

ESTELL MANOR SCHOOL DISTRICT
Estell Manor, New Jersey

Policy Manual

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GOALS AND OBJECTIVES

The Estell Manor Board of Education accepts the responsibility for coordinating the available resources of home, school and community in a mutual effort to guide every student's growth towards becoming a self-respecting individual who can effectively function politically, economically and socially in a democratic society. In addition, the board believes that by providing diverse and relevant educational choices supported by research-based practices in the use of technology, students will be prepared for successful participation in higher education programs and/or the careers of the 21st century.

The board is dedicated to ensuring that all students in the district are provided with the necessary skills and competencies for achievement of the New Jersey Student Learning Standards.

A. All children should start school ready to learn:

1. Quality preschool opportunities shall be provided for all children, through collaboration between public schools and community agencies;
2. Parent education programs shall be designed and implemented by the district to assist parents in providing readiness experiences for their preschool children.

B. Students shall leave grades three through eight having demonstrated competency in challenging subject matter including English language arts; mathematics; science; social studies; visual and performing arts; comprehensive health and physical education; world languages; technology; and 21st Century Life and Career Standards:

1. The district shall implement the state-approved New Jersey Student Learning Standards and appropriate assessments to support student achievement and to evaluate school, district and individual student performance;
2. The district shall provide staff development opportunities to ensure that teachers are adequately equipped to teach challenging and up-to-date subject matter and to implement effective teaching techniques. It shall monitor teaching staff members progress toward achievement of the required 20 hours of continuing education annually to ensure that they are obtaining and maintaining the skills to help all students achieve the New Jersey Student Learning Standards.

C. Students shall learn to use their minds well, so that they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy:

1. Students shall be given the opportunity to improve self-direction and self-sufficiency in the areas of critical thinking, problem solving, reasoning, analysis, interpretation, and synthesizing information;
2. Students shall become responsible digital citizens of the global internet community with ethical, safe and responsible habits, actions, and consumption patterns;
3. All students shall demonstrate competency in the skills identified in the 21st Century Life and Careers Standards;
4. All students shall demonstrate respect for racial, cultural, ethnic and religious diversity.

D. 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

GOALS AND OBJECTIVES (continued)

sexual orientation, gender identity or expression, religion, disability, nationality or socioeconomic status.
The district shall:

1. Provide schools and facilities that are barrier free;
 2. Provide effective programs that support a safe and respectful school climate and culture and provide effective prevention of and intervention for incidents of harassment, intimidation and bullying;
 3. Ensure that the requirements for the completion of courses are nondiscriminatory;
 4. Ensure that courses are not offered separately on the basis of race, creed, color, national origin, ancestry, age, marital status, pregnancy, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status;
 5. Ensure that minority, female, and male students are not underrepresented in all classes and programs, including gifted and talented, accelerated, and advanced classes.
- E. District schools shall be free of drugs and violence and offer a safe, disciplined environment conducive to learning:
1. The district shall develop partnerships with parents to establish the responsibilities of each to create and maintain safe and healthy educational environments for all students;
 2. The district shall provide programs and staffing to deal with students at risk;
 3. The school and community shall expand their cooperative efforts to create drug and violence-free environments;
 4. All students shall develop a positive view of self and learn to use effective interpersonal skills.

The board shall develop, in consultation with the superintendent and teaching staff members, a written educational plan for the district. This plan shall be reviewed and adopted annually and shall include:

- A. Written educational goals;
- B. An assessment of student needs;
- C. Specific annual objectives based on identified needs and action plans to implement them;
- D. Standards for assessing and evaluating the achievement of objectives;
- E. The establishment of reasonable student minimum proficiency levels in the areas addressed in the New Jersey Student Learning Standards;
- F. An educational program consistent with these goals, objectives, standards and needs;
- G. Evaluation of student progress.

Adopted:	April 2000
NJSBA Review/Update:	October 2021
Readopted:	October 27, 2021

Key Words

Instructional Goals and Objectives, Goals and Objectives in Instruction

Legal References:	<u>N.J.S.A.</u> 18A:7A-10	NJSAC for evaluating school performance
	<u>N.J.S.A.</u> 18A:7C-2	Boards of education; establishment of standards
	<u>N.J.S.A.</u> 18A:7F-43	<u>Comprehensive Education Improvement and Financing Act</u>

GOALS AND OBJECTIVES (continued)

<u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
<u>N.J.S.A.</u> 18A:35-1 <u>et seq.</u>	Curriculum and Courses
<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessment
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:8-1.2 through -1.3, -2.1, -3.1,-4.4	
<u>N.J.A.C.</u> 6A:9C-2.1 <u>et seq.</u>	Professional development for teaching staff member and school leader
<u>N.J.A.C.</u> 6A:23A-1.1 <u>et seq.</u>	Fiscal accountability, efficiency and budgeting procedures
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:23A-22.1 <u>et seq.</u>	
<u>N.J.A.C.</u> 6A:26-1.1 <u>et seq.</u>	Educational Facilities
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.</u>	

Possible

<u>Cross References:</u>	*1100	Communicating with the public
	*1120	Board of education meetings
	*1230	School-connected organizations
	*1600	Relations between other entities and the district
	*2131	Superintendent
	*2240	Research, evaluation and planning
	*3542	Food service
	4010	Goals and objectives
	*4111	Recruitment, selection and hiring
	*4116	Evaluation
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4211	Recruitment, selection and hiring
	*4231/4231.1	Staff development; inservice education/visitations/conferences
	*5113	Absences and excuses
	*5120	Assessment of individual needs
	*5124	Reporting to parents/guardians
	6000	Concepts and roles in instruction
	6011	Thorough and efficient/QEA
	*6140	Curriculum adoption
	*6141	Curriculum design/development
	*6142	Subject fields
	*6145	Extracurricular activities
	*6147	Standards of proficiency
	6152	Grouping
	*6156	Instructional planning/scheduling
	*6160	Instructional services and resources
	*6162.4	Community resources
	*6164.2	Guidance services
	*6164.4	Child study team
	*6171.1	Remedial instruction
	*6171.2	Gifted and talented
	*6171.4	Special education
	*6300	Evaluation of the instructional program

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

SCHOOL CALENDAR

The Estell Manor Board of Education recognizes that the preparation of a calendar for the instructional program of the schools is necessary for orderly educational planning and for the efficient operation of the district.

The board shall determine annually the days when the school shall be in session for instructional purposes. Such school calendar shall consist of no fewer than the 180 days of instruction required by law.

When an interruption in educational programming causes a disabled student's performance to revert to a lower level of functioning that cannot be recouped within a reasonable length of time, an extended school year shall be provided in accordance with the student's IEP. In any case, the school year shall be at least as long for students with disabilities as for nondisabled students.

The superintendent shall prepare the school calendar for board consideration in consultation with teacher and administrator association representatives and the Executive County Superintendent. The board reserves the right to alter the school calendar when feasible and advisable in the best interests of the children of the district.

The board shall adopt annually a list of religious holidays that shall consist as a minimum of those holidays designated by the commissioner of education. Student absences shall be excused for observance of board approved religious holidays (see policy 5113 Attendance, Absences and Excuses).

Adopted: August 27, 2003
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

School Calendar

Legal References: N.J.S.A. 18A:7F-9 Aid to school districts conditioned on compliance with rules and standards for equalization of opportunity; aid withheld for noncompliance
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:25-3 Teaching, etc., on holidays not required
N.J.S.A. 18A:36-1 School year
N.J.S.A. 18A:36-2 Time when schools are open; determination
N.J.A.C. 6A:14-4.1(c) General requirements
N.J.A.C. 6A:32-8.3 School attendance

Piscataway Twp. Ed. Ass'n v. Piscataway Township BOE, App. Div. opinion, Dkt. No. A-7215-95T2, January 24, 1998

Possible

Cross References: *2210 Administrative leeway in absence of board policy
*5113 Absences and excuses

SCHOOL CALENDAR (continued)

- *5127 Commencement activities
- *6112 School day
- *6114 Emergencies and disaster preparedness
- *6146 Graduation requirements
- *6171.4 Special education

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

SCHOOL DAY

The length of the school day and the length of periods of instruction at various levels shall be recommended by the superintendent and set by the Estell Manor Board of Education, and shall be in keeping with requirements of the State Board of Education.

The particular opening and closing hours for levels and/or school shall also be subject to board approval. These opening and closing times shall be as uniform as possible at comparable levels throughout the district. The length of the school day shall be at least as long for students with disabilities as for nondisabled students.

