "Child abuse" means any conduct that falls under the purview and reporting requirements of law (P.L. 1971, c.437; N.J.S.A. 9:6-8.8 et seq.) and is directed toward or against a child or student, regardless of the age of the child or student (see also board policy 5141.4 Missing, Abused and Neglected Children);

B. "Sexual misconduct" means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialogue, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent or erotic contact with a student.

Required Disclosure of Employment History

The Board shall require all applicants for employment and applicants to provide contracted services for positions and services that involve regular contact with students to provide the following information:

A. A list, including name, address, telephone number and other relevant contact information of the applicant's:

1. Current employer;
2. All former employers within the last 20 years that were schools; and
3. All former employers within the last 20 years where the applicant was in a position that involved direct contact with children;

B. A written authorization that consents to and authorizes disclosure of the information requested for the district to review the employment history and the release of related records by the applicant's list of employers as detailed in "A" of this section, and that releases those employers from liability that may arise from the disclosure or release of records;

C. A written statement as to whether the applicant:

1. Has been the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or the New Jersey Department of Children and Families. This is not required if the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
2. Has ever been disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an

RECRUITMENT, SELECTION AND HIRING
OF NON-CERTIFICATED STAFF (continued)

adjudication or finding of child abuse or sexual misconduct;

3. Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

Review of the Employment History

A review of the employment history of the applicant shall be conducted and the employers listed by the applicant contacted. The dates of employment shall be requested and a statement as to whether the applicant:

- A. Was the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or the New Jersey Department of Children and Families. This is not required if the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
- B. Was disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or
- C. Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

The review of the employment history may be conducted through telephone or cellphone, electronic communication or written communications. If the review is conducted by telephone or cellphone the results of the review shall be documented in writing by the district employee assigned to conduct the review.

Any applicant who willfully provides false information or willfully fails to disclose information required shall be subject to discipline and including termination or denial of employment; may be deemed in violation of law (N.J.S.A. 2C:28-3); and may be subject to a civil penalty of not more than \$500. Notification of these penalties shall be on all applications for employment for positions which involve regular contact with students.

Review of Out-of-State Employment History

A review of out-of-State employers that are part of the employment history of the applicant shall be conducted and the employers listed by the applicant contacted. The Superintendent or his or her designee shall ensure that the employment history review conducted with an out-of-State employer is documented with specificity as to the diligent efforts made to:

- A. Verify the information provided by the applicant; and
- B. Obtain the information requested from any out-of-State employers listed by the applicant.

Nondisclosure Agreements

RECRUITMENT, SELECTION AND HIRING
OF NON-CERTIFICATED STAFF (continued)

The district shall not enter into a collectively bargained or negotiated agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

- A. Has the effect of suppressing or destroying information relating to an investigation related to a report of suspected child abuse or sexual misconduct by a current or former employee;
- B. Affects the ability of the district to report suspected child abuse or sexual misconduct to the appropriate authorities;
- C. Requires the district to expunge information about allegations or finding of suspected child abuse or sexual misconduct from any documents maintained by the district. This excludes allegations that are found to be false or alleged incidents of child abuse or sexual misconduct that have not been substantiated.

Implementation

The district may employ or contract with an applicant on a provisional basis for a period not to exceed 90 days pending the employment history review by the district provided that all of the following conditions are satisfied:

- A. The applicant has complied and provided the information requested;
- B. The district has no knowledge or information pertaining to the applicant that the applicant is required to disclose as part of the employment history review; and
- C. That special or emergent circumstances exist that justify the temporary employment of the applicant.

When the review of an applicant's employment history reveals that the applicant has a history of sexual misconduct or child abuse, the applicant shall be disqualified from employment with the district without grievance or appeals procedures or tenure proceedings pursuant to any collectively bargained or negotiated agreement or any law, rule or regulation.

The district shall respond to requests for employment history information pertaining to former or current district employees in compliance with law, within 20 days of the receipt of the request and former employee's consent to release the information.

Information received about an applicant's employment history shall not be a public record.

RECRUITMENT, SELECTION AND HIRING
OF NON-CERTIFICATED STAFF (continued)

Possible

<u>Cross References:</u>	2131	Superintendent
	3000/3010	Concepts and roles in business and noninstructional operations; goals and objectives
	4211.1	Nondiscrimination/affirmative action
	4212.4	Employee health
	4212.6	Personnel records
	4212.8	Nepotism
	4219.23	Employee substance abuse
	4222	Noninstructional aides
	6010	Goals and objectives

Key Words

Recruitment, Selection and Hiring; Hiring; Nondiscrimination; Affirmative Action, Background Check, Personnel Background Check

Date Adopted: 08/23/2005

Date Revised: 11/15/2011, 12/18/2012, 07/15/2014

Rationale: Added language affirming non-discrimination of employment in recruiting, selection and hiring. Added language to promote the recruitment of underrepresented classes. Added required provisions for P.L.2018, c.5 aka "Pass the Trash" Law

DOMESTIC VIOLENCE

The Sayreville Board of Education is committed to ensuring that all staff are supported in the event that they experience domestic violence as defined by law (N.J.S.A. 2C:25-19). Victims of domestic violence can suffer devastating physical, emotional and psychological effects and economic disruption. The Board encourages employees who are victims of domestic violence to contact the Director of Human Resources. Employees disclosing their experiences with domestic violence shall be supported in the work environment to an extent that is feasible and practical for the employee to maintain and perform their job and for the effective operation of the educational program.

Reporting Domestic Violence

Any disclosure of domestic violence by an employee shall be taken seriously and according to the following guidelines:

- A. Employees are encouraged to meet with the human resources officer in person. Requests to meet may be made by cell phone or telephone. Email may not be confidential and should not be used when private information is being discussed or disclosed unless this is the only safe method of communication available;
- B. The Director of Human Resources shall ensure that an employee's disclosure of domestic violence be kept confidential unless there exists an emergent danger to the employee or other staff;
- C. The Director of Human Resources shall ensure that such conversations are held in a room or office that can be closed off from the hearing range of other staff members to the extent possible;
- D. The Director of Human Resources shall ensure that any sharing of confidential information is only done with the written authorization of the employee. This excludes reported incidents of violence or abuse against children;
- E. The Director of Human Resources shall ensure that any records pertaining to domestic violence be kept separate from the personnel record and in strict confidentiality. Only the employee, the Director of Human Resources and the Superintendent shall have access to an employee's confidential file; and
- F. The Director of Human Resources will assemble a list of resources available to victims of

DOMESTIC VIOLENCE (continued)

domestic violence. These resources shall include but may not be limited to information on domestic violence (books, web resources, etc.), legal resources available such as advocacy and law enforcement options, medical and psychological treatment and counseling referral sources, food and housing options and local support groups.

Work Support

In order to help prevent occupational disruption, loss of employment and financial hardship that may occur when an employee experiences domestic violence the Director of Human Resources may investigate the following options to support the employee's continued performance of their job responsibilities, including but not limited to:

- A. Adjusting work assignments;
- B. Temporary or permanent job restructuring;
- C. Temporary adjustment to the employee's work schedule;
- D. Work from home options;
- E. Flexible approval of paid sick leave, personal time and vacation time;
- F. Other reasonable options.

The employee shall work with the Director of Human Resources and the supervisor when requesting employment changes that affect the normal schedule. The Superintendent or, as necessary and required by law, the Board shall approve such support measures. Notice to the appropriate collective bargaining unit covering the employee may be necessary where required by the contract or State law. Approval may be granted when reasonable and practical. Approval shall not be granted when such request places a hardship on the board and/or the educational program. Approval of requested employment modifications shall include the following considerations:

- A. The overall size of the school district's program with respect to the number of employees, number and type of facilities and the size of the budget;
- B. The type of employment responsibilities and the effect on the educational program; and
- C. The nature and expected duration of the request and cost to the district.

Teaching staff members shall not be granted schedule changes that frequently interfere with their assigned class schedule. All changes in employment responsibilities and schedule shall be consistent with the appropriate collective bargaining agreement.

Leave

In accordance with the New Jersey Security and Financial Empowerment Act (SAFE Act) an employee of this district shall be entitled to up to 20 days of unpaid leave in a 12-month period when the employee or his or her child, parent, spouse, domestic or civil union partner has been

DOMESTIC VIOLENCE (continued)

the victim of a domestic violence incident or a sexually violent offense. This entitlement applies to any employee that has been employed by the district for at least 12 months and has worked 1,000 hours during the 12 month period immediately preceding the leave.

Leave may be taken under the SAFE Act to:

- A. Seek medical attention or recover from physical or psychological injuries resulting from a domestic violence or a sexually violent offense for the employee or the employee's child, parent, spouse, domestic partner or civil union partner;
- B. Obtain services from a victim services organization for the employee or the employee's child, parent, spouse, domestic partner or civil union partner;
- C. Obtain psychological or other counseling for the employee or the employee's child, parent, spouse, domestic partner or civil union partner;
- D. Participate in safety planning, relocating or other actions to increase the safety of the employee or to ensure economic security of the employee or the employee's child, parent, spouse, domestic partner or civil union partner;
- E. Seek legal assistance or remedies to ensure the health and safety of the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence or sexual violence; or
- F. Attend, participate in or prepare for a civil or criminal court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, was a victim.

Employees eligible to take leave under the NJ SAFE Act must, if the necessity for the leave is foreseeable, provide the employer with written notice of the need for the leave. The employee must provide the district written notice as far in advance as reasonable and practicable under the circumstances.

The district may require the employee to provide documentation of the domestic violence or sexually violent offense that is the basis for the leave. Documentation may include a restraining order, a letter from the prosecutor's office, documentation regarding the conviction of the abuser, medical documentation, a certification from a domestic violence specialist or rape crisis center, or documentation from a religious or social services professional who has assisted the employee or the employee's family member.

Any documentation required by the district and provided by the employee shall be maintained in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is authorized by a federal or State law, rule or regulation.

The SAFE Act prohibits the district from discharging, harassing or otherwise discriminating or retaliating or threatening to discharge, harass or otherwise discriminate against an employee with respect to the compensation, terms, conditions or privileges of employment on the basis that the employee took or requested any leave that the employee was entitled to under the NJ SAFE Act,

DOMESTIC VIOLENCE (continued)

or on the basis that the employee refused to authorize the release of information deemed confidential under the NJ SAFE Act.

Employees may take leave under the SAFE Act for each incident of domestic violence or sexually violent offense, so long as the employee has not exhausted the maximum permissible leave time of 20 days within the 12-month period. Leave may be taken in blocks of time or intermittently in minimum intervals of one day.

If the employee requests leave for a reason covered by both the NJ SAFE Act and the Family Leave Act, N.J.S.A. 34:11B-1 et seq., or the federal Family and Medical Leave Act, 20 U.S.C. 2601 et seq., the leave shall count simultaneously against the employee's entitlement under each respective law.

Violations of the SAFE Act

Any employee alleging a violation of the NJ SAFE Act must file a private cause of action in the Superior Court within one year of the date of the alleged violation (N.J.S.A. 34:11C-1 et seq.).

Possible

<u>Cross References:</u>	2224	Nondiscrimination, Affirmative Action
	3320	Purchasing Procedures
	4111	Recruitment, Selection and Hiring
	4112.8	Nepotism
	4147	Employee Safety
	5145.4	Equal Educational Opportunity
	6121	Nondiscrimination, Affirmative Action

Key Words

Domestic Violence, Abuse, Leave

Date Adopted:

Date Revised:

Rationale: This new policy is required by N.J.S.A. 11A:2-6a (P.L. 2017, c. 272) which requires all public employers to adopt a domestic violence policy and distribute it to all employees. This requirement exists whether or not the district is a Civil Service jurisdiction. The Civil Service Commission will distribute this policy in conjunction with the New Jersey Department of Community Affairs (DCA), Office of Local Government Services (LGS). Updates to this policy will be distributed via Local Finance Notices when deemed necessary by the CSC.

STAFF DEVELOPMENT; IN-SERVICE EDUCATION/VISITATIONS/CONFERENCES

The Board of Education recognizes its legal obligation to provide in-service activities that are aligned with student learning and educator development needs, and school, district, and/or State improvement goals. It is the Board's priority that continuing education for teaching staff focus on the ~~improvement~~ development of teachers' and school leaders' effectiveness in assisting students in the achievement of the ~~Common Core State Standards (CCSS) in mathematics and language arts literacy and Core Curriculum Content Standards (CCCS)~~ New Jersey Student Learning Standards.

The Superintendent shall develop a comprehensive management system for staff professional ~~improvement~~ development and shall assist staff members in the area of professional ~~improvement~~ development by providing relevant information regarding workshops, webinars, professional meetings and course offerings. Professional learning shall incorporate coherent, sustained, and evidence-based strategies that improve educator effectiveness and student achievement, including job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills to their work.

Professional Development for School Leaders

"School leader" means an administrator whose position requires possession of a school administrator, principal, or supervisor endorsement.

All active school leaders serving on a permanent or interim basis shall complete training on issues of school law, ethics, governance, and harassment, intimidation and bullying (N.J.S.A. 18A:26-8.2); and other statutory requirements related to student safety and well-being. To meet this ongoing requirement, the specific training needs of each school leader will be reviewed annually as part of the professional development planning process.

A. School Leaders

~~Each school leader shall create, implement, and complete an individual professional development plan (PDP) that: The Superintendent, principals, and supervisors shall fulfill the professional development requirement through the creation, implementation, and completion of a professional development plan that:~~

1. Aligns with the Professional Standards for School Leaders (N.J.A.C. 6A:9-3.4) and the Standards for Professional Learning;
2. Derives from the results of observations, evidence, and recommendations included in the

STAFF DEVELOPMENT: IN-SERVICE EDUCATION/
VISITATIONS/CONFERENCES (continued)

annual performance evaluation of the Superintendent, principals, or supervisors;

3. Identifies professional goals that address specific individual, school, or district goals; and
4. Grounds professional development activities in objectives related to improving teaching, learning, and student achievement, and in support of the school and/or district professional development plan—; and
5. Includes training on: school law, ethics, and governance pursuant to N.J.S.A. 18A:26-8.2; and other statutory requirements related to student safety, bullying and harassment, and well-being.

Each school leader's individual PDP shall be developed by October 31. However, when the school leader is hired after October 1, the PDP shall be developed within 25 working days of his or her hire.

B. Professional Development for the Superintendent

The Superintendent shall develop an individual PDP for review by his or her district Board of Education. In developing the individual PDP, the following process shall be followed:

1. The Board of Education shall ~~oversee and~~ review the Superintendent's professional development individual PDP, including the individual training needs and shall ensure the individual PDP aligns to school district goals and to the school district's plan for professional development. The professional development shall be linked to individual, school, and district professional development goals and to the district's professional development plan.
2. The Superintendent shall submit annually to the Board evidence of progress toward completion of the individual PDP. The Superintendent also shall submit every three to five years, depending on the length of his or her contract with the board, summative evidence of plan completion;
3. The Superintendent may appeal to the Executive County Superintendent if he or she disagrees with the board regarding PDP contents or progress toward completion. The Executive County Superintendent shall have final decision-making authority on all such matters.

~~The Board of Education shall review the professional development plan. The Superintendent shall provide to the Board of Education annual evidence of progress toward completion of the professional development plan and summative evidence of plan completion every three to five years, depending on the Superintendent's contract with the Board of Education.~~

~~In cases where there is disagreement between a Superintendent and his or her Board of Education regarding plan contents or progress toward completion, the Superintendent may appeal to the Executive County Superintendent, who will have final decision-making authority on all such matters.~~

C. Professional Development for Positions Requiring a Principals, Supervisor,s and Other Administrators or Chief School Administrator Endorsement

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Leaders whose positions require a principal or supervisor endorsement, or whose positions require a chief school administrator endorsement but who do not serve as a chief school administrator of the district, shall develop an individual PDP in collaboration with the his or her designated supervisor. Leaders shall provide evidence of progress toward fulfillment of his or her plan. The chief school administrator or designee shall:

1. Review each principal's, supervisor's, or other school leader's individual PDP, including individual training needs and shall ensure it aligns to school and school district goals and the school district's plan for professional development;
2. Meet with the principal, supervisor, or other school leader at mid-year to assess progress toward his or her PDP's completion or modification; and
3. Review the individual PDP's status as part of the principal's, supervisor's, or other school leader's annual performance evaluation. The Superintendent shall oversee and review professional development for each principal and supervisor. The professional development shall be linked to individual, school, and district professional development goals and the district's professional development plan.