The superintendent shall recommend for board approval the length of class periods and the frequency of instruction in individual subjects.

School administrators shall not dismiss school for any part of the school day without the approval of the superintendent.

Adopted: August 27, 2003
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

School Day, Length of School Day

Legal References: N.J.S.A. 18A:36-1 School year
N.J.S.A. 18A:36-2 Time when schools are open; determination
N.J.S.A. 18A:36-16 Rules regarding religious holidays
N.J.A.C. 6A:14-4.1(c) General requirements
N.J.A.C. 6A:32-8.3 School attendance

Possible

Cross References: *2210 Administrative leeway in absence of board policy
*5113 Absences and excuses
*5124 Reporting to parents/guardians
*6111 School calendar
*6114 Emergencies and disaster preparedness
*6141.2 Recognition of religious beliefs and customs
*6146 Graduation requirements
*6171.4 Special education

*Indicates policy is included in the Critical Policy Reference Manual.

EMERGENCIES AND DISASTER PREPAREDNESS

The Estell Manor School District superintendent shall direct the development of plans, procedures and mechanisms for responding to emergencies and crises in the school that threaten human life and property. He/she shall consult with law enforcement agencies, health and social services agencies and emergency management planners in developing these plans and shall ensure that they provide for the protection of the health, safety and welfare of the school population as well as supportive services for staff, students and their families.

Plans and procedures shall include these elements:

- A. Cooperation with local government agencies in developing and carrying out a school/community disaster plan that includes procedures for building lockdowns when necessary;
- B. Mechanisms for the orderly evacuation of buildings in case of fire or other emergencies;
- C. Means to provide as much protection as possible for children at school and on their way to and from school;
- D. Training in individual self-protection and survival techniques for students and staff;
- E. Communicating specific instructions to students and staff so that the school emergency plan may be carried out with the greatest possible speed and safety.

The superintendent shall develop and provide an inservice training program for school staff to enable them to recognize and appropriately respond to crises, consistent with the district's plans, procedures and mechanisms for managing crises. The inservice program shall be reviewed and updated annually.

School Safety and Security Plan

The Estell Manor Board of Education directs the superintendent and his or her designees to develop and implement comprehensive plans, procedures, and mechanisms that provide for safety and security in the schools. Written plans and procedures and mechanisms shall, at a minimum, provide for:

- A. The protection of the health, safety, security and welfare of the school population;
- B. The prevention of, intervention in, response to and recovery from emergency and crisis situations;
- C. The establishment and maintenance of a climate of civility; and
- D. Support services for staff, students and their families.

The superintendent shall consult with law enforcement agencies, health and social services provider agencies, emergency management planners, and school and other community resources, as appropriate, in the development of the district's plans, procedures, and mechanisms for school safety and security.

The plans, procedures, and mechanisms shall be consistent with the format and content established by the

EMERGENCIES AND DISASTER PREPAREDNESS (continued)

Domestic Security Preparedness Task Force and the Commissioner. The plans, procedures, and mechanisms shall be reviewed annually and updated as appropriate.

The superintendent shall disseminate a copy of the school safety and security plan to its employees. In addition:

- A. New employees shall receive a copy of the school safety and security plan, as appropriate, within 60 days of the effective date of their employment;
- B. All employees shall be notified in writing, as appropriate, regarding updates and changes to the school safety and security plan;
- C. All employees shall attend an in-service training program designed to allow all district board of education employees to recognize and appropriately respond to safety and security concerns, including emergencies and crises, in a manner consistent with the district board of education's plans, procedures and mechanisms for school safety and security.

Fire Drills and School Security Drills

Fire drills shall be held at least once each month for all students. The first emergency evacuation drill of each school year shall be conducted within 10 days of the beginning of classes. Emergency evacuation drills shall be conducted at different hours of the day or evening, during the changing of classes, when the school is at assembly, during the recess or gymnastic periods, or during other times to avoid distinction between drills and actual fires. Outdoor assembly areas shall be designated and shall be located a safe distance from the building being evacuated as to avoid interference with the fire department operations. The assembly areas shall be arranged to keep each class separate to provide accountability of all individuals.

Regular courses of instruction in accident prevention and fire prevention shall be given and shall be adapted to the understanding of the several grades and classes in the schools.

There shall also be at least one school security drill per month. This includes any summer months during which the school is open for instructional programs. A school security drill shall be conducted within the first 15 days of the beginning of the school year. A law enforcement officer shall be present at a minimum of one school security drill each school year in order to make recommendations on any improvements or changes to school security drill procedures that the officer may deem advisable.

A "school security drill" means an exercise, other than a fire drill, to practice procedures that respond to an emergency situation including, but not limited to, a bomb threat, non-fire evacuation, lockdown, or active shooter situation and that is similar in duration to a fire drill.

The building principal shall provide emergency responders with a friendly notification at least 48 hours prior to holding a security drill.

All full-time employees shall receive training on school safety and security that includes instruction on school security drills. New staff members shall receive this training within 60 days of the commencement of that staff member's employment. The annual training provided to employees shall be conducted collaboratively by the district and emergency responders, including law enforcement, fire, and emergency medical services personnel, in order to identify weaknesses in school safety and security policies and procedures and to increase the effectiveness of emergency responders.

Required Drills

EMERGENCIES AND DISASTER PREPAREDNESS (continued)

A. The district shall be required to conduct a minimum of two drills per year for each of the following drills:

1. Active shooter;
2. Evacuation (non-fire);
3. Bomb threats;
4. Lockdowns.

Students are not required to participate in two of the eight mandated drills.

Reporting

By June 30th of each year the superintendent shall submit to the executive county superintendent an annual "Statement of Assurance" report on the forms provided by the Department of Education.

Emergency Closings; Delayed Openings

The superintendent is authorized by the board to close the schools, open them late or dismiss them early in hazardous weather or in other extraordinary circumstances which might endanger the health or safety of students or school employees.

Each year, parents/guardians, students, and staff members shall be informed in advance of how they shall be notified in event of emergency closings. Parents/guardians shall be required to make alternative arrangements for their children in case no one is home to receive a child after an unscheduled early closing.

Adopted: May 18, 2015
 NJSBA Review/Update: July 2021
 Readopted: October 27, 2021

Key Words

Emergencies and Disaster Preparedness, Civil Defense, Disasters, Fire Drills, Security Drills, Bomb Threats, Safety and Security Plan

Legal References: N.J.S.A. 18A:6-2 Instruction in accident and fire prevention
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:40-12 Closing schools during epidemic
N.J.S.A. 18A:41-1 et seq. Fire drills and fire protection
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.S.A. App. A:9-64 et seq. New Jersey Domestic Security Preparedness Act
N.J.A.C. 6A:16-5.1 et seq. School Safety and Security
N.J.A.C. 6A:16-6.3 Reporting students or staff members to law enforcement agencies
N.J.A.C. 6A:26-12.2 Policies and procedures for school facility operation
N.J.A.C. 8:57-1.9 Reporting of diseases by health officers

A Uniform State Memorandum of Agreement between Education and Law Enforcement Officials

International Fire Code, New Jersey Edition, 2006; Section 408 Use and Occupancy-Related Requirements (see particularly: Section 408.3.1).

School Safety and Security Plans, Minimum Requirements

EMERGENCIES AND DISASTER PREPAREDNESS (continued)

Possible

<u>Cross References:</u>	*1410	Local units
	*2210	Administrative leeway in absence of board policy
	*3541.33	Transportation safety
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4231/4231.1	Staff development; inservice education/visitations/conferences
	5141.6	Crisis intervention
	*6111	School calendar
	*6112	School day

*Indicates policy is included in the Critical Policy Reference Manual.

CEREMONIES AND OBSERVANCES

The morning opening exercises will include the pledge of allegiance. Those students who have religious or conscientious objections may be excused from participating, but must not disrupt the exercises.

Appropriate recognition shall be given in all schools on the last school day preceding (or the following Monday in the case of Constitution Day and Citizenship Day if September 17th falls on a Sunday):

- A. Martin Luther King Jr.'s Birthday;
- B. Lincoln's Birthday;
- C. Washington's Birthday;
- D. Memorial Day;
- E. Constitution Day and Citizenship Day (Sept. 17);
- F. Columbus Day;
- G. Veterans' Day;
- H. Thanksgiving Day.

Suitable exercises are also required by law in all New Jersey public schools in observance of Flag Day (June 14, day of adoption the American flag by the Continental Congress in 1777), Arbor Day (last Friday in April), and Commodore John Barry Day (September 13th). The board authorizes the superintendent to conduct school observances in commemoration of other persons and events of special historical significance.

Students shall be encouraged to develop and/or take part in events and activities in connection with special "days", "weeks" or "months" proclaimed by the nation, state or community.

Holidays and special events may be recognized in the school so long as such recognition respects the rights and feelings of others and is consistent with law.

Songs and customs which have come to us from the various elements of our national population may be used to broaden our students' awareness of the many elements that make up our American culture.

The board shall not prevent, or otherwise deny participation in, constitutionally protected prayer in any district school, consistent with guidance issued by the United States Department of Education and applicable judicial decisions interpreting the religion clauses of the First Amendment of the U.S. Constitution.

Adopted: August 24, 2005
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

CEREMONIES AND OBSERVANCES (continued)

Ceremonies and Observances, Holidays, Patriotic Exercises

Legal References:

<u>N.J.S.A.</u> 18A:36-3	Display of and salute to flag; pledge of allegiance
<u>N.J.S.A.</u> 18A:36-4	Period of silence (unconstitutional)
<u>N.J.S.A.</u> 18A:36-6	Observance of Flag Day
<u>N.J.S.A.</u> 18A:36-7 through -9	Designation of Arbor Day ...
<u>N.J.S.A.</u> 18A:36-10 through -12	Designation of Commodore Barry Day ...
<u>N.J.S.A.</u> 18A:36-13	Patriotic exercises preceding holidays

U.S.C.A. Const. Amends. 1, 14

Every Student Succeeds Act of 2015, P. L. 114-95, 20 U.S.C.A. 6301 et seq.

P.L. 108-447 (December 2004) requires all educational institutions that receive Federal funds for fiscal year to hold an educational program on The United States Constitution on September 17, designated "Constitution Day and Citizenship Day."

West Virginia Bd. of Ed. v. Barnette, 319 U.S. 624 (1943)

Holden v. Elizabeth Board of Education, 46 N.J. 281 (1966)

Lipp v. Morris, 579 F. 2d 834 (1978) (3rd Cir.)

May v. Cooperman, C.A., 780 F. 2d 240 (1985)

Karcher v. May, 484 U.S. 72 (1987)

Lee v. Weisman, 505 U.S. 577 (1992)

American Civil Liberties Union v. Blackhorse Pike Regional Board of Education, 84 F. 3d 1471 (3rd cir. 1996)

Santa Fe Indep. School District v. Doe, 120 S. Ct. 2266 (June 19, 2000)

Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools, United States Department of Education, February 7, 2003

Possible

Cross References:

*5114	Suspension and expulsion
*5127	Commencement activities
*5131	Conduct/discipline
*6141.2	Recognition of religious beliefs and customs

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

NONDISCRIMINATION/AFFIRMATIVE ACTION

No student enrolled in the Estell Manor District school shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in any educational program or activity of this district on the basis of race, color, creed, national origin, ancestry, age, marital status, domestic partnership status, affectional or sexual orientation, gender identity or expression, genetic information, sex, disability or atypical hereditary cellular or blood trait of any individual, or because of liability for service in the armed forces of the United States, nationality, place of residence in the district, social or economic condition, nonapplicable disability or because of genetic information or refusal to submit to or make available the results of a genetic test, or pregnancy. The affirmative action team as led by the affirmative action officer shall be responsible for planning, implementing and monitoring the district's affirmative action program with respect to school and classroom practices.

Reporting to the superintendent, the affirmative action team shall monitor the following areas for compliance with State Department of Education regulations and make suggestions and/or recommendations when necessary.

A. Access

The district provides equal and bias-free access to all school facilities, courses, programs, activities, and services by:

1. Ensuring equal and barrier-free access to all school and classroom facilities;
2. Implementing a reasonable plan for achieving the greatest degree of racial balance that is feasible and consistent with sound educational values and procedures. The goal of the plan shall be to attain within each school, minority representation that approximates the school district's overall minority representation. Exact apportionment is not required;
3. 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;
4. Utilizing bias-free multiple measures for determining the special needs of students with disabilities;
5. Ensuring support services, including intervention and referral services and school health services are available to all students;
6. Ensuring a student is not discriminated against because of a medical condition. A student shall not be excluded from any education program or activity because of a long-term medical condition unless a physician certifies such exclusion is necessary. If excluded, the student shall be provided with equivalent and timely instruction that may include home instruction, without prejudice or penalty (see board policy 6173 Home instruction); and
7. Ensuring that pregnant students are not excluded from access to the educational programs, activities and services.

B. Curriculum

The district's curriculum and instruction shall be aligned to the New Jersey Student Learning Standards. The curriculum and instruction shall address the elimination of discrimination by narrowing the achievement gap, by providing equity in educational programs, and by providing opportunities for students to interact positively with others regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status. The district shall:

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

1. Ensure 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;
2. Ensure 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. Portions of classes that deal exclusively with human sexuality may be conducted in separate developmentally appropriate sessions for male and female students, provided the course content for such separately conducted sessions is the same;
3. Reduce or prevent the underrepresentation of minority, female, and male students in all classes and programs, including gifted and talented, accelerated, and advanced classes;
4. Ensure the school demonstrates the inclusion of a multicultural curriculum in its instructional content, materials, and methods, and ensuring students understand the basic tenets of multiculturalism;
5. Ensure African-American history, as well as the history of other cultures, is infused into the curriculum and taught as part of U.S. history;
6. Ensure instruction on the Holocaust and other acts of genocide is included in the curriculum, as developmentally appropriate.

C. Counseling Services

Students shall have access to adequate and appropriate counseling services:

1. When informing students about possible careers or professional or vocational opportunities options presented shall not be restricted or limited on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status;
2. Tests or guidance or counseling materials that are biased or stereotyped shall not be used.

D. Physical Education, Athletic Programs, Extracurricular Activities

The district's physical education and athletic programs shall be equitable and co-educational and shall not discriminate on the basis of protected class status including:

1. Separate restroom, locker room, and shower facilities on the basis of gender, but such facilities provided for students of each gender shall be provided and shall be comparable;
2. Separate teams for the two sexes may be operated in one or more sports or single teams open competitively to members of both sexes, as long as the athletic program as a whole provides equal opportunities for students of both sexes to participate in sports at comparable levels of difficulty and competency; and
3. The activities comprising the school athletic programs shall receive equitable treatment, including, but not limited to, staff salaries, purchase and maintenance of equipment, quality and availability of facilities, scheduling of practice and game time, length of season, and all other related areas or matters.

E. Staff training

The affirmative action officer shall suggest a program of inservice training for school personnel designed to identify and solve problems of bias in all aspects of the school program. An equity inservice program shall be held on a continuing basis for all staff and for parents and community members as needed to facilitate participation and support.

Appeals

Grievances related to equity in school and classroom shall be submitted to the affirmative action officer. Any

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

individual may petition the Commissioner in writing to resolve a dispute arising related to equity in school and classroom.

Adopted: March 28, 2007
 NJSBA Review/Update: July 2021
 Readopted: October 27, 2021

Key Words

Affirmative Action, Nondiscrimination, Curriculum, Instructional Materials, Textbooks

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:4A-1 et seq. New Jersey Commission on Holocaust Education
N.J.S.A. 18A:18A-17 Facilities for handicapped persons
N.J.S.A. 18A:35-1 Course in history of the United States in high school
N.J.S.A. 18A:36-20 Discrimination; prohibition
N.J.S.A. 18A:37-14.19 Harassment, Intimidation, Bullying
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
See particularly:
N.J.A.C. 6A:7-1.1,-1.4,-1.7,-1.9
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act, of 1973

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act (IDEA)

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Gebser v. Lago Vista Indep. School Dist. 524 U.S. 274 (1998)

Davis v. Monroe County Bd. of Ed. 526 U.S. 629 (1999)

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible

Cross References: *2224 Nondiscrimination/affirmative action
 *4111.1/4211.1 Nondiscrimination/affirmative action
 *4131/4131.1 Staff development; inservice education/visitations/conferences
 *4231/4231.1 Staff development; inservice education/visitations/conferences
 *5131.1 Harassment, intimidation and bullying
 *5134 Married/pregnant students

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

*5145.4	Equal educational opportunity
*6140	Curriculum adoption
*6141	Curriculum design/development
*6142.4	Physical education and health
*6145	Extracurricular activities
*6161.1	Guidelines for evaluation and selection of instructional materials
*6163.1	Media center/library
*6164.2	Guidance services
*6171.4	Special education

*Indicates policy is included in the Critical Policy Reference Manual.