~~Leaders whose positions require a principal or supervisor endorsement shall have an annual plan developed in collaboration with the Superintendent, or designee holding a Superintendent endorsement. Leaders whose positions require a Superintendent's endorsement but who do not serve as a Superintendent of the district shall have an annual plan developed in collaboration with the Superintendent, or designee holding a Superintendent endorsement.~~

~~The Superintendent, or designee holding a Superintendent endorsement, shall meet with the principal, supervisor, or other school administrator at mid-year to assess progress toward completion or modification of the plan. The Superintendent, or designee holding a Superintendent endorsement, shall review the status of the professional development plan as part of the principal's, supervisor's, or other district administrator's annual performance evaluation.~~

D. Evidence of Progress and Maintaining Records

The school leader's designated supervisor, or the Board in the case of the Superintendent, shall:

1. Use the performance evaluation process and professional development planning process to monitor the school leader's progress in meeting the professional development requirements. If a school leader's progress is found to be inadequate, the school leader's designated supervisor or the Board in the case of the Superintendent shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and
2. Maintain accurate records of each school leader's progress in meeting the individual professional development requirements. Such records shall include a copy of each school leader's current PDP and timeline, as well as any documentation and evidence showing the school leader's progress toward meeting the plan's requirements.

E. If a school leader leaves the employ of one New Jersey school district and is hired by

STAFF DEVELOPMENT: IN-SERVICE EDUCATION/
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~~another, the school leader's designated supervisor, or the board in the case of the chief school administrator, shall ensure a revised individual PDP appropriate to the new employment is developed in collaboration with the school leader. Each active school leader shall be required to provide evidence of progress toward fulfillment of his or her plan including a narrative account detailing plan goals and their achievement; and documentation of professional growth activities such as school-based learning activities; training; university coursework; action research; and study groups. Study groups may include school, district, county, and/or State associations and organizations, school and district collaborative teams, and virtual learning communities.~~

Professional Development for Teachers

~~To meet the state professional development requirements, each~~Each -teacher shall be guided by an individualized professional development plan (PDP), which shall include at least 20 hours per year of qualifying activities. The 20-hour annual requirement shall be based on the length of full time employment and reduced by a pro rata share reflecting part-time employment, or an absence, including the use of family or medical leave. ~~It is the individual teacher's responsibility in accordance with district policies, to assure that a teacher meets the professional development requirement. There is no mandated financial obligation on the part of the district.~~

The content of each PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3-~~3~~ and the Standards for Professional Learning in N.J.A.C. 6A:9C-~~153~~.3. The PDP shall be effective for one year and shall specify, at a minimum:

- A. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation;
- B. One area for development of professional practice derived from individual, collaborative team, school, or school district improvement goals.

Each teacher's individual PDP shall be updated annually no later than October 31. However, when the teacher is hired after October 1, the PDP shall be developed within 25 working days of his or her hire.

Progress on the individual PDP shall be discussed at the annual summary conference as detailed in Board Policy 4116 Evaluation of Teaching Staff Members and law (N.J.A.C. 6A:10-2.4) but may occur more frequently throughout the year. Evidence of progress toward meeting the requirements of the teacher's individual PDP may be provided by the teacher and/or his or her supervisor, and shall be reviewed as part of each annual summary conference.

A teacher's individual PDP goals may necessitate more than the recommended minimum requirements of 20 hours of professional development annually. Additional hours of qualifying experiences may be required for teachers in low-performing schools, as determined by the Commissioner.

The Board of Education shall ensure that all teachers receive the necessary opportunities, support, and resources to engage in ongoing professional learning and to complete the

STAFF DEVELOPMENT: IN-SERVICE EDUCATION/
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~~requirements of their respective PDPs. As appropriate, an additional area for development of professional practice aligned to the teacher's role as a member of his or her collaborative professional learning team. The professional learning team consists of teachers, school leaders, and other administrative, instructional, and educational services staff members who commit to working together to accomplish common goals and who are engaged in a continuous cycle of professional improvement focused on;~~

~~— 1. Evaluating student learning needs through ongoing reviews of data on student performance; and~~

~~— 2. Defining a clear set of educator learning goals based on the rigorous analysis of these data~~

~~C. As appropriate, an additional area for development of professional practice aligned with school and/or district improvement plans and goals; and~~

~~D. Any requirements for professional development stipulated elsewhere in statute or regulation.~~

~~The progress of each teacher in meeting the goals of the PDP must be determined annually and aligned to the district process for teacher evaluation. Progress on the PDP must be discussed during a minimum of one annual conference between the teacher and his or her supervisor. Each teacher shall provide evidence of progress toward meeting the requirements of his or her individual PDP, and this evidence must be reviewed as part of each conference. The PDP shall be revised at a minimum annually but may be adjusted as necessary to support the teacher's progress. All teachers shall have an individual PDP within 30 instructional days of the beginning of their respective teaching assignments.~~

~~A teacher's individual PDP goals may necessitate more than the recommended minimum requirements. The PDP shall accommodate additional professional development as necessary. Additional hours of qualifying activities may be required for teachers in low-performing schools, as determined by the Commissioner.~~

~~The Board of Education shall ensure that all teachers receive the necessary opportunities, support, and resources to engage in ongoing professional learning and to complete the requirements of their respective PDPs.~~

Supervisor Responsibilities in the Development of Profession Development Plans (PDP)

The teacher's designated supervisor shall:

A. Use the teacher performance evaluation process and the professional development planning process to monitor each teacher's progress in meeting the professional development requirements. The designated supervisor shall take appropriate steps to assure such progress. If a teacher's progress is found to be inadequate, the teacher's designated supervisor shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and

B. Maintain accurate records of each teacher's progress in meeting the individual professional development requirements. Such records shall include a copy of each teacher's current PDP

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and timeline, as well as any documentation and evidence showing the teacher's progress toward meeting the plan's requirements.

If a teacher leaves the employ of one New Jersey school district and is hired by another, the former district of employment shall share the teacher's individual PDP and all supporting documentation with the new employing school district. If the current individual PDP is found to be unsuitable to the teacher's new assignment, the new employing school district shall ensure a revised individual PDP and timeline is created within 30 days of hire by the employee's new supervisor in collaboration with the new teacher.

Achievement Gap and Inequity

The Board shall on a continuing basis, provide professional development training for all school personnel (certified and noncertified) to identify and resolve problems associated with the student achievement gap and other inequities arising from prejudice on the basis of protected status. Parents/guardians and other community members shall be invited to participate in the professional development training. Newly hired certified and noncertified staff shall be provided professional development training on educational equity issues within the first year of employment.

Mandated Inservice Programs

The Superintendent shall arrange development of appropriate inservice presentations, seminars and/or workshops on equity issues, special education, missing, abused and neglected children, drug/alcohol abuse awareness, suicide awareness, handling blood and body fluids, possible hazardous substances in the workplace, crises response, school violence and other topics specifically required by federal or New Jersey law. These required presentations, seminars and/or workshops shall not count automatically toward the required annual 20 hours of continuing education. The Superintendent or his or her designee shall determine when required presentations, seminars and/or workshops shall count toward the teaching staff member's completion of the required annual 20 hours of continuing education.

School-Level Professional Development Plans

The principal shall oversee the development and implementation of a plan for school-level professional development that shall ensure:

A. The school-level professional development ~~plan shall~~ includes

1. ~~A~~ description of school-level and team-based professional learning aligned with identified school goals; and

2. teacher and student learning needs; and

~~B. AllThe school level plans shall become part of the district professional development plan reviewed by the Board of Education.~~

The principal shall ensure that all teachers receive the necessary opportunities, support, and resources to complete individual professional development requirements of N.J.A.C. 6A:9C-

STAFF DEVELOPMENT: IN-SERVICE EDUCATION/
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4.4(a) that at least 20 hours per year of qualifying professional development experiences are provided. The 20-hour annual requirement shall be based on the length of full-time employment and reduced by a pro rata share reflecting part-time employment, or an absence, including the use of family or medical leave.

District-Level Professional Development Plans

The Superintendent or his or her designees shall oversee the development and implementation of plans to address the districts' professional development needs. The school district professional development plan shall be reviewed on an annual basis to assess its effectiveness and revised, as necessary, to meet the school district's learning goals for students, teachers, and school leaders. When overseeing and annually reviewing the school district plan, the Superintendent or designee shall:

The Superintendent shall (N.J.A.C. 6A:9-15.6):

- A. Review school-level professional development plans;
- B. Assess the learning needs of students, teachers, and school leaders based on educator evaluation data, school-level plans, and data from school- and district-level performances;
- C. Plan, support, and implement professional development activities that address the CCSS and the CCCS New Jersey Student Learning Standards, and that align with the Standards for Professional Learning in N.J.A.C. 6A:9-~~C-3-15.3~~ and the Professional Standards for Teachers and School Leaders in N.J.A.C. 6A:9-3-~~3 and 3.4~~; ~~and~~
- D. Develop and update, as necessary, the district mentoring plan for ~~new nontenured teachers, including novice provisional teachers who hold a certificate of eligibility (CE) or a certificate of eligibility with advanced standing (CEAS) (board policy 4112.2 Certification and N.J.A.C. 6A:9-8.4).~~;
- E. Present the plan to the district board of education to review for fiscal impact; and
- F. Certify annually to the New Jersey Department of Education, through a statement of assurance, that the school district is meeting the requirements for the school district plan and that it includes requirements of the district mentoring plan.

~~The Superintendent shall review the district plan annually to assess its effectiveness and revise it as necessary to meet the district's learning goals for students, teachers, and school leaders. The district plan shall provide information on school-level and district-wide professional development opportunities, the resources being allocated toward their support, and a justification for the expenditures. The district plan shall also include any professional development required by statute or regulation.~~

~~The Superintendent shall be responsible for the content and implementation of the district professional development plan. The Superintendent shall present the plan to the Board of Education to review for fiscal impact.~~

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~~The Board of Education reserves the right to deny any plan that fails to advance district goals and objectives; is not conducive to student achievement of the Common Core State Standards or the Core Curriculum Content Standards; or contravenes current negotiated agreements, other board policies, student safety and well-being, continuity of the instructional program, or budgetary constraints.~~

~~Staff participation that may require release time and/or financial reimbursement from the Board will be determined by the Board of Education after recommendation by the Superintendent.~~

~~Staff members who participate in out-of-district programs at Board expense shall submit a written report highlighting the main thrust and ideas observed by the participant.~~

Mandated In-service Programs

The Superintendent shall arrange development of appropriate inservice presentations, seminars and/or workshops on equity issues, special education, child abuse and neglect, drug/alcohol abuse awareness, handling blood and body fluids, possible hazardous substances in the workplace, crises response and other topics specifically required by federal or New Jersey law. These required presentations, seminars and/or workshops shall not count automatically toward the required 20 hours of continuing education annually.

Reimbursement of Travel Related Expenses

A. The Sayreville Board of Education may reimburse its employees for out-of-pocket expenses incurred by them as a result of their travel on behalf of the Board provided:

1. Travel is educationally necessary, fiscally prudent and is:
 - a) consistent with the professional development plan of the Sayreville School District;
 - b) for travel that is critical to the instructional needs of the District or furthers the efficient operation of the District; and
 - c) in compliance with State travel payment guidelines as established by the Department of the Treasury and with guidelines established by the federal Office of Management and Budget; except that those guidelines that conflict with the provisions of Title 18A of the New Jersey Statutes shall not be applicable, including, but not limited to, the authority to issue travel charge cards.
2. Within 30 days after completion of the travel governed by this policy, employees shall submit a brief report to the Board that includes the primary purpose for the travel and the key issues that were addressed at the event and their relevance to improving instruction or the operation of the District. The brief report shall attach any receipts, checks, or vouchers for which a traveler seeks reimbursement, including hotel expenses and any other receipts, checks, or vouchers that the Board has requested from the traveler as a means of demonstrating actual travel costs incurred. Meal expenses incurred under the federal per diem allowance limits found at www.gsa.gov/perdiem (and repeated in the NJ Department of Treasury guidelines at <http://www.state.nj.us/infobank/circular/cir0602b.htm>) do not require receipts.

B. Employees may be reimbursed for travel-related expenses for the following types of events:

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1. "Training and seminars" which means all regularly scheduled, formal residential or non-residential training functions, conducted at a hotel, motel, convention center, residential facility, or at any educational institution or facility;
 2. "Conventions and conferences" which means general programs, sponsored by professional associations on a regular basis, which address subjects of particular interest to a school district or are convened to conduct association business. The primary purpose of employee attendance at conferences and conventions is the development of new skills and knowledge or the reinforcement of those skills and knowledge in a particular field related to school district operations. These are distinct from formal staff training and seminars, although some training may take place at such events;
 3. "Regular school district business" which means all regular official business travel, including attendance at meetings, conferences and any other gatherings which are not covered by the definitions included in B1 and B2 of this policy;
 4. "Retreats" which mean meetings with school district employees and school board members, held away from the normal work environment at which organizational goals and objectives are discussed. If available, school district facilities shall be utilized for this type of event; and
 5. Required training and all travel authorized in existing school district employee contracts and school board policies. This includes, but is not limited to, required professional development and other staff training and attendance at specific conferences authorized in existing employee contracts.
- C. Travelers may be reimbursed for the following types of travel-related expenses:
1. Transportation expenses as follows:
 - a) Private airline or rail company such as Amtrak at the lowest available rate, if it is determined in advance by resolution of the Board that such transportation is economically efficient and advantageous to the Board;
 - b) Taxicab or, whenever such service is available and less costly, mass transportation or shuttle services. The Board shall not bear costs for car rentals, limousine services, or chauffeuring costs to or during the event;
 - c) Public mass transportation costs such as bus, commuter train, or subway-like rail at the lowest available rate; or
 - d) Mileage and toll costs for vehicles driven by the traveler in the most direct, economical and usually-traveled route, in accordance with the United States General Services Administration's ("GSA") most current personally owned vehicle Mileage Reimbursement Rates for automobiles and motorcycles. Rates can be found at www.gsa.com/gov/mileage.
 2. Meals (for overnight travel and in other limited circumstances as discussed in D of this policy) based upon actual reasonable costs in accordance with the limitations provided by federal per diem rates that depend on the date and location of travel established each year by the GSA. Rate limitations can be found on the GSA's website at

STAFF DEVELOPMENT: IN-SERVICE EDUCATION/
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www.gsa.gov/perdiem.

- a) Per diem payment or reimbursement for meals will be actual reasonable costs, not to exceed the federal per diem rates;
 - b) Meal expenses under the federal per diem allowance limits shall require receipts and comply with rate limitations per meal.
 - c) In any case in which the total per diem reimbursement is greater than the federal per diem rate, the costs will be considered to be excessive and shall not be paid with Board funds; and
 - d) Payment or reimbursement shall be approved for the full cost of an official convention meal that the traveler attends when the meal is scheduled as an integral part of the convention or conference proceedings. If a meal is included in the registration fee, the allowance for the meal is not eligible for reimbursement.
3. Lodging based upon actual reasonable costs in accordance with the limitations provided by federal per diem rates that depend on the date and location of travel established each year by the GSA. Rate limitations can be found on the GSA's website at www.gsa.gov/perdiem. The Board shall take the following subsistence requirements into consideration:
- a) Per diem payment or reimbursement for lodging will be actual reasonable costs, not to exceed the federal per diem rates;
 - b) Lodging expenses may exceed the federal per diem rates if the hotel is the site of the convention, conference, seminar or meeting and the going rate of the hotel is in excess of the federal per diem rates. If the hotel at the site of the convention, conference, seminar, or meeting is no longer available, lodging may be paid for similar accommodations at a rate not to exceed the hotel rate for the event;
 - c) Receipts are required for hotel expenses.
 - d) In any case in which the total per diem reimbursement is greater than the federal per diem rate, except as stated in C3b of this policy, the costs will be considered to be excessive and shall not be paid with Board funds; and
 - e) Travelers shall patronize hotels and motels that offer special rates to government employees unless alternative lodging offers greater cost benefits.
4. Registration or conference fees to and for the travel event, which may include a meal as part of the registration fee.