ARTICULATION

In order to optimize student achievement of the New Jersey Student Learning Standards, the Estell Manor Board of Education shall be responsible for the delivery of educational programs using a coherent sequence of activities to prepare all students for employment or postsecondary study upon their graduation.

The superintendent shall develop programs whereby teachers of the various levels of the district's school cooperate to achieve smooth transitions from level to level; whereby students in the district's school receive instruction in the same subjects at the same levels as students in other districts who will be attending the same high schools; and whereby the transition for district students from our elementary school to the high school is accomplished without unnecessary difficulty for any student.

Further, the superintendent will make every effort to develop a similar relationship with nursery schools from which district kindergarten students come.

Adopted: October 22, 2003

NJSBA Review/Update: July 2021

Readopted: October 27, 2021

Key Words

Articulation

Legal References: N.J.S.A. 18A:38-8.1
through -8.3

Additional member on board of education to represent board of education in each sending district

N.J.A.C. 6A:8-1.3 Definitions

N.J.A.C. 6A:8-3.1 Curriculum and instruction

N.J.A.C. 6A:8-3.3 Enrollment in college courses

N.J.A.C. 6A:13-3.2 Secondary education initiatives

Possible

Cross References: *1600 Relations between other entities and the district

*2131 Superintendent

*5118 Nonresidents

*6140 Curriculum adoption

*6141 Curriculum design/development

*6142 Subject fields

*6143 Curriculum guides

*6178 Early childhood education/preschool

*Indicates policy is included in the Critical Policy Reference Manual.

CURRICULUM ADOPTION

The Estell Manor Board of Education shall provide a comprehensive instructional program to serve the needs of the children of this district. In furtherance of this goal and pursuant to law, the board shall annually adopt the existing courses of study. Adoption includes both content and credit allocation. The board's policy in this respect is to:

- A. Adopt those courses of study mandated by the state in a form acceptable to the State Department of Education. Such courses must include the New Jersey Student Learning Standards adopted by the State Board of Education;
- B. Adopt additional courses of study recommended by the teaching staff and administration in a form acceptable to the State Department of Education and within the financial means of the district;
- C. Adapt and revise existing courses of study to meet the changing needs of students and the community.

Existing courses shall be reviewed at regular intervals and revised as necessary. No course of study shall be eliminated, revised or implemented without the approval of the board.

The board directs that the curriculum of this district:

- A. Be consistent with written goals, objectives and identified student needs;
- B. Develop individual talents and interests and serve diverse learning styles to motivate student achievement;
- C. Provide for continuous learning through effective articulation;
- D. Provide all students continuous access to sufficient programs and services of a library/media facility, classroom collection, or both, to support the educational program;
- E. Provide all students guidance and counseling to assist in career and academic planning;
- F. Provide a continuum of educational programs and services for students with disabilities, pursuant to law and regulation;
- G. Provide bilingual programs for students whose dominant language is not English, pursuant to law and regulation;
- H. Provide all students equal educational opportunity, pursuant to law and regulation;
- I. Provide instruction in African-American History, including the Amistad, and the history of other cultures taught as part of the history of the United States (N.J.S.A. 18A:35-1);
- J. Provide instruction on the Holocaust and other genocide curricula at all grade levels (N.J.S.A. 18A:35-
- K. Provide instruction on the political, economic, and social contributions of persons with disabilities and

CURRICULUM ADOPTION (continued)

lesbian, gay, bisexual, and transgender people, in an appropriate place in the curriculum of middle school students;

- L. Incorporate instruction on diversity and inclusion in an appropriate place in the curriculum of students in grades kindergarten through 8. This instruction shall:
 - 1. Highlight and promote diversity, including economic diversity, equity, inclusion, tolerance, and belonging in connection with gender and sexual orientation, race and ethnicity, disabilities, and religious tolerance;
 - 2. Examine the impact that unconscious bias and economic disparities have at both an individual level and on society as a whole; and
 - 3. Encourage safe, welcoming, and inclusive environments for all students regardless of race or ethnicity, sexual and gender identities, mental and physical disabilities, and religious beliefs.
- M. Provide career awareness and vocational education, pursuant to law and regulation;
- N. Provide educational opportunities for exceptionally gifted and talented students.

The superintendent shall maintain a current list of all courses of study offered by this district; shall furnish each member of the board of education with a copy upon request; and shall provide a copy in the district office for public perusal.

Adoption of courses shall be by a recorded roll call majority vote of the full membership of the board. This includes the courses in the special education and ESL/bilingual programs.

Adopted: October 22, 2003
 NJSBA Review/Update: July 2021
 Readopted: October 27, 2021

Key Words

Curriculum Adoption, Adoption of Curriculum, Core Proficiencies, Curriculum

<p>Legal References: <u>N.J.S.A.</u> 18A:4-25</p> <p><u>N.J.S.A.</u> 18A:29A-1 <u>et seq.</u></p> <p><u>N.J.S.A.</u> 18A:33-1</p> <p><u>N.J.S.A.</u> 18A:35-1 <u>et seq.</u></p> <p><u>N.J.S.A.</u> 18A:35-4.35</p> <p><u>N.J.S.A.</u> 18A:35-4.36</p> <p><u>N.J.S.A.</u> 18A:35-4.36a</p> <p><u>N.J.S.A.</u> 52:16A-88</p> <p><u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u></p> <p><u>See particularly:</u></p> <p><u>N.J.A.C.</u> 6A:8-3.1, -5.1</p> <p><u>N.J.A.C.</u> 6A:14-4.1</p> <p><u>N.J.A.C.</u> 6A:15-1.1 <u>et seq.</u></p> <p><u>See particularly:</u></p>	<p>Prescribing minimum courses of study for public schools; approval of courses of study</p> <p>Teacher recognition</p> <p>District to furnish suitable facilities; adoption of courses of study</p> <p>Curriculum and courses</p> <p>History of disabled and LGBT persons included in middle and high school curriculum</p> <p>Policies, procedures pertaining to inclusive instructional materials</p> <p>Curriculum to include instruction on diversity and inclusion</p> <p>Responsibilities and duties of the Amistad Commission</p> <p>Standards and Assessment</p> <p>General requirements</p> <p>Bilingual education</p>
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CURRICULUM ADOPTION (continued)

N.J.A.C. 6A:15-1.3, -1.4, -1.5
N.J.A.C. 6A:30-1.1et seq. Evaluation of the Performance of School Districts

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible

Cross References: *6141 Curriculum design/development
6141.1 Experimental/innovative programs
*6142 Subject fields
*6142.2 English as a second language; bilingual/bicultural
*6143 Curriculum guides
*9325.4 Voting method

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

CURRICULUM DESIGN/DEVELOPMENT

The superintendent shall be responsible to the Estell Manor Board of Education for the development of curriculum to meet identified student needs. The board shall ensure that curriculum and instruction are content-rich and aligned to the most recent revision of the New Jersey Student Learning Standards (NJSLS). In addition, the board shall ensure that appropriate instructional adaptations are designed and delivered to English language learners, gifted and talented students and for students with disabilities. Instruction shall be designed to engage all students and modified based on student performance. The curriculum shall include:

- A. Interdisciplinary connections throughout;
- B. Integration of 21st century skills;
- C. A pacing guide;
- D. A list of instructional materials, including various levels of text at each grade;
- E. Benchmark assessments; and
- F. Modifications for special education students, for English language learners and for gifted students.

Professional development plans shall support the implementation of the curriculum. Professional development opportunities shall be offered that further the improvement of teachers' understanding of the content and pedagogy related to their teaching assignment. Professional development shall also promote individual and collaborative professional learning with adequate and consistent time for teachers to work together in and across content areas and grade levels to review student work, analyze classroom assessments and other achievement data, critique lesson plans, and solve instructional problems.

The superintendent shall establish procedures for curriculum development that ensure the effective participation of teaching staff members; students, as appropriate to their age and grade; parents/guardians; the community; members of the board; and the use of all available resources. Care shall be taken that certified staff shall not be assigned to teach material outside the limits of their certification and endorsements.

The superintendent shall report to the board the objectives, evaluative criteria and costs of each proposed program before seeking board adoption. New programs and courses of study shall not be acted upon by the board until the meeting following their presentation, in order for board members to have an opportunity to review the proposed program.

Criteria for Curriculum Approval

Criteria by which the board will judge the acceptability of new course offerings include:

- A. Does it address an identified student need?
- B. Is it relevant to the board's philosophy and goals and does it offer real possibilities for progress toward these goals?

CURRICULUM DESIGN/DEVELOPMENT (continued)

- C. Does it satisfy the requirements of the board's school and classroom practices prohibiting bias and stereotyping?
- D. If the proposed course replaces an existing program, what defect in the previous program is it designed to overcome?
- E. Does it include measures for determining progress?
- F. Does it address the necessary study skills?
- G. Has it been thoroughly studied and/or tested by district staff or by another district? What were the results?
- H. Has a curriculum guide been completed? If not, when can it be expected?
- I. Have the accompanying textbooks, electronic textbooks and other materials been recommended to the board?
- J. Have the costs and time of implementation been reviewed, including inservice training?

A five-year plan for updating curriculum shall be developed and implemented. The superintendent shall report annually on all progress in curriculum development and the implementation of the five-year curriculum plan at the time of the board's annual adoption of curriculum.

Adopted: October 22, 2003
 NJSBA Review/Update: July 2021
 Readopted: October 27, 2021

Key Words

Curriculum, Curriculum Design/Development

Legal References: N.J.S.A. 18A:34-1 Textbooks; selection; furnished free with supplies; appropriations
N.J.A.C. 6A:8-3.1 et seq. Implementation of the New Jersey Student Learning Standards
N.J.A.C. 6A:13-2.1 Standards based instruction
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Old Bridge Education Association v. Board of Education of the Township of Old Bridge, Middlesex County

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible

Cross References: *2131 Superintendent
 *5120 Assessment of individual needs
 *6140 Curriculum adoption
 *6142 Subject fields
 *6143 Curriculum guides
 *6147 Standards of proficiency
 *6171 Special instructional programs

CURRICULUM DESIGN/DEVELOPMENT (continued)

*Indicates policy is included in the Critical Policy Reference Manual.

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS

The Estell Manor Board of Education directs that no religious belief or nonbelief shall be promoted in the regular curriculum or in district-sponsored courses, programs or activities, and none shall be disparaged.

However, the board recognizes that a genuine and broad secular program of education is furthered by advancement of students' knowledge of our society's cultural and religious heritage. Therefore, the several holidays throughout the year that have both a religious and a secular basis may be recognized in the school by use of material having secular or cultural significance.

The instructional program of the school should inform students of the many beliefs and customs stemming from religious, racial, ethnic and cultural heritages. Such instruction should be designed to broaden the students' understanding of and tolerance for the multiple ways of life enjoyed by the peoples of the world.

Songs and customs that have come to us from the various ethnic, religious and racial elements of our population should be used to broaden our students' awareness of the contributions that each segment has made to the composite American culture.

Music, art, literature and drama having religious themes or bases are permitted as part of the curriculum for school-sponsored activities and programs if presented in an objective manner and as a traditional part of the cultural and religious heritage of the particular holiday.

The use of religious symbols such as a cross, menorah, crescent, Star of David, creche, symbols of Native American religions or other symbols that are part of a religious holiday is permitted as a teaching aid or resource, provided such symbols are displayed as an example of the cultural and religious heritage of the holiday and are temporary in nature.

Any instruction in the school which may be contrary to a student's religious beliefs and teachings shall be viewed as optional for the student.

The board shall not prevent, or otherwise deny participation in, constitutionally protected prayer in any district school, consistent with guidance issued by the United States Department of Education and applicable judicial decisions interpreting the religion clauses of the First Amendment of the U.S. Constitution.

This policy supersedes any other board policy that is inconsistent with it.

Adopted: November 19, 2003
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Religious Beliefs, Holiday, Religious Symbols

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36-16 Rules regarding religious holidays
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS (continued)

N.J.A.C. 6A:8-3.1 Curriculum and instruction
N.J.A.C. 6A:32-8.3(h) School attendance
U.S.C.A. Const. Amends. 1, 14

Every Student Succeeds Act of 2015, Pub. L. 114-95 U.S.C.A. 6301 et seq.

20 U.S.C.A. 4071 - 4074 - Equal Access Act

Florey v. Sioux Falls School District, 619 F. 2d 1311 (8th Cir. 1980)

Lynch v. Donnelly, 465 U.S. 668, (1984)

Edwards v. Aguillard, 482 U.S. 578 (1987)

Lee v. Weisman, 505 U.S. 577 (1992)

Cherry Hill Bd. of Ed., 838 F. Supp. 929 (D.N.J. 1993)

American Civil Liberties Union v. Blackhorse Pike Regional Board of Education, 84 F. 3d 1471 (3rd Cir. 1996)

Santa Fe Independent School District v. Doe, 120 S. Ct. 2266 (June 19, 2000)

Good News Club v. Milford Central School, 121 U.S. 2093 (2001)

C.H. v. Oliva, 26 F. 3d 198 (3rd Cir. 2000) *en banc*, *cert. denied*, June 18, 2001

Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools, United States Department of Education, February 7, 2003

Possible

Cross References: *1330 Use of school facilities
*5113 Absences and excuses
*5127 Commencement activities
*5131 Conduct/discipline
*6115 Ceremonies and observances
*6121 Nondiscrimination/affirmative action
*6144 Controversial issues
*6161.2 Complaints regarding instructional materials

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

SUBJECT FIELDS

The Estell Manor Board of Education directs that the district school offer a comprehensive curriculum to provide for the intellectual, social and emotional growth of all students, pre-kindergarten through grade 8, giving them the basic body of skills, understandings, attitudes and knowledge needed for living in a democracy.

The board believes this program should focus first on those subjects included in the New Jersey Student Learning Standards and the skills emphasized by the 21st Century Life and Careers Standards, in addition to those courses mandated by statute.

The superintendent shall direct development of and present to the board for adoption a written curriculum for each element of the instructional program for the district to include:

- A. All courses mandated by New Jersey statute or administrative code;
- B. Such other courses as shall implement the board's intent as expressed in this policy.

The total curriculum, when adopted, shall be adapted to suit the applicable requirements of the administrative code and shall provide basic, advanced, enriched, or technical instruction or experience to meet the identified needs of the students of the district.

A listing of all courses and programs comprising the instructional program shall be available in the district office.

Adopted: October 22, 2003
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Curriculum, Courses, Subject Fields

Legal References:	<u>N.J.S.A.</u> 18A:6-2	Instruction in accident and fire prevention
	<u>N.J.S.A.</u> 18A:6-3	Courses in constitution of United States
	<u>N.J.S.A.</u> 18A:7C-5	Board of education to provide policy on graduation to students and parents
	<u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
	<u>N.J.S.A.</u> 18A:35-1 <u>et seq.</u>	Curriculum and courses
	<u>N.J.S.A.</u> 18A:35-4.6 through -4.8	<u>Parents Right to Conscience Act of 1979</u>
	<u>N.J.A.C.</u> 6A:8-3.1	Curriculum and instruction
	<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
	<u>N.J.A.C.</u> 6A:9B-3.1 <u>et. seq.</u>	State Board of Examiners and certification
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:9B-5, -6, -8,	

SUBJECT FIELDS (continued)

-9, -10, -11, -12, -14

<u>N.J.A.C.</u> 6A:14-3.7	Individualized education program
<u>N.J.A.C.</u> 6A:14-4.1	General requirements
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

New Jersey State Board of Education Resolution, September 6, 1989, recommends that each district establish a citizens' advisory group for the implementation of core values of the local community into the district's schools.

Old Bridge Education Association v. Board of Education of the Township of Old Bridge, Middlesex County

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*6121	Nondiscrimination/affirmative action
	*6122	Articulation
	*6140	Curriculum adoption
	*6142.1	Family life education
	*6142.2	English as a second language; bilingual/bicultural
	*6142.4	Physical education and health
	*6142.6	Basic skills
	*6142.9	Arts
	*6142.12	Career education
	*6146	Graduation requirements
	*6147	Standards of proficiency
	*6164.2	Guidance services
	*6171.1	Remedial instruction
	*6171.2	Gifted and talented
	*6171.4	Special education
	*9130	Committees

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

FAMILY LIFE EDUCATION

The Estell Manor Board of Education shall maintain a family life education curriculum that provides material suited to each grade level, presented in a manner intended to foster respect for the human body and an understanding of how human sexuality affects personal and family relationships in conformance with the New Jersey Student Learning Standards.