D. Eligibility for subsistence payments.

1. Overnight travel is eligible for a subsistence payment or reimbursement as authorized in NJ Department of the Treasury guidelines which may be found at: <http://www.state.nj.us/infobank/circular/cir0602b.htm> (see Section IX – “Subsistence Allowance – Overnight Travel”), except as otherwise superceded by C2 and C3 of this policy.
2. One-day trips that do not involve overnight lodging are not eligible for a subsistence payment or reimbursement (that is, for meals) except in limited circumstances authorized in the NJ Department of the Treasury guidelines (see Section X – “Meal Allowance – Special Conditions And No Overnight Travel”).

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- E. Travel-related expenses for employees of the Board must directly relate to the employee's professional development and must be approved in advance by both the Superintendent and a majority of the full voting membership of the Board.
- F. The following types of travel-related expenses are excluded from the requirements of this policy:
 - 1. Travel-related expenses caused by or subject to contractual provisions or other statutory or federal regulatory requirements. The Board may not, however, exclude such travel from the subsistence requirements pursuant to D of this policy and the annual maximum travel expenditure amount pursuant to H1 of this policy; and
 - 2. Travel-related expenses for regular district business up to \$5,000 per employee per year.
- G. The Board shall:
 - 1. Allot in its annual budget a maximum travel expenditure amount and annually review its policy to assure that it properly reflects the amount budgeted;
 - 2. Maintain separate accounting for travel expenditures as necessary to ensure compliance with the District's maximum travel expenditure amount pursuant to H1 of this policy; and
 - 3. Maintain detailed documentation in the Board's main offices which demonstrate compliance with this policy including travel approvals, reports, and receipts for all Board-funded expenditures.
- H. No Board member shall:
 - 1. Vote on travel if the Board member, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial involvement that may reasonably be expected to impair his objectivity or independence of judgment; or
 - 2. Act in his official capacity in any matter in which he or a member of his immediate family has a personal involvement that is or creates some benefit to the school official or member of his immediate family; or undertake any employment or service, whether compensated or not, which may reasonably be expected to prejudice his independence of judgment in the execution of his official duties.
- I. The Board will only reimburse travelers upon compliance with N.J.S.A. 18A:11-12 and the approval requirements of this policy and will not ratify or approve payments or reimbursements for travel expenses:
 - 1. After completion of the travel event; or
 - 2. Incurred by anyone other than the traveler.
- J. Penalties.

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1. Any person who approves any travel in violation of this policy or N.J.S.A. 18A:11-12 shall be required to reimburse the Board in an amount equal to three times the cost associated with attending the event.
2. Any traveler who travels in violation of this policy or N.J.S.A. 18A:11-12 shall be required to reimburse the Board in an amount equal to three times the cost associated with attending the event.

Possible

<u>Cross References:</u>	4115	Supervision
	4116	Evaluation
	<u>E4131/4131.1</u>	<u>Staff development; inservice education/visitations/conferences</u>
	<u>4231/4231.1</u>	<u>Staff development; inservice education/visitations/conferences</u>
	5131.6	Drugs, alcohol, tobacco (substance abuse)
	5141	Health
	5141.4	Child abuse and neglect
	6142.2	English as a second language; bilingual/bicultural
	6171.3	At-risk and Title 1
	6171.4	Special education

Key Words

Staff Development, Professional Inservice, Visitations, Conferences, Continuing Education

Date Adopted: 08/23/2005

Date Revised: 12/16/2008, 10/15/2013

Rationale: Policy is now monitored. Changed Common Core Standards to New Jersey Student Learning Standards. Overhauled language in policy. Require that PDPs be developed by October 31st. Added cross reference to new proposed Exhibit with professional learning standards.

STAFF DEVELOPMENT; IN-SERVICE EDUCATION/VISITATIONS/CONFERENCES

Standards for Professional Learning (N.J.A.C. 6A:9C-3.3)

Professional learning that increases educator effectiveness and improves results for all students shall be guided by the following standards:

- A. Learning Communities: Occurs within learning communities committed to continuous improvement, collective responsibility, and goal alignment;
- B. Leadership: Requires skillful leaders who develop capacity, advocate, and create support systems for professional learning;
- C. Resources: Requires prioritizing, monitoring, and coordinating resources for educator learning;
- D. Data: Uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning;
- E. Learning Designs: Integrates theories, research, and models of human learning to achieve its intended outcomes;
- F. Implementation: Applies research on change and sustains support for implementation of professional learning for long-term change; and
- G. Outcomes: Aligns its outcomes with educator performance and New Jersey Student Learning Standards.

Professional Standard for Teachers (N.J.A.C. 6A:9-3.3)

Standard One: Mission, Vision and Core Values. Effective educational leaders develop, advocate, and enact a shared mission, vision, and core values of high-quality education and academic success and well-being of each student.

Standard Two: Ethics and Professional Norms. Effective educational leaders act ethically and according to professional norms to promote each student's academic success and well-being.

Standard Three: Equity and Cultural Responsiveness. Effective educational leaders strive for equity of educational opportunity and culturally responsive practices to promote each student's

STAFF DEVELOPMENT: IN-SERVICE EDUCATION/
VISITATIONS/CONFERENCES (continued)

academic success and well-being.

Standard Four: Curriculum, Instruction and Assessment. Effective educational leaders develop and support intellectually rigorous and coherent systems of curriculum, instruction, and assessment to promote each student's academic success and well-being.

Standard Five: Community of Care and Support for Students. Effective educational leaders cultivate an inclusive, caring, and supportive school community that promotes the academic success and well-being of each student.

Standard Six: Professional Capacity of School Personnel. Effective educational leaders develop the professional capacity and practice of school personnel to promote each student's academic success and well-being.

Standard Seven: Professional Community for Teachers and Staff. Effective educational leaders foster a professional community of teachers and other professional staff to promote each student's academic success and well-being.

Standard Eight: Meaningful Engagement of Families and Community. Effective educational leaders engage families and the community in meaningful, reciprocal, and mutually beneficial ways to promote each student's academic success and well-being.

Standard Nine: Operations and Management. Effective educational leaders manage school operations and resources to promote each student's academic success and well-being.

Standard Ten: School Improvement. Effective educational leaders act as agents of continuous improvement to promote each student's academic success and well-being.

http://npbea.org/wp-content/uploads/2017/06/Professional-Standards-for-Educational-Leaders_2015.pdf

STAFF DEVELOPMENT: IN-SERVICE EDUCATION/
VISITATIONS/CONFERENCES (continued)

Possible

<u>Cross References:</u>	4115	Supervision
	4116	Evaluation
	4131/4131.1	Staff development; inservice education/visitations/conferences
	4231/4231.1	Staff development; inservice education/visitations/conferences
	5131.6	Drugs, alcohol, tobacco (substance abuse)
	5141	Health
	5141.4	Child abuse and neglect
	6142.2	English as a second language; bilingual/bicultural
	6171.3	At-risk and Title 1
	6171.4	Special education

Key Words

Staff Development, Professional Inservice, Visitations, Conferences, Continuing Education,
Professional Learning Standards

Date Adopted:

Date Revised:

EVALUATION OF TEACHING STAFF MEMBERS

General Statement

The Board of Education directs the Superintendent to oversee the implementation of the evaluation process for all teaching staff members. The Board recognizes that the procedures for the implementation of the evaluation process shall in part depend on the specific procedural instructions accompanying the Board adopted evaluation rubrics and practice instruments. Therefore, the Board directs the Superintendent to dedicate the supervisory staff necessary to conduct the evaluation process according to such instruction within the time frames detailed in law and Board Policy.

Staff Responsible

The following chart lists the staff members responsible for the implementation of the regulation and summarizes their responsibilities:

<u>Position</u>	<u>Summary of Main Responsibilities</u>
<u>Superintendent</u>	<ul style="list-style-type: none"> • <u>General policy and procedure oversight within the district</u> • <u>Recommend for board adoption the evaluation rubrics and practice instruments</u> • <u>Ensure teaching staff members and principals, vice principals and assistant principal receive training on the evaluation process</u> • <u>Determine the number of required student growth objectives for teachers</u> • <u>Report district evaluation data to the board</u>
<u>Building principal</u>	<ul style="list-style-type: none"> • <u>General oversight of policy and procedures in the school</u> • <u>Appoint the school improvement panel</u> • <u>Serve on the school improvement panel</u>
<u>Principal, vice principal, assistant principal, designated supervisor</u>	<ul style="list-style-type: none"> • <u>Receive training in observation, evaluation rubrics, practice instruments</u> • <u>In consultation with the evaluated teaching staff members develop student growth objectives</u> • <u>Conduct evaluations including observations and post observation conferences</u> • <u>Ensure all parts of the evaluation process are conducted by the appropriate deadlines</u>

EVALUATION OF TEACHING STAFF MEMBERS (continued)

	<ul style="list-style-type: none"> • <u>Annual summary conference</u> • <u>Annual performance report</u>
<u>School advisory panel</u>	<ul style="list-style-type: none"> • <u>Oversee the mentoring program</u> • <u>Ensure corrective action plans are created (where appropriate) and conduct mid-year evaluations</u> • <u>Identify professional development opportunities</u>
<u>Board of Education</u>	<ul style="list-style-type: none"> • <u>Approve evaluation rubric and practice instruments</u> • <u>Establish the district evaluation advisory committee</u> • <u>Evaluate evaluation data</u> • <u>Annually readopt teacher evaluation policies and procedures</u>
<u>Teaching staff members (including teachers, non-instructional certified staff)</u>	<ul style="list-style-type: none"> • <u>Receive training on evaluation rubrics, practice instrument</u> • <u>In consultation with the principal, designated supervisor, develop student growth objectives</u>

Teaching and Principal Evaluation Rubrics Procedures

- A. The Superintendent, and as appropriate in consultation with the school improvement panel(s), shall oversee the implementation all aspects of the district process for the evaluation of teaching staff members as detailed in Board Policy;
- B. The Superintendent shall notify all teaching staff members annually of the adopted evaluation policies and procedures no later than October 1. If a staff member is hired after October 1, he/she shall be notified of the policies at the beginning of his or her employment;
- C. The Superintendent or his or her designee shall notify all teaching staff members of amendments to the policy within 10 working days of adoption;
- D. The Superintendent shall recommend annually to the board for adoption teacher and principal evaluation rubrics that meet the following minimum standards (N.J.S.A. 18A:6-123):

~~The teaching and principal evaluation rubrics selected by the district shall meet the following minimum standards (N.J.S.A. 18A:6-123):~~

1. ~~A.~~—Four defined annual ratings: ineffective, partially effective, effective, and highly effective;
2. ~~B.~~—The evaluation rubric must be partially based on multiple objective measures of student learning that assess student growth ~~over a period of time~~from one year's measure to the next year's measure;
3. ~~C.~~—The district may determine the methods for measuring student growth, in grades in which a state test is not required;
4. ~~D.~~—Multiple measures of practice and student learning are used in conjunction with professional standards of practice using a comprehensive evaluation process in rating effectiveness with specific measures and implementation processes;

EVALUATION OF TEACHING STAFF MEMBERS (continued)

5. ~~E.~~—Standardized assessments shall be used as a measure of student progress but shall not be the predominant factor in the overall evaluation of a teacher;
6. ~~F.~~—The rubric is based on the professional standards for that employee;
7. ~~G.~~—The performance measures used in the rubric are linked to student achievement;
8. ~~H.~~—The employee receives multiple observations during the school year which shall be used in evaluating the employee;
9. ~~I.~~—At each observation of a teacher, either the principal, his designee who is employed by the district in a supervisory role and capacity, and who possesses a school administrator certificate, principal certificate, or supervisor certificate, the vice-principal, or the assistant principal shall be present.
10. ~~J.~~—The staff member who will be observing shall receive training on the use of the teaching practice observation instrument. The training shall be completed before the evaluator conducts ~~the his or her first~~ observation for the purpose of evaluation;
11. ~~K.~~—An opportunity for the employee to improve his effectiveness from evaluation feedback;
12. ~~L.~~—Guidelines for staff training on the use of the educator practice evaluation instrument to support its implementation, ~~and guidelines for the demonstration of competence in the use and implementation of the educator practice evaluation instrument~~;
13. ~~M.~~—A process for ongoing monitoring and calibration of the observers to ensure that the observation protocols are being implemented correctly and consistently;
14. ~~N.~~—A process for a school district to obtain the approval of the commissioner to utilize other evaluation tools; and
- ~~14-15.~~ A performance framework, associated evaluation tools, and observation protocols, including training and observer calibration resources; and
16. ~~O.~~—A process for ensuring that the results of the evaluation help to inform instructional development.

E. The Superintendent shall ensure that all teaching staff members including teachers, non-instructional certified staff, principals, vice principals, assistant principals and supervisors receive the required training detailed in board policy 4116 Evaluation of Teaching Staff Members;

F. The Superintendent or his or her designee shall certify to the Department of Education that any observer who conducts an observation of a teaching staff member meets the statutory observation requirements (N.J.S.A. 18A:6-119, N.J.S.A. 18A:6-123.b(8), and N.J.S.A. 18A:27-3.1) and certify that the teacher member of the School Improvement Panel meets the requirements detailed in board policy 4116 Evaluation of Teaching Staff Members and according to law (N.J.A.C. 6A:10-3.2);

EVALUATION OF TEACHING STAFF MEMBERS (continued)

G. The Superintendent shall annually adopt evaluation rubrics for all teaching staff members. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The evaluation rubrics for teachers, principals, vice principals, and assistant principals shall include all other relevant minimum standards set forth in N.J.S.A. 18A:6-123 and described above. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.

~~As part of the teacher evaluation rubric and the principal evaluation rubric, the board shall approve and adopt both teacher and principal practice evaluation instruments that appear on an approved list provided by the Department of Education.~~

~~The Board may select a rubric that is not on the approved list and submit the rubric to the Commissioner for approval. All evaluation rubrics for teaching staff members shall be submitted to the Commissioner by June 1 for approval by August 1 of each year (N.J.A.C. 6A:10-2.1c).~~

Measurements of the Teacher Evaluation Rubric

The measurements of the teacher evaluation rubric shall be used to calculate a summative rating for all teaching staff members. The summative rating is the overall evaluation score derived from the evaluation scores of the following measures:

A. Measures of student achievement:

1. Median student growth percentile for teachers who:

- a. ~~teach~~ Teach at least one course or group within a course that falls within a standardized-tested grade or subject; ~~and~~
- b. Teach the course or group within the course for at least 60 percent of the time from the beginning of the course to the day of the standardized assessment;
- c. Have at least 20 individual student growth percentile scores attributed to his or her name during the school year of the evaluation. If a teacher does not have at least 20 individual student growth percentile scores in a given academic year, the student growth percentile scores attributed to a teacher during the two academic years prior to the evaluation year may be used in addition to the student growth percentile scores attributed to the teacher during the academic year of the evaluation;

2. Student growth objectives (SGO) for all teachers developed in consultation with their principal of his or her designee.