The curriculum, developed under the supervision of the superintendent with the active participation of teachers, administrators, students, parents/guardians, physicians, members of the clergy and representative members of the community, shall be available to all parents/guardians. The board shall ensure compliance with all requirements of state and federal law concerning the content of the curriculum and distribution of materials. An outline of the curriculum and list of instructional materials for the grades of their children shall be sent to parents/guardians annually.

The superintendent shall ensure that the information presented as part of the family life education program is articulated in such a way that transition from grade to grade in the elementary school and from elementary to secondary approaches to the material will be appropriate for all students. Articulation of the curriculum shall be encouraged between the Estell Manor School District and Buena Regional High School.

Any student whose parent/guardian presents to the school principal a signed statement that any part of the instruction in health, family life education or sex education is in conflict with their conscience, or moral or religious beliefs, shall be excused from that portion of the course where such instruction is being given, and no penalties as to credit or graduation shall result therefrom.

The board urges all parents/guardians to become familiar with these courses and to participate in their development.

The board of education alone, upon recommendation of the superintendent, shall determine the content, sequence and materials of family life education.

Adopted: March 29, 2004
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Family Life Education

Legal References: N.J.S.A. 18A:35-4.6
through -4.8 Parents Right to Conscience Act of 1979
N.J.S.A. 18A:35-4.19
through -4.22 AIDS Prevention Act of 1999
N.J.A.C. 6A:8-3.1 Curriculum and instruction
N.J.A.C. 6A:8-4.2 Documentation of student achievement

20 U.S.C. 1232h - Student Protection Rights Amendment -

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

FAMILY LIFE EDUCATION (continued)

Possible

Cross References:

*1220	<u>Ad hoc</u> advisory committees
*5131.6	Drugs, alcohol, tobacco (substance abuse)
5141.6	Crisis intervention
*6122	Articulation
*6140	Curriculum adoption
*6142	Subject fields
*6142.13	HIV prevention education
*9130	Committees

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

ENGLISH AS A SECOND LANGUAGE; BILINGUAL PROGRAMS

The Estell Manor Board of Education shall provide bilingual, English as a second language (ESL), English language services and/or bilingual programs of instruction for students who:

- A. Do not speak English and need instruction toward mastery of the English language;
- B. Speak English but reside in a home where English is not the primary language spoken, and need instruction toward mastery of the English language;
- C. Speak a language other than English, are more capable of performing school work in that language, and need their basic educational program taught in that language.

Definitions

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

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

“English language learner” or “ELL” means a student whose native language is other than English. The term refers to students with varying degrees of English language proficiency in any one of the domains of speaking, reading, writing, or listening and is synonymous with limited English speaking ability.

"English language services" means services designed to improve the English language skills of ELLs. The services, provided in school districts with less than 10 ELLs, are in addition to the regular school program and are designed to develop aural comprehension, speaking, reading, and writing skills in English.

Identification of Eligible English Language Learners

The board shall determine the native language of each English language learner at the time of the student's enrollment in the district and maintain a census indicating all identified students whose native language is other than English.

The board of education shall develop and the superintendent or his or her designee shall implement a screening process, initiated by a home-language survey, to determine which students whose native language is other than English in grades kindergarten to 8 must be tested to determine English language proficiency. The screening shall be conducted by a bilingual/ESL or other certified teacher, and shall be designed to distinguish students who are proficient English speakers and need no further testing.

ENGLISH AS A SECOND LANGUAGE;
BILINGUAL PROGRAMS (continued)

The board shall ensure that the English proficiency of students who are not screened out by the home-language survey shall be determined by:

- A. Administering a Department-approved English language proficiency test;
- B. Assessing the level of reading in English;
- C. Reviewing the previous academic performance of students, including their performance on standardized tests in English; and
- D. Reviewing the input of teaching staff members responsible for the educational program for ELLs;
- E. Students who do not meet the Department standard on a Department-approved language proficiency test and who have at least one other indicator shall be considered ELLs.

The board, through the superintendent or his or her designee shall also implement age-appropriate methodologies to identify preschool ELLs to determine their individual language development needs.

Programs and Services

The goal of English as a second language and English language services programs are to assist students to achieve fluency (including listening, comprehension, speaking, reading, and writing skills) in English and incorporates the cultural aspects of the students' experiences in their ESL instruction. The goal of the bilingual program is to permit students to learn subject matter in their primary language while developing English language skills. The goal of all such programs shall be achievement of the New Jersey Student Learning Standards.

Students enrolled in bilingual, ESL, and English language services programs shall have full access to educational services available to other students in the district. To the extent that is administratively feasible, supportive services to ELLs, such as counseling, tutoring, and career guidance, should be provided by bilingual personnel who are familiar with and knowledgeable of the unique needs and background of the ELLs and their parents.

Parents/guardians of English language learners shall be notified by mail of the fact that their child has been identified as eligible for enrollment in a bilingual, ESL or English language services education program. This notification shall be issued within 30 days of the child's identification and shall include the information that the parents may choose to decline to enroll their child into the bilingual program. The notice shall be in writing and in the language in which the parent/guardian possesses a primary speaking ability, and in English, and shall include the following information:

- A. Why the student was identified as an ELL;
- B. Why the student needs to be placed in a language instructional educational program that will help him or her develop and attain English proficiency and meet State academic standards;
- C. The student's level of English proficiency, how the level of English proficiency was assessed, and the student's academic level;
- D. The method of instruction the school will use to serve the student, including a description of other instruction methods available and how those methods differ in content, instructional goals, and the use of

ENGLISH AS A SECOND LANGUAGE;
BILINGUAL PROGRAMS (continued)

English and a native language, if applicable;

- E. How the program will meet the student's specific needs in attaining English and meeting State standards;
- F. The program's exit requirements, the expected rate of transition into a classroom not tailored for ELLs; and
- G. How the instructional program will meet the objectives of the individualized education program of a student with a disability.

Progress reports for students in in bilingual, ESL, or English language services programs shall be made to parents/guardians on the same schedule as the reports of all students enrolled in the district. Progress reports shall be in writing and in both English and their primary speaking language unless doing so places unreasonable burden on the board.

Exiting the Program

Students shall be placed in a monolingual English program when they have demonstrated readiness to function successfully in an English-only program. The process to determine the readiness or inability of the individual student to function successfully in the English-only program shall be initiated by the student's level of English proficiency as measured by a Department-established standard on an English language proficiency test. The readiness of the student shall be further assessed on the basis of multiple indicators that shall include, at a minimum:

- A. Classroom performance;
- B. The student's reading level in English;
- C. The judgment of the teaching staff member or members responsible for the educational program of the student; and
- D. Performance on achievement tests in English.

When the review process for exiting a student from a bilingual, ESL, or English language services program has been completed, the parent/guardian shall be notified by mail of the placement determination. The notice shall be in English and in the language in which the parents/guardian possesses a primary speaking ability. If the parent(s), guardian, or teaching staff member disagrees with the placement, he or she may appeal the placement to the Commissioner, after appealing the decision to the board.

Removal from the Program

Parents/guardians may remove a student who is enrolled in a bilingual, ESL or English language services program at any time; except that during the first three years of the student's participation in a bilingual education program, he/she may only be removed at the end of each school year. Removal prior to the end of the school year shall be approved by the executive county superintendent. If the executive county superintendent determines that the student should remain in the bilingual education program until the end of the school year, the parents/guardians may appeal that decision to the commissioner of education/designee pursuant to law. The commissioner shall render a decision within 30 days of the filing of the appeal.

Parent Involvement

ENGLISH AS A SECOND LANGUAGE;
BILINGUAL PROGRAMS (continued)

The board is committed to providing the maximum practicable involvement of parents/guardians of ELLs in the development and review of program objectives and dissemination of information to and from the board and communities served by the bilingual, ESL, or English language services education programs. The board directs the superintendent or his or her designee to shall establish a parent advisory committee on bilingual education of which the majority membership shall be parent(s) of ELLs.

Inservice Training

The board shall ensure that the superintendent oversees the development of a plan for inservice training for bilingual, ESL, and mainstream teachers; administrators who supervise bilingual/ESL programs; and administrators and any personnel who observe and evaluate teachers of ELLs. The plan shall include instructional strategies and appropriate assessments to help ELLs meet the New Jersey Student Learning Standards and the World-class Instructional Design and Assessment (WIDA) English language development standards. All bilingual and ESL teachers shall receive training in the use of the ESL curriculum. The professional development plan of the school district shall include the needs of bilingual and ESL teachers, which shall be addressed through inservice training (see board policy 4131/4131.1 Staff Development, Inservice Education).