B. Measures of teacher practice component rating which shall be on the measurement of the teacher's performance according to the district's Commissioner-approved teacher practice instrument. Observations pursuant to N.J.A.C. 6A:10-4.4 shall be used as one form of evidence for the measurement;~~determined through a teacher practice instrument and based on the required observation, and other measures,~~

C. Teacher observation

EVALUATION OF TEACHING STAFF MEMBERS (continued)

Student Growth Percentile

~~The student growth percentile (SGP) is specific metric for measuring individual student progress on Statewide assessments by tracking how much a student's test scores have changed relative to other students Statewide with similar scores in previous years.~~

~~An SGP score compares a student's academic growth on the New Jersey statewide assessment measure (NJASK and starting 2014 PARCC) from one year to the next to the growth made by that student's academic peers (students from around the state with similar test score histories).~~

~~Students receive a proficiency measure (partially proficient, proficient, advanced proficient). This measure compares the student to all students that have taken that grade level assessment in the state. The SGP is a subset of this group. It compares the student only with other students who share a similar performance record.~~

~~The SGP is able to distinguish high growth from low growth at any scale score. A student may be below proficiency in math or LAL, but he or she could earn a high SGP score showing that the student is achieving more academic growth compared to other students who share a similar proficiency rating history. The SGP combined with other evidence gathered as part of AchieveNJ, signals that the teacher's instruction and/or principal's leadership are helping that child catch up.~~

~~For more information go to www.state.nj.us/education/AchieveNJ/teacher/percentile.shtml~~

~~A. Median student growth percentile shall be included in the annual summative rating for teachers who:~~

- ~~1. Teach at least one course or group within a course that falls within a standardized-tested grade or subject;~~
- ~~2. Teach the course or group within the course for at least 60 percent of the time from the beginning of the course to the day of the standardized assessment; and~~
- ~~3. Have at least 20 individual student growth percentile scores attributed to his or her name during the school year of the evaluation. If a teacher does not have at least 20 individual student growth percentile scores in a given school year, the student growth percentile scores attributed to a teacher during the two school years prior to the evaluation year may be used in addition to the student growth percentile scores attributed to the teacher during the school year of the evaluation.~~

~~B. The New Jersey Department of Education shall calculate the median student growth percentile for teachers using students assigned to the teacher by the school district. For teachers who have a student growth percentile score:~~

- ~~1. The Board shall submit to the Department final ratings for all components, other than the student growth percentile, for the annual summative rating; and~~
- ~~2. The Department then shall report to the board the annual summative rating, including the median student growth percentile for each teacher who receives a median student growth percentile.~~

Student Growth Objectives

EVALUATION OF TEACHING STAFF MEMBERS (continued)

~~Student growth objectives (SGO) shall be assigned to teaching staff members who teach at least one course or group within a course that falls within a standardized tested grade or subject. Student growth objectives shall be specific and measurable, based on available student learning data, aligned to the Core Curriculum Content Standards and based on growth and/or achievement. For teachers who teach subjects or grades not covered by the Core Curriculum Content Standards, student growth objectives shall align to standards adopted or endorsed, by the State Board.~~

~~Student growth objectives shall be developed and measured according to the following procedures:~~

- ~~A. The Superintendent shall determine the number of required student growth objectives for teachers, including teachers with a student growth percentile:
 - ~~1. teacher with a student growth percentile shall have at least one and not more than four student growth objectives;~~
 - ~~2. teacher without a student growth percentile shall have at least two and a maximum of four student growth objectives;~~
 - ~~3. By April 15, prior to the school year the evaluation rubric applies, the Department shall provide on its website the minimum and maximum number of required student growth objectives within this range;~~~~
- ~~B. A teacher with a student growth percentile shall not use the standardized assessment used in determining the student growth percentile to measure progress toward a student growth objective;~~
- ~~C. All teachers shall develop, in consultation with their principal or a teaching staff member appointed by the principal, each student growth objective.~~
- ~~D. If the teacher does not agree with the student growth objectives, the principal shall make the final determination;~~
- ~~E. Student growth objectives and the criteria for assessing teacher performance based on the objectives shall be determined and recorded in the teacher's personnel file by November 15, 2013, and by October 15 of subsequent school years;~~
- ~~F. Adjustments to student growth objectives may be made by the teacher or his or her supervisor only when approved by the Superintendent or designee and shall be recorded in the teacher's personnel file on or before February 15.~~
- ~~G. The teacher's supervisor and/or a member of the School Improvement Panel shall calculate each teacher's student growth objective score. The teacher's student growth objective score, if available, shall be discussed at the teacher's annual summary conference.~~

Percentage Weight Range of Evaluation Rubric Components

~~Each measure of the evaluation rubric shall be converted to a percentage weight so all measures~~

EVALUATION OF TEACHING STAFF MEMBERS (continued)

~~make up 100 percent of the evaluation rubric. By April 15 prior to the school year the evaluation rubric applies, the Department shall provide on its website the required percentage weight of each measure. All components shall be worth the following percentage weights or fall within the following ranges:~~

- ~~A. If the teacher receives a median student growth percentile (teachers of grades 4 through 8 that take the Statewide assessments), the student achievement component shall be at least 40 percent and no more than 50 percent of a teacher's evaluation rubric rating;~~
- ~~B. If the teacher does not receive a median student growth percentile, the student achievement component shall be at least 15 percent and no more than 50 percent of a teacher's evaluation rubric rating as determined by the Department;~~
- ~~C. Measures of teacher practice determined through a teacher practice instrument and based on the required observation, and other measures, shall be at least 50 percent and no more than 85 percent of a teacher's evaluation rubric rating as determined by the Department.~~

Student growth objectives for teachers are academic goals that teachers and designated supervisors set for groups of students. Student growth objectives and the criteria for assessing teacher performance based on the objectives shall be determined, recorded, and retained by the teacher and his or her supervisor by October 31 of each school year, or within 25 working days of the teacher's start date if the teacher begins work after October 1. Student growth objectives shall be developed and measured according to the following procedures:

- A. The Superintendent shall determine the number of required student growth objectives for teachers, including teachers with a student growth percentile. A teacher with a student growth percentile shall have at least one and not more than four student growth objectives. A teacher without a student growth percentile shall have at least two and a maximum of four student growth objectives. The minimum and maximum number of required student growth objectives within this range shall be posted on the New Jersey Department of Education website by August 31, prior to the school year;
- B. A teacher with a student growth percentile shall not use the standardized assessment used in determining the student growth percentile to measure progress toward a student growth objective;
- C. Each teacher shall develop, in consultation with his or her supervisor or a principal's designee, each student growth objective. If the teacher does not agree with the student growth objectives, the principal shall make the final determination;
- D. Student growth objectives and the criteria for assessing teacher performance based on the objectives shall be determined, recorded, and retained by the teacher and his or her supervisor by October 31 of each school year, or within 25 working days of the teacher's start date if the teacher begins work after October 1;
- E. Adjustments to student growth objectives may be made by the teacher in consultation with his or her supervisor only when approved by the Superintendent or designee. Adjustments shall be recorded in the teacher's personnel file on or before February 15. If the SGO covers only the second semester of the school year, or if a teacher begins work after October 1,

EVALUATION OF TEACHING STAFF MEMBERS (continued)

adjustments shall be recorded before the mid-point of the second semester;

F. The teacher's designated supervisor shall approve each teacher's student growth objective score. The teacher's student growth objective score, if available, shall be discussed at the teacher's annual summary conference and recorded in the teacher's personnel file.

Observation and Post Observation Conference

The observation and post observation conferences shall be conducted according the procedures detailed in Board Policy 4116 Evaluation of Teaching Staff Members.

Corrective Action

A corrective action plan shall be developed for any teaching staff member who is rated ineffective or partially ineffective by the evaluation rubrics. The corrective action plan shall be developed according to the procedures detailed in Board Policy 4116 Evaluation of Teaching Staff Members.

Staff Development

The observation and post observation conferences shall be conducted according the procedures detailed in Board Policy 4116 Evaluation of Teaching Staff Members and 4131/4141.1 Staff Development.

EVALUATION OF TEACHING STAFF MEMBERS (continued)

Possible

Cross References:	2230	Principal Evaluation
	R2230	Principal Evaluation
	2131	Superintendent
	4112.6	Personnel records
	4115	Supervision
	4116	Evaluation of Teaching Staff Members
	4117.41	Nonrenewal
	4131	Staff development; inservice education/visitations/conferences
	4215	Supervision
	4216	Evaluation
	6143.1	Lesson plans

Key Words

TEACHNJ, Evaluation, Personnel Evaluation, Evaluation Rubric, Instructional Leadership

Date Adopted: 05/05/2015

Date Revised:

Rationale: Regulation overhauled to reflect updates to the evaluation process

EVALUATION OF TEACHING STAFF MEMBERS

The Board of Education believes that the effective evaluation of teaching staff is essential to the achievement of the educational goals of this district, including student achievement of the ~~Common Core State Standards for mathematics and language arts and literacy and the Core Curriculum Content Standards~~New Jersey Student Learning Standards. The purpose of this evaluation shall be to promote professional excellence and improve the skills of teaching staff members; improve pupil learning and growth; and provide a basis for the review of staff performance.

The Board is committed to establishing educator evaluation rubrics for the evaluation of teaching staff members' effectiveness to further the development of a professional corps of State educators and to increase student achievement. The district evaluation system shall facilitate:

- A. Continual improvement of instruction;
- B. Meaningful differentiation of educator performance using four performance levels;
- C. Use of multiple valid measures in determining educator performance levels, including objective measures of student performance and measures of professional practice;
- D. Evaluation of educators on a regular basis;
- E. Delivery of clear, timely and useful feedback, including feedback that identifies areas for growth and guides professional development; and
- F. District personnel decisions.

Definitions

For the purpose of this Board policy on teacher evaluation, the following definitions shall apply:

"Corrective action plan" means a written plan developed by a teaching staff member serving in a supervisory capacity in collaboration with the teaching staff member to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual teaching staff member "and the school district for implementing the plan, and specific support that the district shall provide.

"Post-observation conference" means a meeting, either in-person or remotely, between the

EVALUATION OF TEACHING STAFF MEMBERS (continued)

supervisor who conducted the observation and the teaching staff member for the purpose of evaluation to discuss the data collected in the observation.

~~-"Teaching staff member" means a member of the professional staff of any district or regional board of education, or any county vocational school district board of education,~~ holding office, position, or employment of such character that the qualifications for such office, position, or employment require him or her to hold a valid, effective, and appropriate standard, provisional, or emergency certificate issued by the State Board of Examiners. Teaching staff members include the positions of school nurse and school athletic trainer. There are three different types of certificates that teaching staff members work under:

- A. An instructional certificate (holders of this certificate are referred to in this chapter as "teachers");
- B. Administrative certificate; and
- C. Educational services certificate (N.J.A.C. 6A:10-1.2).

This definition of teaching staff member includes certified staff positions that have instructional responsibilities as well as certified staff positions that have no instructional responsibilities. Some examples of teaching staff member positions without instructional responsibilities include supervisor, director, school nurse, athletic trainer, principal, vice-principal, student assistance counselor, school psychologist, and guidance counselor.

It is important to note that there are different requirements in this policy and in the law for the training, observation and observation conferences of classroom teachers and the training, observation and observation conferences of certified staff members who have no instructional responsibilities. This also includes differences in the educational rubrics adopted by the Board and approved by the commissioner. The requirements of this policy and law for other aspects of teacher evaluation apply to staff with and without instructional responsibilities (teaching staff members) including reports, personnel records, professional development plans and corrective action plans.

"Teacher" is defined as a "teaching staff member" who holds the appropriate standard, provisional, or emergency certificate issued by the State Board of Examiners and who is assigned a class roster of students for a particular course.

Board Responsibilities

The Board shall:

- ~~A.~~
- A. Ensure that evaluation rubrics are submitted to the commissioner by June 1 for approval by August 1. The Board shall annually adopt evaluation rubrics for all teaching staff members that have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The evaluation rubric that has been approved by the Commissioner of Education shall not be subject to collective negotiations. No collective bargaining agreement or other contract entered adopted after July 1, 2013 shall conflict with the district's educator evaluation system;

EVALUATION OF TEACHING STAFF MEMBERS (continued)

- B. Annually adopt policies and procedures developed by the Superintendent on the evaluation of all teaching staff members.
- C. Annually adopt, by June 1, Commissioner-approved educator practice instruments and notify the New Jersey Department of Education which instruments will be used as part of the school district's evaluation rubrics;
- D. Ensure the principal of each school within the school district has established a School Improvement Panel. The panel shall be established annually by August 31 and shall carry out the duties and functions described below and in N.J.A.C. 6A:10-3.2;
- E. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and
- F. Ensure that the Superintendent or his or her designee certifies to the New Jersey Department of Education that any observer who conducts an observation of a teaching staff member for the purpose of evaluation meets the statutory observation requirements as described below and in accordance with N.J.S.A. 18A:6-119, N.J.S.A. 18A:6-123.b(8), and N.J.S.A. 18A:27-3.1. Additionally the Superintendent or his or her designee shall certify that a teacher member of the School Improvement Panel conducting observations for the purposes of evaluation has the agreement of the majority representative, has the appropriate supervisory certification and has the approval of the principal who supervises the teacher being observed. A teacher member of the School Improvement Panel who participates in the evaluation process shall not serve concurrently as a mentor.
- G. Ensure that the Superintendent annually notifies all teaching staff members of the adopted policies and procedures by October 1. The Board shall also notify each teaching staff members at the beginning upon commencement of employment.

~~Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the board's evaluation policies and procedures;~~

- ~~B. Annually adopt the evaluation rubrics and policies and procedures developed by the Superintendent that pertain to the evaluation of district staff;~~
- ~~C. Annually adopt by June 1, Commissioner-approved educator practice instruments and notify the Department of Education which instruments will be used as part of the school district's evaluation rubrics.~~

Responsibilities of the Superintendent

The Board shall ensure through the Superintendent or his or her designee(s) that the following requirements are met:

- A. The Superintendent directs the development of and oversees the district evaluation policies and procedures requiring the annual evaluation of all teaching staff members. The Superintendent may consult with the District Advisory Evaluation Committee or

EVALUATION OF TEACHING STAFF MEMBERS (continued)

representatives from School Improvement Panels. The Superintendent shall direct the development and oversee:

- ~~1. The implementation of Board approved evaluation rubrics for all teaching staff members;~~
- ~~2. The assignment of roles and responsibilities for implementation of evaluation policies and procedures;~~
- ~~3. The development of job descriptions and evaluation criteria that are based upon school district goals, student achievement, instructional priorities, and the evaluation regulations promulgated by the Department of Education;~~
- ~~4. The application of methods of data collection and reporting appropriate to each job description, including, but not limited to, the processes for observations for the purpose of evaluation and post-observation conference(s) by the teaching staff member's supervisor, or his or her designee;~~
- ~~5. The preparation of individual professional development plans; and~~
- ~~6. The preparation of an annual written performance report by the teaching staff member's supervisor, or his or her designee, and an annual summary conference between the teaching staff member and his or her supervisor, or the supervisor's designee.~~
1. The assignment of roles and responsibilities for implementation of evaluation policies and procedures;
2. The development of job descriptions and evaluation rubrics for all teaching staff members, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in N.J.A.C. 6A:10-1.1 et seq.;
3. The application of methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers, principals, assistant principals, and vice principals for calculating the median and schoolwide student growth percentile;
4. Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;
5. Process for developing and scoring student growth objectives;
6. The process for preparation of individual professional development plans (see Board Policy 4131/4131.1 Staff Development); and
- 6.7. The process for the preparation of an annual written performance report by the teaching staff member's designated supervisor and an annual summary conference between the teaching staff member and his or her designated supervisor.

- B. The Superintendent notifies all teaching staff members annually of the adopted evaluation policies and procedures no later than October 1. If a staff member is hired after October 1, he/she shall be notified of the policies at the beginning of his or her employment. All teaching

EVALUATION OF TEACHING STAFF MEMBERS (continued)

staff members shall be notified of amendments to the policy within 10 working days of adoption;

- C. The principal of each school within the school district has established a School Improvement Panel. The panel shall be established annually by August 31;
- D. Data elements shall be collected from the implementation of the teaching and principal practice instruments and the data shall be stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation; and
- E. Each ~~Superintendent or his/her designee in the district principal in the district~~ shall certify to the New Jersey Department of Education that any observer who conducts an observation of a teaching staff member meets the statutory observation requirements (N.J.S.A. 18A:6-119, 18A:6-123.b(8), and 18A:27-3.1) and certifies that the teacher member of the School Improvement Panel meets the requirements detailed below and according to law (N.J.A.C. 6A:10-3.2); ~~and-~~

F. -The Superintendent shall develop policies and procedures that ensure student performance data on the Statewide assessment, is, upon receipt, promptly disseminated to teaching staff members who were primarily responsible for instructing applicable students in the year the assessment was administered, as well as to teachers who will be primarily responsible to instructing applicable students in the upcoming school year.