Implementation

The superintendent shall direct development of a plan for bilingual program, ESL program, or English language services that is in compliance with state guidelines. The plan shall be submitted every three years to the Department of Education for approval. The plan shall include information on the following:

- A. Identification of students;
- B. Program description;
- C. The number of certified staff hired for the program;
- D. Bilingual and ESL curriculum development;
- E. Evaluation design;
- F. Review process for exit; and
- G. A budget for the bilingual and ESL program or English language services.

The board may request a waiver of the requirement for a full-time bilingual or ESL program when there are 20 or more students eligible for the bilingual education program in grades kindergarten through 8, to establish annually an instructional program alternative. The request must be approved by the Department of Education, and the school district must be able to demonstrate that it would be impractical to provide a full-time bilingual program due to the age range, grade span, and/or geographic location of eligible students.

Adopted:	October 22, 2003
NJSBA Review/Update:	July 2021
Readopted:	October 27, 2021

Key Words

English as a Second Language, Bilingual Programs, ESL

ENGLISH AS A SECOND LANGUAGE;
BILINGUAL PROGRAMS (continued)

<u>Legal References:</u>	<u>N.J.S.A. 18A:35-15 et seq.</u>	Bilingual education programs
	<u>N.J.A.C. 6A:5-1.1 et seq.</u>	Regulatory Equivalency and Waiver
	<u>N.J.A.C. 6A:8-1.3</u>	Definitions
	<u>N.J.A.C. 6A:8-4.1</u>	Statewide assessment system
	<u>N.J.A.C. 6A:8-5.1</u>	Graduation requirements
	<u>N.J.A.C. 6A:9B-3.1 et seq.</u>	Professional Licensure and Standards
	See particularly:	
	<u>N.J.A.C. 6A:9B-11.5, -11.6</u>	
	<u>N.J.A.C. 6A:15-1.1 et seq.</u>	Bilingual Education
	See particularly:	
	<u>N.J.A.C. 6A:15-1.4</u>	
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
	<u>Every Student Succeeds Act, Pub. L. 114-95, Title 1 and Title 3, 20 U.S.C.A. 6301 et seq.</u>	

Possible

<u>Cross References:</u>	*5120	Assessment of individual needs
	*5124	Reporting to parents/guardians
	*6121	Nondiscrimination/affirmative action
	*6146	Graduation requirements
	*6147	Standards of proficiency
	*6147.1	Evaluation of individual student performance
	*6171.2	Gifted and talented
	*6171.3	At-risk and Title 1

*Indicates policy is included in the Critical Policy Reference Manual.

PHYSICAL EDUCATION AND HEALTH

The Estell Manor Board of Education directs that the district's curricular and extracurricular programs of physical education and activities comply with the district's affirmative action resolution and equity plan for school and classroom practices as stipulated in policies 2224, 5145.4, 6121 and 6145 in this manual. The board shall ensure that the comprehensive health and physical education curriculum addresses all elements required by the New Jersey Student Learning Standards.

In general, physical education classes shall not be divided on the basis of sex. The quality and quantity of teachers, equipment and facilities shall be equivalent among the schools and comparable from level to level, taking into account the needs of the students.

Members of district interscholastic athletic teams may be excused from participation in the physical activities part of their physical education program without loss of graduation credit on the request of their coach on any day on which they are designated to participate in a regularly scheduled game. The superintendent shall approve procedures by which coaches will inform the physical education department, on the day in question, of the specific students to be excused. Such students shall be scheduled for a study hall period instead.

The board will consider on a case-by-case basis requests from students or their parents/guardians in the case of minors for permission to satisfy the physical education requirement through an alternative program of athletics or physical education activities that meets the requirements of law and is consistent with the district's physical education program goals and instructional objectives.

The district physical education programs and instructional activities shall be equitable. All physical education programs shall be co-educational unless otherwise indicated by law. All high school offerings in physical education shall be examined for balance and equitable facilities and resources.

Suicide Prevention

Students at all grade levels shall receive instruction in suicide prevention as part of the district health and physical education curriculum and consistent with the New Jersey Student Learning Standards for Comprehensive Health and Physical Education.

Dating Violence

For students in grades 7 through 8, physical education and health curriculum will include the topic of dating violence. "Dating violence" means a pattern of behavior where one person threatens to use, or actually uses physical, sexual, verbal, or emotional abuse to control a dating partner.

Dating violence education shall include information on the definition of dating violence, recognizing dating violence warning signs, and the characteristics of healthy relationships.

Upon written request to the school principal, a parent/legal guardian of a student less than 18 years of age shall be permitted within a reasonable period of time after the request is made, to examine the dating violence education program instruction materials developed by the school district.

The purpose of the dating violence information is to help prevent dating situations from becoming unsafe and to help educate students on constructive ways to resolve conflicts in personal relationship.

PHYSICAL EDUCATION AND HEALTH (continued)

To be consistent with law (N.J.S.A. 18A:35-4.23a), the superintendent shall ensure that district procedures and curriculum shall include the following information:

- A. Information that dating violence will not be tolerated;
- B. Dating violence reporting procedures;
- C. Guidelines for responding to at-school incidents of dating violence;
- D. Discipline procedures specific to at-school incidents of dating violence;
- E. Warning signs of dating violence; and
- F. Information on safe and appropriate school, family, peer, and community resources available to address dating violence shall also be included within the curriculum.

Adopted: December 17, 2014
 NJSBA Review/Update: July 2021
 Readopted: October 27, 2021

Key Words

Nondiscrimination, Physical Education, Health, Affirmative Action

Legal References: N.J.S.A. 18A:6-111 et seq. Instruction in Suicide Prevention
See particularly:
N.J.S.A. 18A:6-113 Instruction in suicide prevention in public school curriculum
N.J.S.A. 18A:35-4.19 through -4.22 AIDS Prevention Act of 1999
N.J.S.A. 18A:35-4.23 Domestic violence, child abuse, instructions on those problems
N.J.S.A. 18A:35-4.23a Dating violence into health education curriculum
N.J.S.A. 18A:35-4.28 Instruction in CPR and use of AED for certain students
N.J.S.A. 18A:35-5 through -9 Maintenance of physical training courses; features
N.J.S.A. 18A:37-33 through -37 Dating violence policy and education
N.J.A.C. 6A:7-1.7 Equality in school and classroom practices
N.J.A.C. 6A:8-3.1 Curriculum and instruction
N.J.A.C. 6A:8-5.1 Graduation requirements
N.J.A.C. 6A:9B-5.16 Athletics Personnel
N.J.A.C. 6A:9B-10.3 Health and physical education
N.J.A.C. 6A:16-2.1 et seq. General Provisions for School Health Services
See particularly:
N.J.A.C. 6A:16-2.2
N.J.A.C. 6A:32-9.1 Athletics Procedures

20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972

The Comprehensive Equity Plan, New Jersey State Department of Education

PHYSICAL EDUCATION AND HEALTH (continued)

Possible

Cross References:

*2224	Nondiscrimination/affirmative action
*5145.4	Equal educational opportunity
*6121	Nondiscrimination/affirmative action
*6142	Subject fields
*6145.1/6145.2	Intramural competition; interscholastic competition
*6146	Graduation requirements

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

BASIC SKILLS

In order to provide Estell Manor School District students with the basic tools necessary for achievement of the New Jersey Student Learning Standards, the board directs development of strong basic skills courses at all levels of the school.

The superintendent shall work with staff to:

- A. Infuse instruction in basic skills into courses of study at all grade levels and ensure the articulation of those skills from grade to grade; and
- B. Actively seek innovative and remedial programs to ensure that all district students acquire the basic skills suited to their grade level and capacity.

The district shall administer state tests as required by law and code and may administer standardized tests as appropriate to determine student achievement levels in basic skills. A child shall participate in a remedial education program as long as he/she does not meet minimum proficiency levels.

Adopted: August 27, 2003
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Basic Skills, Remedial Education

Legal References: N.J.S.A. 18A:35-4.9 Student promotion and remediation; policies and procedures
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessment
See particularly:
N.J.A.C. 6A:8-3.1, -4.1
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988, (Pub. L. No. 100-297) amending Elementary and Secondary Education Act of 1965.