Training for Teaching Staff Members and Supervisors

The Board of Education shall ensure, through the Superintendent or his or her designee(s) that the following training procedures are observed when implementing the evaluation rubric for all teaching staff members and, when applicable, applying the Commissioner-approved educator practice instruments:

A. Teaching Staff Members

Annual training shall be provided on and descriptions provided of each component of the evaluation rubric for all teaching staff members who are being evaluated. More thorough training shall be provided for any teaching staff member who is being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components, including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instruments;

B. Supervisors of Classroom Teachers

"Supervisor" means an appropriately certified teaching staff member, employed in the school district in a supervisory role and capacity, and possessing a school administrator, principal, or supervisor, endorsement as defined in N.J.A.C. 6A:9-1.1.

- 1. Annually provide updates and refresher training for supervisors who are conducting evaluations in the district and more thorough training for any supervisor who will evaluate teaching staff members for the first time. Training shall be provided on each component

EVALUATION OF TEACHING STAFF MEMBERS (continued)

~~of the evaluated teaching staff member's evaluation rubric before the evaluation of a teaching staff member; Professional development on the teacher practice instruments shall be provided for any supervisor who will conduct observations for the purpose of evaluation of teachers. Training shall be provided before the observer conducts his or her first observation for the purpose of evaluation;~~

~~2. Any supervisor who will observe teaching practice for the purpose of increasing accuracy and consistency among observers shall be provided annual updates and refresher professional development on the teacher practice instruments;~~

~~23. Each supervisor who will conduct observations for the purpose of evaluation of a teacher shall complete two co-observations annually, during the academic year:~~

~~a. Co-observers shall use co-observation to promote accuracy and consistency in scoring; At least one co-observation shall be completed by December 1;~~

~~b. A co-observation may count as one required observation for the purpose of evaluation as long as the observer meets the requirements of law and this policy (see Teacher Observation and Observation Conferences below). The co-observation shall not count as two or more required observations. If a co-observation counts as one required observation, the score shall be determined by the teacher's designated supervisor. Co-observers shall use the double observation to calibrate teacher practice instruments, promote accuracy in scoring, and to continually train themselves on the instrument;~~

~~c. A co-observation shall count as a required observation as long as the observer meets the requirements of law and this policy (see Teacher Observation and Observation Conferences below). A co-observation shall count as one of the required teacher observations;~~

The Superintendent shall annually certify to the Department of Education that all supervisors of teaching staff members in the school district who are utilizing ~~educator practice instruments~~evaluation rubrics have completed training on ~~the instrument and its application~~ and have demonstrated competency in applying the ~~educator practice instruments~~evaluation rubrics.

District Evaluation Advisory Committee

~~The Board of Education shall establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the district's evaluation policies and procedures. Members of the District Evaluation Advisory Committee shall include representation from the following groups:~~

~~A. Teachers from each school level represented in the school district;~~

~~B. Central office administrators overseeing the teacher evaluation process;~~

~~C. Supervisors involved in teacher evaluation, when available or appropriate; and~~

~~D. Administrators conducting evaluations, including a minimum of one administrator conducting~~

EVALUATION OF TEACHING STAFF MEMBERS (continued)

~~evaluations who participates on a School Improvement Panel.~~

~~Members also shall include the Superintendent, a special education administrator, a parent, and a member of the district Board of Education. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups (N.J.A.C. 6A:10-2.3). (Note: the District Evaluation Advisory Committee is not required after the beginning of the 2017-2018 school year but may be continued at the discretion of the district.)~~

School Improvement Panel

~~The principal of each school shall establish a School Improvement Panel. The panel shall include the principal, a vice-principal, and a teacher who is chosen by the principal in consultation with the majority representative. If an assistant principal or vice principal is not available to serve on the panel, the principal shall appoint an additional member who is employed in the district in a supervisory role and capacity. The principal may appoint additional members to the panel as long as all members meet the following criteria and teachers on the panel represent at least one-third of its total membership.~~

~~The building principal annually shall choose the teacher(s) on the School Improvement Panel through the following process:~~

- ~~A. The teacher member shall be a person with a demonstrated record of success in the classroom and who has demonstrated (beginning in academic year 2015-2016) a record of success with an evaluation rating of effective or highly effective in the most recent available annual summative rating;~~
- ~~B. The majority representative may submit to the principal teacher member nominees for consideration;~~
- ~~C. The principal shall have final decision-making authority and is not bound by the majority representative's list of nominees.~~

~~The teacher member shall serve a full academic year, except in case of illness or authorized leave, but may not be appointed more than three consecutive years. All members of the School Improvement Panel shall be chosen by August 31 of each year. Each school shall convene a School Improvement Panel. The panel shall include the principal, or his or her designee, an assistant or vice principal, and a teacher. The principal's designee shall be an individual employed in the district in a supervisory role and capacity who possesses a school administrator, principal, or supervisor endorsement. In the event that an assistant or vice principal is not available to serve on the panel, the principal shall appoint an additional member to the panel, who is employed in the district in a supervisory role and capacity and who possesses a school administrator certificate, principal certificate, or supervisor certificate.~~

~~Any district that has entered a shared services agreement for the functions of the school improvement panel may provide services under that shared services agreement.~~

~~The Superintendent shall ensure that each school has established a School Improvement Panel that shall include the principal, a vice principal, and a teacher who is chosen by the building principal in consultation with the majority representative. The principal shall establish the panel~~

EVALUATION OF TEACHING STAFF MEMBERS (continued)

~~annually by August 31. The principal may appoint additional members to the School Improvement Panel as long as all members meet the following criteria and the teacher(s) on the panel represents at least one-third of its total membership:~~

~~The building principal annually shall choose the teacher(s) on the School Improvement Panel through the following process:~~

~~A. The teacher member shall be a person with a demonstrated record of success in the classroom and who has demonstrated (beginning in academic year 2015-2016) a record of success with an evaluation rating of effective or highly effective in the most recent available annual summative rating;~~

~~B. The teacher member shall be selected in consultation with the majority representative. The majority representative may submit to the principal teacher member nominees for consideration;~~

~~C. The principal shall have final decision-making authority and is not bound by the majority representative's list of nominees.~~

~~The teacher member shall serve a full academic year, except in case of illness or authorized leave, but may not be appointed more than three consecutive years. All members of the School Improvement Panel shall be chosen by August 31 of each year.~~

Duties of the School Improvement Panel

The School Improvement Panel shall (N.J.A.C. 6A:10-3.2):

A. ~~Oversee the mentoring of teachers according to ~~b~~Board ~~policy~~ Policy 4112.2 Certification, ~~the State requirements for instructional certification as detailed in N.J.A.C. 6A:9-8~~, and support the implementation of the school district mentoring plan. ~~Mentoring activities shall be developed in consultation with the school improvement panel;~~~~

B. Conduct evaluations of teachers according to Board Policy and law (N.J.A.C. 6A:10-2.4 and 4.4);

C. ~~Ensure corrective action plans for teachers are created in accordance to N.J.A.C. 6A:10-2.5(j) and conduct the mid-year evaluations for teachers who are on a corrective action plan; and~~

D. ~~Identify professional development opportunities for all teaching staff members based on the review of aggregate school-level data, including, but not limited to, educator evaluation and student performance data to support school-level professional development plans described in N.J.A.C. 6A:9C-4.2 (see Board Policy 4131/4131.1 Staff Development); that are tailored to meet the unique needs of the students and staff of the school, and are based on the review of aggregate school-level data, including, but not limited to, educator evaluation and student performance data to support school-level professional development plans described in N.J.A.C. 6A:9-15.5~~

E. To conduct observations for the purpose of evaluation, the teacher member shall have:

1. Agreement of the majority representative;
2. An appropriate supervisory certificate; and

EVALUATION OF TEACHING STAFF MEMBERS (continued)

3. Approval of the principal who supervises the teacher being observed.

F. The teacher member who participates in the evaluation process shall not serve concurrently as a mentor (N.J.A.C. 6A:9C-5.2(a) 3).

Components of Teacher Evaluation

The components of teacher evaluation shall include the following:

A. Evaluation rubrics for all teaching staff members shall be adopted by the Board annually. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The evaluation rubrics for teachers, principals, vice principals, and assistant principals shall include all other relevant minimum standards as stated in Board Policy and law (N.J.S.A. 18A:6-123). Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year; Board approved evaluation rubrics that include;

1. Student achievement components as described in N.J.A.C. 6A:10-4.2:

- a. Median student growth percentile;
- b. Student growth objectives;

2. Measures of teacher practice determined through a teacher practice instrument for the observation of teachers and other measures;

B. Board adopted practice instruments for teaching staff members;

C. Observations for the purposes of evaluation and post observation conferences by the supervisor;

D. A professional development plan (PDP);

C. An annual summary conference between supervisors and teaching staff members shall be held before the written performance report is filed. The conference shall be held on or before June 30 of each year and include, but not be limited to, a review of the following:

1. The performance of the teaching staff member based upon the job description and the scores or evidence compiled using the teaching staff member's evaluation rubric, including, when applicable, the educator's practice instrument and available indicators or student achievement measures such as student growth objective scores and student growth percentile scores;
2. The progress of the teaching staff member toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan;
3. The preliminary annual performance report.

If any scores for the teaching staff member's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.

~~F.~~ An annual performance report that is a written appraisal of the teaching staff member's

EVALUATION OF TEACHING STAFF MEMBERS (continued)

~~performance shall be prepared by a the designated supervisor, based on the evaluation rubric for his or her position. The annual performance report shall include, but not be limited to:~~

- ~~1. A summative rating based on the evaluation rubric, including, when applicable, a total score for each component;~~
- ~~2. Performance area(s) of strength and area(s) needing improvement based upon the job description and components of the teaching staff member's evaluation rubric;~~
- ~~3. The teaching staff member's individual professional development plan or corrective action plan from the evaluation year being reviewed in the report.~~

~~The teaching staff member and the designated supervisor shall sign the report within five working days of the review.~~

~~The Board shall include all performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part the teaching staff member's personnel file, or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)The teacher shall submit his or her written objections of the evaluation within 10 teaching staff member working days following the conference. The objections shall be attached to each party's copy of the annual written performance report.~~

Evaluation Rubrics for Teaching Staff Members

The Board shall annually adopt evaluation rubrics approved by the commissioner for all teaching staff members. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective. The evaluation rubric is a set of criteria, measures, and processes used to evaluate all teaching staff members in the district. Evaluation rubrics consist of measures of professional practice, based on educator practice instruments and student outcomes.

The Board shall adopt an evaluation rubric specifically for teachers and evaluation rubrics for other categories of teaching staff members (N.J.A.C. 6A:10-2.1).

The Board may adopt a model evaluation rubric that has been reviewed and accepted by the Commissioner. A model teaching or principal evaluation rubric includes a teacher or principal practice instrument that appears on the Department of Education's list of approved educator practice instruments.

The Board may also select an educator evaluation rubric other than the model rubric that at a minimum includes the standards set forth in law (N.J.S.A. 18A:6-123) and has four defined annual ratings: ineffective, partially effective, effective, and highly effective.

All evaluation rubrics for teaching staff members shall be submitted to the Commissioner by June 1 for approval by August 1 of each year (N.J.A.C. 6A:10-2.1c).

The Superintendent shall develop, in consultation with teaching staff members, job descriptions for each teaching staff member position and evaluation criteria for said positions based directly

EVALUATION OF TEACHING STAFF MEMBERS (continued)

upon the job description. The job description shall be concise, stating major responsibilities as briefly as possible. All job descriptions shall be presented to the ~~B~~board for approval.

~~Evaluation Rubric and Practice Instrument for Teachers-Teacher Evaluation Rubric~~

~~A. Teacher Evaluation Rubric~~

~~The evaluation rubrics for all classroom teachers shall include the requirements described in N.J.S.A. 18A:6-123, including, but not limited to:~~

~~1. Measures of student achievement:~~

- ~~a. Median student growth percentile for teachers who teach at least one course or group within a course that falls within a standardized tested grade or subject; and~~
- ~~b. Student growth objectives for all teachers developed in consultation with their principal or his or her designee.~~

~~2. Measures of teacher practice determined through a teacher practice instrument and other measures including teacher practice components, observation and observation conferences and summary reports.~~

~~The evaluation rubrics for all classroom teachers shall include the requirements described in N.J.S.A. 18A:6-123, including, but not limited to:~~

~~A. Components of student achievement:~~

~~1. Median student growth percentile for teachers who:~~

- ~~a. Teach at least one course or group within a course that falls within a standardized-tested grade or subject;~~
- ~~b. Teach the course or group within the course for at least 60 percent of the time from the beginning of the course to the day of the standardized assessment; and~~
- ~~c. Have at least 20 individual student growth percentile scores attributed to his or her name during the school year of the evaluation. If a teacher does not have at least 20 individual student growth percentile scores in a given school year, the student growth percentile scores attributed to a teacher during the two school years prior to the evaluation year may be used in addition to the student growth percentile scores attributed to the teacher during the school year of the evaluation;~~

~~2. Student growth objectives which are academic goals that teachers and designated supervisors set for groups of students. Student growth objectives and the criteria for assessing teacher performance based on the objectives shall be determined, recorded, and retained by the teacher and his or her supervisor by October 31 of each school year, or within 25 working days of the teacher's start date if the teacher begins work after October 1;~~

~~B. Measures of teacher practice component rating which shall be based on the measurement of the teacher's performance according to the district's Commissioner-approved teacher practice instrument. Observations pursuant to N.J.A.C. 6A:10-4.4 shall be used as one form of evidence~~

EVALUATION OF TEACHING STAFF MEMBERS (continued)

for the measurement;

C. Teacher observation.

B. Teacher Practice Instrument

The teacher practice instrument shall be approved by the Commissioner and shall:

- A. 1. _____ Include domains of professional practice that align to the New Jersey Professional Standards for Teachers (N.J.A.C. 6A:9-3);
- B. 2. _____ Include scoring guides for assessing teacher practice that differentiate among a minimum of four levels of performance, and the differentiation has been shown in practice and/or research studies. Each scoring guide shall:
 1. a. _____ Clearly define the expectations for each rating category;
 2. b. _____ Provide a conversion to the four rating categories: highly effective, effective, partially effective, and ineffective;
 3. c. _____ Be applicable to all grades and subjects; or to specific grades and/or subjects if designed explicitly for the grades and/or subjects; and
 4. d. _____ Use clear and precise language that facilitates common understanding among teachers and administrators;
- C. 3. _____ Rely, to the extent possible, on specific, discrete, observable, and/or measurable behaviors of students and teachers in the classroom with direct evidence of student engagement and learning; and
- D. 4. _____ Include descriptions of specific training and implementation details required for the instrument to be effective.

~~For commissioner approval of a teacher practice instrument, the instrument shall include a process to assess competency on the evaluation instrument which the district may choose to use as a measure of competency.~~

Observation: Tenured and Nontenured Classroom Teachers

For all teachers, at least one of the required observations shall be announced and preceded by a pre-conference, and at least one of the required observations shall be unannounced. Superintendent shall decide whether additional required observations are announced or unannounced, if applicable. The following additional requirements shall apply:

- A. Each observation required for the purpose of evaluation shall be conducted for at least 20 minutes;

EVALUATION OF TEACHING STAFF MEMBERS (continued)

B. Nontenured teachers shall be observed at least three times each school year but not less than once each semester. Evaluations shall take place before April 30 each year. The evaluations may cover that period between April 30 of one year and April 30 of the succeeding year. In the case of the first year of employment all three evaluations must be completed prior to April 30. The number of required observations and evaluations may be reduced proportionately when an individual teaching staff member's term of service is less than one academic year. Each evaluation shall be followed by a conference between that teaching staff member and his or her superior or superiors. The purpose of this procedure is to recommend as to reemployment, identify any deficiencies, extend assistance for their correction and improve professional competence:

1. To earn a teacher practice score, a nontenured teacher shall receive at least three observations;
2. If a nontenured teacher is present for less than 40 percent of the total student school days in a school year, he or she shall receive at least two observations to earn a teacher practice score;

C. Tenured teachers shall be observed at least two times during each school year. Observations for all tenured teachers shall occur prior to the annual summary conference, which shall occur prior to the end of the academic school year;

D. If a tenured teacher was rated highly effective on his or her most recent summative evaluation and if both the teacher and the teacher's designated supervisor agree to use this option, one of the two required observations may be an observation of a Commissioner-approved activity other than a classroom lesson. The Department shall post annually to its website a list of Commissioner-approved activities that may be observed in accordance with this section;

E. Teachers on a corrective action plan shall receive one additional observation, including a post-observation conference.

F. Upon receiving a final summative evaluation that necessitates a corrective action plan any remaining required observation(s) shall not be conducted until the corrective action plan has been finalized;

G. A written or electronic observation report shall be signed by the supervisor who conducted the observation and post-observation and the teacher who was observed;

H. The teacher shall submit his or her written objection(s) of the evaluation within 10 teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report. The district may consider and address the objections in the teacher's corrective action plan. ~~Each teacher shall be observed at least three times during each school year but not less than once during each semester.~~

~~A. "Long observation" means an observation for the purpose of evaluation that is conducted for a minimum duration of 40 minutes or one class period, whichever is shorter.~~

~~B. "Short observation" means an observation for the purpose of evaluation that is conducted for at least 20 minutes.~~

EVALUATION OF TEACHING STAFF MEMBERS (continued)

~~C. Each observation required for the purpose of evaluations shall be conducted for the minimum duration based on the following groups:~~

- ~~1. A nontenured teacher who is in his or her first or second year of teaching in the school district shall receive at least three observations, two of which shall be long observations and one of which may be either a long or short observation;~~
- ~~2. A nontenured teacher who is in his or her third or fourth year of teaching in the school district shall receive at least three observations, one of which shall be a long observation and two of which may be either long or short observations;~~
- ~~3. A tenured teacher shall receive at least three observations which may consist of any combination of long or short observations. If the district is granted a waiver by the New Jersey Department of Education, tenured teachers shall receive at least two long observations consistent with the waiver granted to the district.~~

~~D. Each teacher shall be observed at least three times during each school year but not less than once during each semester, unless the district receives a waiver by the New Jersey Department of Education regarding this provision. For all teachers:~~

- ~~1. At least one of the required observations shall be announced and preceded by a pre-conference;~~
- ~~2. At least one of the required observations shall be unannounced;~~
- ~~3. The Superintendent shall decide whether the third required observation is announced or unannounced;~~
- ~~4. Observations for all other teachers shall occur prior to the annual summary conference, which shall occur prior to the end of the academic school year.~~

~~E. For nontenured teachers specifically:~~

~~In addition to the requirements as stated above in "D" for all teachers, the following shall apply to nontenured teaching staff member observation (nontenured teaching staff members include all nontenured professional staff who possess a valid and effective standard or a provisional or emergency certification):~~

- ~~1. Non-tenured teachers shall receive a minimum of three observations that are to take place before April 30 each year; and~~
- ~~2. Non-tenured teachers shall be observed during the course of the year by more than one appropriately certified supervisor, either simultaneously or separately, by multiple observers, with the following provisions:~~
 - ~~a. A co-observation shall fulfill the requirement for multiple observers.~~
 - ~~b. One co-observation shall count as one required observation as described in "A" above.~~

EVALUATION OF TEACHING STAFF MEMBERS (continued)

~~All teacher staff members assigned a corrective action plan shall receive a mid-year evaluation that will include a minimum of one additional observation and post-observation conference (as detailed below under Corrective Action Plans).~~

Observation Conferences for Teachers

The following procedures shall apply to teacher observation conferences:

- ~~A. At least one of the required observations shall be announced and preceded by a pre-conference. The pre-conference shall occur within seven teaching staff member working days prior to the observation, not including the day of the observation;~~
- ~~B. A post-observation conference shall be required for all observations, announced, unannounced, long, short, and/or required by a corrective action plan;~~
- ~~C. The post-conference shall occur no more than 15 teaching staff member working days following each observation;~~
- ~~D. A supervisor who was present at the observation shall conduct a post-observation conference with the teacher being observed;~~
- ~~E. The post-observation conference shall be for the purpose of reviewing the data collected at the observation, connecting the data to the teacher practice instrument and the teacher's individual professional development plan, collecting additional information needed for the evaluation of the teacher, and offering areas to improve effectiveness; and~~
- ~~F. If agreed to by the teacher, post-observation conferences for short observations of tenured teachers who are not on a corrective action plan may be conducted via written communication, including electronic.~~
- A. A supervisor who is present at the observation shall conduct a post-observation conference with the teacher being observed. A post-observation conference shall occur no more than 15 teaching staff member working days following each observation;
- B. The post-observation conference shall be for the purpose of reviewing the data collected at the observation, connecting the data to the teacher practice instrument and the teacher's individual professional development plan, collecting additional information needed for the evaluation of the teacher, and offering areas to improve effectiveness;
- C. If agreed to by the teacher, one required post-observation conference and any pre-conference(s) for observations of tenured teachers who are not on a corrective action plan may be conducted via written communication, including electronic;
- D. One post-observation conference may be combined with a teacher's annual summary conference, as long as it occurs within the required 15 teaching staff member working days following the observation for the purpose of evaluation; and
- E. A pre-conference, when required, shall occur at least one but not more than seven teaching

EVALUATION OF TEACHING STAFF MEMBERS (continued)

staff member working days prior to the observation.

~~Following each observation a post-observation conference shall be conducted and documented.~~

~~One post-observation conference may be combined with a teacher's annual summary conference as long as it occurs within the required 15 teaching staff member working days following the observation for the purpose of evaluation.~~

~~A written observation/evaluation report shall be signed by the supervisor who conducted the observation and post-observation and the teacher who was observed.~~

~~The teacher shall submit his or her written objection(s) of the evaluation within 10 teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report.~~

Annual Written Performance Report for Teachers

The annual written performance report shall be prepared by the teaching staff members who participated in the evaluation of the teaching staff member. In the case of a teacher, the annual written performance report shall be prepared by the teacher's principal, or his or her designee, and shall include, but not be limited to:

- A. A summative rating based on the evaluation rubric, including, when applicable, a total score for each component as described in N.J.A.C. 6A:10-4 and 5 including the student achievement components (medium student growth percentile, student growth objectives), the teacher practice component, and teacher observation. The four summative performance ratings are:
 1. Highly effective;
 2. Effective;
 3. Partially effective;
 4. Ineffective.
- B. Performance area(s) of strength and area(s) needing improvement based upon the job description, ~~observations for the purpose of evaluation and, when applicable, the educator practice instrument~~ and components of the teaching staff member's evaluation rubric;
- C. ~~An~~ The teaching staff member's individual professional development plan or corrective action plan ~~developed by the supervisor and the teaching staff member or, when applicable, a corrective action plan~~ from the evaluation year being reviewed in the report; ~~and~~
- ~~D. A summary of student achievement or growth indicators, when applicable.~~

The teaching staff member and the ~~preparer of the annual written performance report~~ designated supervisor shall sign the report within five working days of the review.

EVALUATION OF TEACHING STAFF MEMBERS (continued)

Annual Summary Conference for Teachers

The annual summary conference between supervisors and teaching staff members shall be held before the written performance report is filed. The conference shall include, but not be limited to, a review of the following:

- A. The performance of the teaching staff member based upon the job description and, ~~when applicable,~~ the scores or evidence compiled using the teaching staff member's evaluation rubric, including the education practice instrument and available indicators or student achievement measures such as student growth objective scores and student growth percentile scores;
- B. The progress of the teaching staff member toward meeting the objectives of the individual professional development plan or, when applicable, the corrective action plan;
- ~~C. Available indicators or scores of student achievement or growth, when applicable, such as student growth objective scores and student growth percentile scores; and~~
- ~~D.~~ D. The preliminary annual written performance report.

If any scores for the teaching staff member's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.

~~Observation, Conference, Written Evaluation and Annual Performance Report: Teaching Staff Members~~

~~The Superintendent shall determine the duration of the observations required for other nontenured teaching staff members who hold a valid and effective standard, provisional or emergency certificate including the school nurse and athletic trainer. Observations for nontenured teaching staff members include, but are not limited to: observations of meetings, student instruction, parent conferences, and case study analysis of a significant student issue. The observation shall:~~

- ~~A. Be followed within 15 working days by a conference between the administrative or supervisory staff member who has made the observation and written evaluation, and the nontenured teaching staff member;~~
- ~~B. Be followed by both parties to such a conference signing the written evaluation report and each retaining a copy for his or her records; and~~
- ~~C. Allow the nontenured teaching staff member to submit his or her written objection(s) of the evaluation within 10 teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report.~~

~~All teacher staff members assigned a corrective action plan shall receive a mid-year evaluation that will include a minimum of one additional observation and post-observation conference (as detailed below under Corrective Action Plans).~~

Teaching Staff Members other than Teachers, Principals, Vice Principals and Assistant Principals

EVALUATION OF TEACHING STAFF MEMBERS (continued)

Some examples of teaching staff member positions without instructional responsibilities may include supervisor, director, school nurse, athletic trainer, student assistance counselor, school psychologist, and guidance counselor.

The components of the teacher evaluation rubric shall apply to teaching staff members other than a teacher, principals, vice principals and assistant principals and the district shall determine the components of the Board adopted rubric that apply to staff without instructional responsibilities.

Observations include, but are not limited to observations of meetings, student instruction, parent conferences, and case-study analysis of a significant student issue. The observation shall:

- A. Be at least 20 minutes in length;
- B. Be followed within 15 teaching staff member working days by a conference between the supervisor who made the observation and the nontenured teaching staff member;
- C. Be followed by both parties to the conference signing the written or electronic evaluation report and each retaining a copy for his or her records; and
- D. Allow the nontenured teaching staff member to submit his or her written objection(s) of the evaluation within 10 teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual written performance report. The district may consider and address the objections in the teacher's corrective action plan.

All tenured teaching staff members shall receive at least one observation per school year. All nontenured teaching staff members shall receive at least three observations.

Personnel Records of Teaching Staff Members

The Board shall ~~add-include~~ all written performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of the teaching staff member's personnel file or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed. indicators of student progress and growth for a teaching staff member as part of his or her personnel file. The records shall be confidential and shall not be subject to public inspection or copying according to the Open Public Records Act and ~~b~~Board ~~policy~~ Policy 4112.6/4212.6 Personnel Records.

Teacher Professional Development Plans

Each teacher shall be guided by an individualized professional development plan (PDP), which shall include at least 20 hours per year of qualifying activities. The 20-hour annual requirement shall be based on the length of full-time employment and reduced by a pro rata share reflecting part-time employment, or an absence, including the use of family or medical leave. To meet the state professional development requirements, each teacher whose position requires possession of the instructional or education services certificate shall be guided by an individualized professional development plan (PDP), which shall include at least 20 hours per year of qualifying activities. The 20-hour annual requirement shall be reduced by a pro rata share reflecting the use

EVALUATION OF TEACHING STAFF MEMBERS (continued)

~~of family or medical leave. It is the individual teacher's responsibility in accordance with district policies, to assure that a teacher meets the professional development requirement. There is no mandated financial obligation on the part of the district.~~

The content of each PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3.3 and the Standards for Professional Learning in N.J.A.C. 6A:9-15.3.3. The PDP shall be effective for one year and shall specify, at a minimum:

- A. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation;
- B. ~~As appropriate, an additional~~One area for development of professional practice derived from individual, collaborative team, school, or school district improvement goals aligned to the teacher's role as a member of his or her collaborative professional learning team. The professional learning team consists of teachers, school leaders, and other administrative, instructional, and educational services staff members who commit to working together to accomplish common goals and who are engaged in a continuous cycle of professional improvement focused on;
 - ~~1. Evaluating student learning needs through ongoing reviews of data on student performance; and~~
 - ~~2. Defining a clear set of educator learning goals based on the rigorous analysis of these data~~
- C. ~~As appropriate, an additional area for development of professional practice aligned with school and/or district improvement plans and goals; and~~
- D. ~~Any requirements for professional development stipulated elsewhere in statute or regulation.~~

~~The progress of each teacher in meeting the goals of the PDP must be determined annually and aligned to the district process for teacher evaluation. Progress on the PDP must be discussed during a minimum of one annual conference between the teacher and his or her supervisor. Each teacher shall provide evidence of progress toward meeting the requirements of his or her individual PDP, and this evidence must be reviewed as part of each conference. The PDP shall be revised at a minimum annually but may be adjusted as necessary to support the teacher's progress. All teachers shall have an individual PDP within 30 instructional days of the beginning of their respective teaching assignments.~~

~~A teacher's individual PDP goals may necessitate more than the recommended minimum requirements. The PDP shall accommodate additional professional development as necessary. Additional hours of qualifying activities may be required for teachers in low-performing schools, as determined by the commissioner.~~

~~Progress on the individual PDP shall be discussed at the annual summary conference as detailed in Board Policy 4116 Evaluation of Teaching Staff Members and law (N.J.A.C. 6A:10-2.4). Evidence of progress toward meeting the requirements of the teacher's individual PDP may be provided by the teacher and/or his or her supervisor, and shall be reviewed as part of each annual summary conference.~~

~~Each teacher's individual PDP shall be updated annually no later than October 31. If the teacher~~

EVALUATION OF TEACHING STAFF MEMBERS (continued)

is hired after October 1, the PDP shall be developed within 25 working days of his or her hire. A teacher's individual PDP goals may necessitate more than the recommended minimum requirements of 20 hours of professional development annually. Additional hours of qualifying experiences may be required for teachers in low-performing schools, as determined by the Commissioner.

The Board of Education shall ensure that all teachers receive the necessary opportunities, support, and resources to engage in ongoing professional learning and to complete the requirements of their respective PDPs.

Corrective Action Plans for Teaching Staff Members

When a teaching staff member is rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teaching staff member and the Superintendent or the teaching staff member's supervisor.

~~When the summative evaluation rating is calculated before the end of the school year, the teacher and supervisor shall meet to develop and discuss the corrective action plan prior to September 15 of the following school year. The conference to develop and discuss the corrective action plan may be combined with the teaching staff member's annual summary conference that occurs at the end of the year of evaluation.~~

~~When the ineffective or partially effective summative evaluation rating is received after the start of the school year following the year of evaluation, then the teacher and supervisor shall meet to develop and discuss the corrective action within 15 teaching staff member working days following the district's receipt of the summative rating.~~

A corrective action plan shall be developed by the teaching staff member and the teaching staff member's designated supervisor when the teaching staff member is rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics. If the teaching staff member does not agree with the corrective action plan's content, the designated supervisor shall make the final determination.

The corrective action plan shall be developed and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan by October 31 of the school year following the year of evaluation. However, if the ineffective or partially effective summative evaluation rating is received after October 1 of the school year following the year of evaluation, a corrective action plan shall be developed, and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan within 25 teaching staff member working days following the school district's receipt of the teaching staff member's summative rating.

The content of the corrective action plan shall replace the content of the individual professional development plan until the next annual summary conference.

The content of the corrective action plan shall:

- A. Address areas in need of improvement identified in the educator evaluation rubric;

EVALUATION OF TEACHING STAFF MEMBERS (continued)

- B. Include specific, demonstrable goals for improvement;
- C. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and
- D. Include timelines for meeting the goal(s).

The teaching staff member's designated supervisor, ~~or his or her designee~~, and the teaching staff member on a corrective action plan shall discuss the teaching staff member's progress toward the goals outlined in the corrective action plan during each post-observation conference ~~that is required by the district evaluation policies and procedures. The teaching staff member and his or her designated supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the teaching staff member's progress, position, or role.~~

~~Progress toward the teaching staff member's goals outlined in the corrective action plan shall be documented in the teaching staff member's personnel file and reviewed at the annual summary conference or the mid-year evaluation. Both the teaching staff member on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the teaching staff member's progress toward his or her corrective action plan goals. Progress toward the teaching staff member's goals outlined in the corrective action plan, and data and evidence collected by the supervisor and/or the teaching staff member to determine progress between the time the corrective action plan began and the next annual summary conference, shall be documented in the teaching staff member's personnel file and reviewed at the annual summary conference or the mid-year evaluation, when applicable.~~

Progress toward the teaching staff member's goals outlined in the corrective action plan may be used as evidence in the teaching staff member's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.

Responsibilities of the evaluated employee on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the teaching staff member's supervisor.

Mid-Year Evaluation of the Corrective Action Plan

~~The School Improvement Panel shall ensure teachers with a corrective action plan receive a mid-year evaluation. The mid-year evaluation shall occur approximately midway between the development of the corrective action plan and the expected receipt of the next annual summative rating. The mid-year evaluation shall include, at a minimum a conference to discuss progress toward the teacher's goals outlined in the corrective action plan. The mid-year evaluation conference may be combined with a post-observation conference.~~

~~The School Improvement Panel shall ensure teachers with a corrective action plan receive one observation, including a post-observation conference, in addition to the observations required as part of the teaching staff member evaluation process. The principal or other administrator shall conduct mid-year evaluations for teachers with a corrective action plan. If the corrective action plan was created on or prior to September 15 of the academic year, the mid-year evaluation shall occur before February 15. If the corrective action plan was created after September 15, the mid-year evaluation shall occur before the annual summary conference. In addition to the other~~

EVALUATION OF TEACHING STAFF MEMBERS (continued)

~~annually required teacher observations and post-observation conferences, the mid-year evaluation of teachers on a corrective action plan, shall include, at a minimum:~~

~~A. One observation, the length of which shall be determined by the Superintendent or the principal;~~

~~B. One post-observation conference during which progress toward the teacher's goals outlined in the corrective action plan shall be reviewed;~~

Tenured teachers with a corrective action plan shall be observed by multiple observers.

Implementation

This policy and related procedures shall be reviewed at least yearly, and any necessary revisions made before re-adoption by the ~~board~~Board.

~~Nothing in this policy shall override any conflicting provision of the collective bargaining agreement. No bargaining agreement entered into after July 2013 shall conflict with the education evaluation system established pursuant to administrative code.~~

The Board shall ensure that the Superintendent notifies each teaching staff member of the Board adopted evaluation policies and procedures no later than October 1. If a staff member is hired after October 1, the teaching staff member shall be notified of the evaluation policies and procedures at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy within 10 working days of adoption.

Possible

<u>Cross References:</u>	2230	Principal Evaluation
	R2230	Principal Evaluation
	2131	Superintendent
	4112.6	Personnel records
	4115	Supervision
	R4116	Evaluation of Teaching Staff Members
	4117.41	Nonrenewal
	4131/4131.1	Staff development; inservice education/visitations/conferences
	4215	Supervision
	4216	Evaluation
	6143.1	Lesson plans
	6200	Adult/community education

Key Words

Evaluation, Teacher Evaluation, Personnel Evaluation, TEACHNJ

Date Adopted: 08/23/2005

EVALUATION OF TEACHING STAFF MEMBERS (continued)

Date Revised: 05/05/2015

SUPERVISION

The Board believes that the purpose of supervision is to improve teacher performance in the classroom so that all students have an opportunity to achieve the New Jersey Student Learning Standards.

Each teacher employed in this district as of the effective date specified in code shall be responsible for fulfilling requirements for continuing education and for making annual progress toward the goal of 20 clock hours of state-approved professional development annually. In addition, each teacher and certificated faculty member shall be required to participate in the completion of a professional learning community (PLC) project. Each teacher's individual professional development plan (PDP) shall incorporate appropriate steps toward these goals and shall be designed to assist teachers in obtaining and maintaining the knowledge and skills essential to student achievement of the New Jersey Student Learning Standards. The professional development plan shall describe specific activities designed to provide guidance for that teacher in improving his/her performance. Such activities may include, but are not limited to, seminars, course work, day-long workshops, and classes on certain instructional approaches.

Although supervisors shall develop professional ~~improvement~~ development plans in collaboration with teachers, the Superintendent shall maintain final authority in determining their appropriate content. The content of each PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3.3 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3. Supervisory assistance and support in achieving the 20 clock hours of state-approved continuing education shall be offered in the context of the district's evaluation process (see policy 4116 Evaluation for Teaching Staff Members), negotiated agreements, other policies, student safety and well-being, continuity of instruction, and budgetary constraints.

The Superintendent shall develop procedures for supervision of the teaching and administrative staff in performance of their duties that shall not be limited to the observations required for evaluation. Such supervision may include, but need not be limited to, review of lesson plans and teacher-made examinations; regularly scheduled curriculum conferences; and brief, informal classroom observations. The supervisor shall note the teacher's satisfactory fulfillment or non-fulfillment of continuing education requirements identified in the professional improvement plan.

~~This policy shall be distributed to each teaching staff member at the beginning of his/her employment.~~

SUPERVISION (continued)

Possible

<u>Cross References:</u>	2131	Superintendent
	4112.6	Personnel records
	4116	Evaluation
	4117.41	Nonrenewal
	4131/4131.1	Staff development; inservice education/visitations/conferences
	4215	Supervision
	4216	Evaluation
	6143.1	Lesson plans
	6200	Adult/community education

Key Words

Continuing Education, Professional Improvement Plans, Personnel Supervision, Supervision

Date Adopted: 08/23/2005

Date Revised: 05/19/2015, 03/06/2018

Rationale: Policy is no longer monitored and there is no longer a requirement that this policy specifically be distributed to staff upon commencement of employment. All staff have access to the Board Policy Manual and therefore, all staff have access to this policy.

RECRUITMENT, SELECTION AND HIRING

The Board guarantees equal employment, advancement opportunity and equal pay for equal work for all people regardless of race, creed, color, national origin, nationality, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, disability or because of genetic information or refusal to submit to or make available the results of a genetic test, pregnancy or other conditions not related to the duties and responsibilities of the job.

The Board believes that the quality of the professional staff in large part determines the quality of the education offered district pupils. Therefore, the Superintendent shall have the responsibility of locating and recruiting the best qualified candidates to provide for the identified needs of district pupils. Recruiting practices shall include measures for targeting underrepresented populations in every category of employment.

Provisional teaching candidates shall be given equal consideration with all other candidates for teaching positions. The Superintendent shall follow all requirements of the administrative code in providing the necessary training program for all teachers hired with provisional certificates.

In accordance with the Every Student Succeeds Act, aAll teachers hired by the Board for programs in the district supported with Title I, part A funds shall ~~be highly qualified, as defined by federal law~~meet the State certification and licensure requirements. All teachers of core academic subjects (English, reading/language arts, mathematics, science, ~~foreign-world~~ languages, civics/government, economics, arts, history and government) hired by the ~~board~~Board shall possess the appropriate certification including having a bachelor's degree from an accredited institution of higher learning and:

- A. Complete an undergraduate major in the appropriate subject area;
- B. Hold a graduate degree in the subject area; or
- C. Complete at least 30 credits in a coherent sequence of courses appropriate to the subject area for teachers or 15 credits for teachers at the middle school level as required by 6A:9B-11.9

The Superintendent or his or her designee shall ensure that the district's employment application process and pre-employment inquiry and interview process conform to the guidelines of the New Jersey Division on Civil Rights and the Law Against Discrimination.

RECRUITMENT, SELECTION AND HIRING (continued)

~~be highly qualified.~~

It shall be the duty of the Superintendent to see that persons nominated for employment shall meet all qualifications established by state or federal law, including the completion of a criminal history check, proof of citizenship or eligible alien status, and certification for the type of position for which nomination is made.

The Superintendent shall take steps to verify the academic credentials of any potential candidate for employment, and ensure any degrees cited, academic coursework or credits completed, or titles claimed by an individual have been granted by an accredited institution of higher education. For Superintendent candidates, the Board shall take similar steps. ~~Documents shall not be accepted from non-accredited institutions or any fraudulent source. If a current employee is found to have obtained employment, tuition reimbursement or increased salary based on documents or credentials obtained from a non-accredited institution, the board will take appropriate action, up to and including the possible discharge of the individual and/or obtaining a refund of the tuition reimbursement or increased salary. This includes, but is not limited to, ensuring the candidate supplies official transcripts to verify that credentials are from an accredited institution. The board secretary shall have responsibility for ensuring the documents are received, verifying credentials, and reporting to the board on the process. Documents shall not be accepted from non-accredited institutions or any fraudulent source. Any employee's misstatement of fact material to qualification for employment or the determination of salary shall be considered by the Board to constitute grounds for dismissal. The Board shall not pay tuition reimbursement, salary increases, or approve promotions for any employee based on credits earned from a non-accredited institution.~~

The Superintendent shall recommend for employment those individuals who, in his/her opinion, are best qualified to fill the vacancy without regard to race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, nationality, atypical hereditary cellular or blood trait of any individual, disability, genetic information or refusal to submit to or make available the results of a genetic test, pregnancy, or other conditions not related to the duties and responsibilities of the job.

The Superintendent shall prepare and maintain job descriptions that define the duties, responsibilities and qualifications required for each position. The board shall adopt those job descriptions required by law or code and others as appropriate.

~~The Board shall not pay tuition reimbursement, salary increases, or approve promotions for any employee based on credits earned from a non-accredited institution. If a current employee is found to have obtained employment, tuition reimbursement or increased salary based on documents or credentials obtained from a non-accredited institution, the Board will take appropriate action, up to and including the possible discharge of the individual and/or obtaining a refund of the tuition reimbursement or increased salary.~~

The Superintendent in determining the candidates to be nominated shall seek information whenever possible from the candidate's prior employers.

The Board shall affirm employment and initial placement on the salary guide by a recorded roll call majority vote of the full membership of the board.

RECRUITMENT, SELECTION AND HIRING (continued)

The Board shall appoint all staff members only from nominations made by the Superintendent. Should a nominee be rejected, it shall be the duty of the Superintendent to make other nominations.

Residency Requirements

Every employee hired by the board shall have their principal residence with the State of New Jersey. For the purposes of this policy an employee may have only one principal residence which shall be defined as:

- A. Where the employee spends the majority of their nonworking time;
- B. Is most clearly the center of the employee's domestic life; and
- C. The employee's designated legal address and legal residence for voting.

The fact that an employee is either domiciled or owns a home or property in the State of New Jersey shall not by itself satisfy the requirement of principal residence.

Exemptions

- A. An employee hired on or after September 1, 2011 who is not a resident when hired shall receive one year to establish residency in New Jersey. If the employee fails to establish residency within that year, he/she shall be deemed unqualified for employment and shall be removed pursuant to N.J.S.A. 52:14-7(d);
- B. An existing employee who was not a resident of New Jersey on or prior to September 1, 2011 is exempted from this policy, if he/she has not had a break in public service for a period of time greater than seven days;
- C. An employee hired by the district who was a non-resident public employee prior to September 1, 2011 is exempted from this policy, unless he/she has not had a break in public service for a period of time greater than seven days;
- D. A break in public service shall be defined as an actual separation from employment for more than seven calendar days due to such causes as resignation, retirement, layoff, or disciplinary removal. But a leave of absence shall not be considered a break in public service.
- E. An employee may request an exemption to the State committee formed under N.J.S.A. 52:14-7 on a basis of critical need or hardship. The decision on whether to approve an application of the employee shall be made by a majority vote of this committee. If this committee fails to act within 30 days after receipt of the employee's application, no exemption shall be granted and the residency requirements set forth in this policy shall be in effect.

Employment History - Definitions

For the purpose of this policy:

RECRUITMENT, SELECTION AND HIRING (continued)

A. "Child abuse" means any conduct that falls under the purview and reporting requirements of law (P.L. 1971, c.437; N.J.S.A. 9:6-8.8 et seq.) and is directed toward or against a child or student, regardless of the age of the child or student (see also board policy 5141.4 Missing, Abused and Neglected Children);

B. "Sexual misconduct" means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialogue, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent or erotic contact with a student.

Required Disclosure of Employment History

The Board shall require all applicants for employment and applicants to provide contracted services for positions and services that involve regular contact with students to provide the following information:

A. A list, including name, address, telephone number and other relevant contact information of the applicant's:

1. Current employer;
2. All former employers within the last 20 years that were schools; and
3. All former employers within the last 20 years where the applicant was in a position that involved direct contact with children;

B. A written authorization that consents to and authorizes disclosure of the information requested for the district to review the employment history and the release of related records by the applicant's list of employers as detailed in "A" of this section, and that releases those employers from liability that may arise from the disclosure or release of records;

C. A written statement as to whether the applicant:

1. Has been the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or the New Jersey Department of Children and Families. This is not required if the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
2. Has ever been disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct;
3. Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

Review of the Employment History

A review of the employment history of the applicant shall be conducted and the employers listed

RECRUITMENT, SELECTION AND HIRING (continued)

by the applicant contacted. The dates of employment shall be requested and a statement as to whether the applicant:

- A. Was the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency or the New Jersey Department of Children and Families. This is not required if the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;
- B. Was disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or
- C. Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

The review of the employment history may be conducted through telephone or cellphone, electronic communication or written communications. If the review is conducted by telephone or cellphone the results of the review shall be documented in writing by the district employee assigned to conduct the review.

Any applicant who willfully provides false information or willfully fails to disclose information required shall be subject to discipline and including termination or denial of employment; may be deemed in violation of law (N.J.S.A. 2C:28-3); and may be subject to a civil penalty of not more than \$500. Notification of these penalties shall be on all applications for employment for positions which involve regular contact with students.

Review of Out-of-State Employment History

A review of out-of-State employers that are part of the employment history of the applicant shall be conducted and the employers listed by the applicant contacted. The Superintendent or his or her designee shall ensure that the employment history review conducted with an out-of-State employer is documented with specificity as to the diligent efforts made to:

- A. Verify the information provided by the applicant; and
- B. Obtain the information requested from any out-of-State employers listed by the applicant.

Nondisclosure Agreements

The district shall not enter into a collectively bargained or negotiated agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

- A. Has the effect of suppressing or destroying information relating to an investigation related to a report of suspected child abuse or sexual misconduct by a current or former employee;
- B. Affects the ability of the district to report suspected child abuse or sexual misconduct to the

RECRUITMENT, SELECTION AND HIRING (continued)

appropriate authorities;

C. Requires the district to expunge information about allegations or finding of suspected child abuse or sexual misconduct from any documents maintained by the district. This excludes allegations that are found to be false or alleged incidents of child abuse or sexual misconduct that have not been substantiated.

Implementation

The district may employ or contract with an applicant on a provisional basis for a period not to exceed 90 days pending the employment history review by the district provided that all of the following conditions are satisfied:

A. The applicant has complied and provided the information requested;

B. The district has no knowledge or information pertaining to the applicant that the applicant is required to disclose as part of the employment history review; and

C. That special or emergent circumstances exist that justify the temporary employment of the applicant.

When the review of an applicant's employment history reveals that the applicant has a history of sexual misconduct or child abuse, the applicant shall be disqualified from employment with the district without grievance or appeals procedures or tenure proceedings pursuant to any collectively bargained or negotiated agreement or any law, rule or regulation.

The district shall respond to requests for employment history information pertaining to former or current district employees in compliance with law, within 20 days of the receipt of the request and former employee's consent to release the information.

Information received about an applicant's employment history shall not be a public record.

Possible

<u>Cross References:</u>	2131	Superintendent
	4111.1	Nondiscrimination/affirmative action
	4112.2	Certification
	4112.4	Employee health
	4112.6	Personnel records
	4112.8	Nepotism
	4121	Substitute teachers
	4222	Noninstructional aides
	5120	Assessment of individual needs
	6010	Goals and objectives

Key Words

Recruitment, Selection and Hiring; Hiring; Nondiscrimination; Affirmative Action, Background
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RECRUITMENT, SELECTION AND HIRING (continued)

Check, Personnel Background Check

Date Adopted: 08/23/2005

Date Revised: 12/18/2012, 07/15/2014

Rationale: Added language affirming non-discrimination of employment in recruiting, selection and hiring. Added language to promote the recruitment of underrepresented classes. Modified parameters formally association with the No Child Left Behind Act (NCLB) to conform to the successor Every Student Succeeds Act (ESSA). Added required provisions for P.L.2018, c.5 aka "Pass the Trash" Law

DOMESTIC VIOLENCE

The Sayreville Board of Education is committed to ensuring that all staff are supported in the event that they experience domestic violence as defined by law (N.J.S.A. 2C:25-19). Victims of domestic violence can suffer devastating physical, emotional and psychological effects and economic disruption. The Board encourages employees who are victims of domestic violence to contact the Director of Human Resources. Employees disclosing their experiences with domestic violence shall be supported in the work environment to an extent that is feasible and practical for the employee to maintain and perform their job and for the effective operation of the educational program.

Reporting Domestic Violence

Any disclosure of domestic violence by an employee shall be taken seriously and according to the following guidelines:

- A. Employees are encouraged to meet with the human resources officer in person. Requests to meet may be made by cell phone or telephone. Email may not be confidential and should not be used when private information is being discussed or disclosed unless this is the only safe method of communication available;
- B. The Director of Human Resources shall ensure that an employee's disclosure of domestic violence be kept confidential unless there exists an emergent danger to the employee or other staff;
- C. The Director of Human Resources shall ensure that such conversations are held in a room or office that can be closed off from the hearing range of other staff members to the extent possible;
- D. The Director of Human Resources shall ensure that any sharing of confidential information is only done with the written authorization of the employee. This excludes reported incidents of violence or abuse against children;
- E. The Director of Human Resources shall ensure that any records pertaining to domestic violence be kept separate from the personnel record and in strict confidentiality. Only the employee, the Director of Human Resources and the Superintendent shall have access to an employee's confidential file; and
- F. The Director of Human Resources will assemble a list of resources available to victims of

DOMESTIC VIOLENCE (continued)

domestic violence. These resources shall include but may not be limited to information on domestic violence (books, web resources, etc.), legal resources available such as advocacy and law enforcement options, medical and psychological treatment and counseling referral sources, food and housing options and local support groups.

Work Support

In order to help prevent occupational disruption, loss of employment and financial hardship that may occur when an employee experiences domestic violence the Director of Human Resources may investigate the following options to support the employee's continued performance of their job responsibilities, including but not limited to:

- A. Adjusting work assignments;
- B. Temporary or permanent job restructuring;
- C. Temporary adjustment to the employee's work schedule;
- D. Work from home options;
- E. Flexible approval of paid sick leave, personal time and vacation time;
- F. Other reasonable options.

The employee shall work with the Director of Human Resources and the supervisor when requesting employment changes that affect the normal schedule. The Superintendent or, as necessary and required by law, the Board shall approve such support measures. Notice to the appropriate collective bargaining unit covering the employee may be necessary where required by the contract or State law. Approval may be granted when reasonable and practical. Approval shall not be granted when such request places a hardship on the board and/or the educational program. Approval of requested employment modifications shall include the following considerations:

- A. The overall size of the school district's program with respect to the number of employees, number and type of facilities and the size of the budget;
- B. The type of employment responsibilities and the effect on the educational program; and
- C. The nature and expected duration of the request and cost to the district.

Teaching staff members shall not be granted schedule changes that frequently interfere with their assigned class schedule. All changes in employment responsibilities and schedule shall be consistent with the appropriate collective bargaining agreement.

Leave

In accordance with the New Jersey Security and Financial Empowerment Act (SAFE Act) an employee of this district shall be entitled to up to 20 days of unpaid leave in a 12-month period when the employee or his or her child, parent, spouse, domestic or civil union partner has been

DOMESTIC VIOLENCE (continued)

the victim of a domestic violence incident or a sexually violent offense. This entitlement applies to any employee that has been employed by the district for at least 12 months and has worked 1,000 hours during the 12 month period immediately preceding the leave.

Leave may be taken under the SAFE Act to:

- A. Seek medical attention or recover from physical or psychological injuries resulting from a domestic violence or a sexually violent offense for the employee or the employee's child, parent, spouse, domestic partner or civil union partner;
- B. Obtain services from a victim services organization for the employee or the employee's child, parent, spouse, domestic partner or civil union partner;
- C. Obtain psychological or other counseling for the employee or the employee's child, parent, spouse, domestic partner or civil union partner;
- D. Participate in safety planning, relocating or other actions to increase the safety of the employee or to ensure economic security of the employee or the employee's child, parent, spouse, domestic partner or civil union partner;
- E. Seek legal assistance or remedies to ensure the health and safety of the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence or sexual violence; or
- F. Attend, participate in or prepare for a civil or criminal court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, was a victim.

Employees eligible to take leave under the NJ SAFE Act must, if the necessity for the leave is foreseeable, provide the employer with written notice of the need for the leave. The employee must provide the district written notice as far in advance as reasonable and practicable under the circumstances.

The district may require the employee to provide documentation of the domestic violence or sexually violent offense that is the basis for the leave. Documentation may include a restraining order, a letter from the prosecutor's office, documentation regarding the conviction of the abuser, medical documentation, a certification from a domestic violence specialist or rape crisis center, or documentation from a religious or social services professional who has assisted the employee or the employee's family member.

Any documentation required by the district and provided by the employee shall be maintained in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is authorized by a federal or State law, rule or regulation.

The SAFE Act prohibits the district from discharging, harassing or otherwise discriminating or retaliating or threatening to discharge, harass or otherwise discriminate against an employee with respect to the compensation, terms, conditions or privileges of employment on the basis that the employee took or requested any leave that the employee was entitled to under the NJ SAFE Act,

DOMESTIC VIOLENCE (continued)

or on the basis that the employee refused to authorize the release of information deemed confidential under the NJ SAFE Act.

Employees may take leave under the SAFE Act for each incident of domestic violence or sexually violent offense, so long as the employee has not exhausted the maximum permissible leave time of 20 days within the 12-month period. Leave may be taken in blocks of time or intermittently in minimum intervals of one day.

If the employee requests leave for a reason covered by both the NJ SAFE Act and the Family Leave Act, N.J.S.A. 34:11B-1 et seq., or the federal Family and Medical Leave Act, 20 U.S.C. 2601 et seq., the leave shall count simultaneously against the employee's entitlement under each respective law.

Violations of the SAFE Act

Any employee alleging a violation of the NJ SAFE Act must file a private cause of action in the Superior Court within one year of the date of the alleged violation (N.J.S.A. 34:11C-1 et seq.).

Possible

<u>Cross References:</u>	2224	Nondiscrimination, Affirmative Action
	3320	Purchasing Procedures
	4111	Recruitment, Selection and Hiring
	4112.8	Nepotism
	4147	Employee Safety
	5145.4	Equal Educational Opportunity
	6121	Nondiscrimination, Affirmative Action

Key Words

Domestic Violence, Abuse, Leave

Date Adopted:

Date Revised:

Rationale: This new policy is required by N.J.S.A. 11A:2-6a (P.L. 2017, c. 272) which requires all public employers to adopt a domestic violence policy and distribute it to all employees. This requirement exists whether or not the district is a Civil Service jurisdiction. The Civil Service Commission will distribute this policy in conjunction with the New Jersey Department of Community Affairs (DCA), Office of Local Government Services (LGS). Updates to this policy will be distributed via Local Finance Notices when deemed necessary by the CSC.

SECURITY

The Board of Education recognizes the need for a comprehensive security plan that will provide for the protection of the health, safety, security and welfare of the school population; the prevention of, intervention in, response to and recovery from emergency and crisis situations; and the establishment and maintenance of a climate of civility.

Responsibility

- A. The Superintendent shall have overall responsibility and authority for the security of all buildings and grounds and shall be responsible for the development of the district's safety and security plan and procedures.

The Superintendent shall consult the local police and fire departments, local health and social services providers, the municipalities' emergency management planner, the District Director of Security, and any other community or school resources, as appropriate.

- B. The building principal shall have direct responsibility for the security of his/her building;
- C. The above individuals may delegate authority to appropriate persons, i.e. Director of Security, school resource officers, campus monitors, custodians, secretaries, etc., but such delegation does not relieve them of their responsibility.
- D. All district employees shall receive a copy of the safety security plan and receive in-service training that will enable them to recognize and appropriately respond to safety and security concerns, including emergencies and crises, consistent with the district's plans, procedures and mechanisms for school safety and security and the provisions of this section.
- E. Principals shall communicate to staff and pupils that any security procedures employed are designed not to be punitive, but rather to ensure a safe, caring, and nurturing environment where learning may occur without fear of harm to any individual on campus. To that end, principals shall also ensure staff and pupils understand that security is a team effort to which every member of the school community plays an integral role in detecting any situation which may result in a threat to a safe learning environment. Staff and pupils shall be encouraged that if they "see something," they must "say something."

Identification Card System

The district shall require that all school board members, employees, contractors and volunteers

SECURITY (continued)

working or assigned within the district display an identification card on their outer garment at all times identifying themselves as authorized personnel. The Superintendent shall develop a procedure for the issuance of employee identification cards.

Site and Building Access

It is the responsibility of every staff member to play a part in building security and to determine the identity of any stranger in the building. All pupils should be instructed not to talk to strangers in the building and particularly not to open locked exterior doors for strangers.

Special precaution should be taken with building equipment to ensure that it is not located on window shelves and is put away each evening, out of sight, either in a closet or desk. The custodial staff will be instructed to ensure that the security alarm system in the school is operative after the building is secured.

Destruction of school property or equipment or unauthorized removal of same should be reported at once to the principal.

Keys

An adequate key control building system shall be established which will limit access to authorized personnel and safeguard against possession of keys by unauthorized persons.

Burglary or Damage to School

Any employee who discovers evidence of illegal entry or theft of school property shall report it to the chief school administrator's office immediately.

The Superintendent or his or her designee shall inform the Board of the action taken. Any employee witnessing such an incident shall call the police immediately and notify the Superintendent's office.

Magnetometers (Metal Detectors)

The Board of Education is committed to protecting the health, safety, and welfare of all children, staff, and visitors of the commission. The Board of Education authorizes the district to use walk-through and/or handheld metal detectors at any district activity and in the district's buildings or on school grounds. These metal detectors may be used for entrance into a school building, on school grounds, as defined in, or at any district activity where the Superintendent or his/her designee believes security threat may be present.

Persons entering a school building or attending a school activity may be subject to daily, regular, or random screening with a metal detector. The metal detector may be a walk-through, handheld, or other type of metal detection device. The Superintendent or designee shall determine if the screening shall be daily, regular, or random upon evaluating the security threat posed by the situation at the time. The screenings may take place before entering a school building, gaining access to school grounds, being admitted to a school activity, boarding or unloading a school bus, and/or before gaining access to any other location and/or activity sponsored by the district. Persons that do not consent to a metal detection screening may be denied admittance.

SECURITY (continued)

The Superintendent and/or designee shall recommend the district purchase metal detectors approved for the district's intended use; shall schedule training and re-training for all personnel using metal detectors; shall provide additional training for all personnel trained and authorized to use metal detectors in the event there is a security breach near or at the location of a metal detector; and shall coordinate all district metal detector tests in accordance with the requirements as outlined in the manufacturer's specifications.

The Superintendent and/or designee shall maintain records for the purchase of metal detectors, training and re-training of personnel in the use of metal detectors and potential security breaches, and the testing of metal detectors.

All bags shall be subject to search

The police department will be immediately contacted in the event a person is found to have in their possession any item that poses a threat to the security of the person(s) or others.

Items in violation of any Board of Education policies or school procedures found during any screening process, or witnessed to be discarded prior to undergoing, during, or after any screening process shall result in consequences consistent with the pupil code of conduct (Board Policy 5131 and R5131).

All district student and faculty handbooks will indicate the Board of Education may use metal detecting devices in all school buildings, on school grounds, and at all school activities.

Possible

<u>Cross References:</u>	1250	Visitors
	1330	Use of School Facilities
	1410	Local units
	3510	Operation and maintenance of plant
	3516	Safety
	5131	Conduct/Discipline
	R5131	Code of Student Conduct
	5141.1	Accidents
	5142	Student safety
	6114	Emergencies and disaster preparedness
	6142.12	Career education
	7110	Long-range facilities planning

Key Words

Security, Keys, Magnetometer, Metal Detector, Burglary, Building Access

Date Adopted:

Date Revised:

SECURITY (continued)

Rationale: New policy to codify the Board's security efforts and use of magnetometers.

VISITORS

The Board welcomes visits to school by parents/guardians, board members, other adult residents of the community and interested educators, when they fit into the classroom or school routine. In order for the educational program to continue undisturbed when visitors are present, and to prevent the intrusion of disruptive persons into the schools, the following regulations address visitors' access to the schools:

- A. Persons wishing to visit should make arrangements in advance with the school office.
- B. Upon their arrival at the school, visitors must register at the ~~office~~security desk. Visitors shall be required to have their government issued photo identification scanned. This identification may also be screened against one or more controlled databases. In schools where such technology is available and in use, visitors shall be required to undergo screening processes utilizing a magnetometer (metal detector). All bags shall be subject to search. Generally, school board members and staff members who display a valid district photo identification shall not be required to be screened nor required to provide their driver's license. The school security officer, however, may require school board members and staff members to undergo the same screening processes as any other visitor if he/she deems it appropriate in order to ensure the security of staff and pupils.
- C. No visitor may confer with a student in school without the approval of the principal. Should an emergency require that a student be called to the school office to meet a visitor, the principal must be present during the meeting.
- D. A student is not permitted to leave the school with anyone who has not been clearly identified as his/her parent or guardian or a person authorized to act on the behalf of a parent or guardian.
- E. Any visitor to the school whose presence or conduct is disruptive, or whose behavior (past or present) suggests that he/she intends or is likely to become disruptive may be requested to leave the school premises. If the visitor so addressed does not withdraw, the principal may summon assistance from the local law enforcement agency.
- F. Drop off boxes for items including, but not limited to textbooks, homework assignments, permission slips, payments, and pupil lunches shall be provided outside the entrance to each school building. Visitors bringing these items to school shall clearly label the item with the pupil's name and grade and place them in the designated box. Visitors shall not be admitted into school buildings solely for the purpose of dropping off an item for a pupil.

VISITORS (continued)

~~All visitors shall be required to report to the principal's office upon entering the building.~~

A "visitor" is anyone other than a pupil enrolled in or a staff member employed in the particular school. Visitors may not consult with the teaching staff or pupils during class time without the principal's permission.

Staff members and pupils are strictly prohibited from propping doors open. Pupils and staff members shall not open a door for anyone. All persons seeking entry to the building shall be directed to the main entrance.

For the purpose of preventing unauthorized entry into the district buildings, the building principal shall ensure that:

- A. The school's main entrance is clearly marked so that it is easily visible and recognizable;
- B. Exterior doors are locked, and when they are in use for a large entry/exit, staff members, security personnel, law enforcement officers or other representatives of the district are assigned to monitor them;
- C. Entrances are clearly marked with a numerical sequence to allow for specific response by police, fire, and emergency medical services responders;
- D. A limited number of doors are available for access by staff and the staff members shall be informed of which doors they are authorized to use;
- E. Security personnel working in the school building are dressed in uniform.

When the parental rights of a parent have been terminated by a court of appropriate jurisdiction, the legal guardian must inform the school so that the administration may apply appropriate regulations. The principal shall seek confirmation of legal custodianship where necessary.

No one may visit the school during school hours for the purpose of recommending or exhibiting books, maps, etc., to staff. No person shall be allowed to deliver any address or lecture on any subject unless authorized by the Superintendent or designee.

All visitors to the schools must obey regulations prohibiting smoking and any other regulations designed to ensure orderly operation of the school. All persons violating this policy shall be considered "disorderly persons" and subject to appropriate action.

Possible

<u>Cross References:</u>	1220	Ad hoc advisory committees
	3327	Relations with vendors
	3515	Smoking prohibition
	<u>3517</u>	<u>Security</u>
	4131/4131.1	Staff development; inservice education/visitations/conferences
	5020	Role of parents/guardians
	5124	Reporting to parents/guardians

VISITORS (continued)

5125	Pupil records
5142	Pupil safety
5145.11	Questioning and apprehension
6144	Controversial issues
9010	Role of the member

Key Words

Visits to the Schools, Visitors

Date Adopted: 08/23/2005

Date Revised:

Rationale: Added new language requiring screening of all visitors. Added language regarding drop off boxes. Removed the requirement that visitors must report to the principal's office and substituted check-in at the security desk. Added additional language regarding securing the perimeter. Updated cross reference to include new security policy.