Possible

Cross References: *6122 Articulation
*6140 Curriculum adoption
*6141 Curriculum design/development
*6142 Subject fields
*6142.2 English as a second language; bilingual/bicultural
*6146 Graduation requirements
*6171.1 Remedial instruction
*6171.3 At-risk and Title 1
*6171.4 Special education

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

ARTS

The Estell Manor School District superintendent shall ensure that curriculum in the arts, including both visual and performing, is developed appropriately for each grade level.

Adopted: August 27, 2003
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Art Curriculum, Arts

Legal References: N.J.S.A. 18A:7F-46 Review, update of the NJSLS, Educational Adequacy Report
N.J.S.A. 18A:33-1 District to furnish suitable facilities; adoption of courses of study
N.J.A.C. 6A:8-1.3 Definitions
N.J.A.C. 6A:8-3.1 Curriculum and instruction
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Possible

Cross References: *6010 Goals and objectives
*6140 Curriculum adoption
*6142 Subject fields

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

INTERNET SAFETY AND TECHNOLOGY

The Estell Manor Board of Education shall develop a technology plan that effectively uses electronic communication to advance and promote learning and teaching. This system of technology shall be used to provide local, statewide, national and global communications opportunities for staff and students. Educational technology shall be infused into the district curriculum to maximize student achievement of New Jersey Student Learning Standards.

It is the policy of the district to establish safe and effective methods for student and staff users of the district's technological resources and to:

- A. Prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications;
- B. Prevent unauthorized access and other unlawful online activity;
- C. Prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and
- D. Comply with the Children's Internet Protection Act (CIPA).

The district shall ensure equal and bias-free access for all students to computers, computer classes, career and technical education programs, and technologically-advanced instructional assistance, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional/sexual orientation, gender, religion, disability, English proficiency, immigration status, housing status or socioeconomic status.

COMPLIANCE WITH CIPA

Filters Blocking Access to Inappropriate Material

To the extent practical, technology protection measures (or "Internet filters") shall be used to block or filter Internet, or other forms of electronic communications, access to inappropriate information.

Specifically, as required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors. Subject to staff supervision, technology protection measures may be disabled or, in the case of minors, minimized only for bona fide research or other lawful purposes.

Inappropriate Network Usage

To the extent practical, steps shall be taken to promote the safety and security of users of the school district online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications.

Specifically, as required by the Children's Internet Protection Act, prevention of inappropriate network usage includes:

INTERNET SAFETY TECHNOLOGY (continued)

- A. Unauthorized access, including so-called “hacking,” and other unlawful activities; and
- B. Unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

Education, Supervision and Monitoring

It shall be the responsibility of all members of the school district staff to educate, supervise and monitor usage of the online computer network and access to the Internet in accordance with this policy and the Children’s Internet Protection Act. Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of the superintendent or his or her designee.

The superintendent or his or her designee shall ensure that students and staff who use the school internet facilities receive appropriate training including the following:

- A. The district established standards for the acceptable use of the internet;
- B. Internet safety rules;
- C. Rules for limited supervised access to and appropriate behavioral expectations for use of online resources, social network websites, and chat rooms;
- D. Cyberbullying (board policy 5131.1 Harassment, Intimidation and Bullying) awareness and response.

Student use of the Internet shall be supervised by qualified staff.

Policy Development

The district Internet Safety and Technology policy shall be adopted and revised through a procedure that includes reasonable public notice and at least one public hearing.

ACCEPTABLE USE OF THE INTERNET

Purpose

To support its commitment to providing avenues of access to the universe of information available, the district’s system of electronic communication shall include access to the Internet for students and staff.

Limitation of Liability

The Internet constitutes an unregulated collection of resources that changes constantly, so it is not possible to totally predict or control the resources that users may locate. The board cannot guarantee the accuracy of the information or the appropriateness of materials that a user may encounter. Furthermore, the board shall not be responsible for any damage users may suffer, including but not limited to, loss of data or interruptions of service. Nor shall the board be responsible for financial obligations arising through the unauthorized use of the system.

District Rights and Responsibilities

The computer system is the property of the district, and all computer software and hardware belong to it. Therefore, the district retains the right to monitor all access to and use of the Internet.

INTERNET SAFETY TECHNOLOGY (continued)

The board designates the superintendent as the coordinator of the district system. He/she shall recommend to the board of education qualified staff persons to ensure provision of individual and class accounts necessary for access to the Internet, designation of quotas for disk usage on the system, establishment of a document retention schedule, establishment of a virus protection process and coordination of other activities as required to maintain the system.

Each principal shall coordinate the district system in his/her building by approving all activities for that building; ensuring that teachers receive proper training in the use of the system; ensuring that students are adequately supervised when using the system; maintaining executed user agreements; and interpreting this acceptable use policy at the building level.

Access to the System

This acceptable use policy shall govern all use of the system. Sanctions for student misuse of the system shall be included in the disciplinary code for students, as set out in regulations for policy 5131 Conduct/Discipline. Employee misuse may result in appropriate discipline in accord with the collective bargaining agreement and applicable laws and regulations.

The board shall ensure the acquisition and installation of blocking/filtering software to deny access to certain areas of the Internet.

World Wide Web

All students and employees of the board shall have access to the Web through the district's networked or stand alone computers. An agreement may be required. To deny a child access, parents/ guardians must notify the building principal in writing.

Classroom E-mail Accounts

Students in grades K-8 shall be granted e-mail access through classroom accounts only. To deny a child access to a classroom account, parents/guardians must notify the building principal in writing.

Individual E-mail Accounts for Students

Students in grades K-8 may have individual accounts at the request of teachers and with the consent of parents/guardians. An individual account for any such student shall require an agreement signed by the student and his/her parent/guardian.

Individual E-mail Accounts for District Employees

District employees shall be provided with email access. Access to the system will be provided for staff members who have signed the acceptable use policy agreement. Email will be monitored and archived for three years. Employee email is discoverable and will be released if subpoenaed within the archival period set forth in this policy.

District Web Site

The board authorizes the superintendent to establish and maintain a district web site. The purpose of the web site will be to inform the district educational community of district programs, policies and practices.

Individual schools and classes may also establish web sites that include information on the activities of that school or class. The building principal shall oversee these web sites.

INTERNET SAFETY TECHNOLOGY (continued)

The superintendent shall publish and disseminate guidelines on acceptable material for these web sites. The superintendent shall also ensure that district and school web sites do not disclose personally identifiable information about students without prior written consent from parents/guardians. Consent shall be obtained on the form developed by the state department of education. "Personally identifiable information" refers to student names, photos, addresses, e-mail addresses, phone numbers and locations and times of class trips.

Parental Notification and Responsibility

The superintendent shall ensure that parents/guardians are notified about the district network and the rules governing its use. Parents/guardians shall sign an agreement to allow their child(ren) to have an individual account. Parents/guardians who do not wish their child(ren) to have access to the Internet must notify the principal in writing.

Acceptable Use

Student Safety Practices

Students shall not post personal contact information about themselves or others. Nor shall students engage in any kind of personal contact with individuals they meet online. Attempts at contact from such individuals shall be reported immediately to the staff person monitoring that child's access to the Internet. Personal contact information includes but is not limited to names, home/school/work addresses, telephone numbers, or personal photographs.

Prohibited Activities

Users shall not attempt to gain unauthorized access (hacking) to the district system or to any other computer system through the district system, nor shall they go beyond their authorized access. This includes attempting to log in through another individual's account or accessing another's files.

Users shall not deliberately attempt to disrupt the district's computer system performance or destroy data by spreading computer viruses, worms, "Trojan Horses," trap door program codes or any similar product that can damage computer systems, firewalls, servers or network systems.

Users shall not use the district system to engage in illegal activities.

Users shall not access material that is profane or obscene, that advocates illegal acts, or that advocates violence or hate. Inadvertent access to such material should be reported immediately to the supervising staff person.

Users shall not plagiarize material that is available on the Internet. Plagiarism is presenting another's ideas/words as one's own.

Users shall not infringe on copyrighted material and shall follow all dictates of copyright law and the applicable policies of this district.

Prohibited Language

Prohibited language applies to public messages, private messages, and material posted on web pages.

Users shall not send or receive messages that contain obscene, profane, lewd, vulgar, rude, inflammatory, or threatening language.

INTERNET SAFETY TECHNOLOGY (continued)

Users shall not use the system to spread messages that can reasonably be interpreted as harassing, discriminatory or defamatory.

System Security

Users are responsible for their accounts and should take all reasonable precautions to prevent unauthorized access to them. In no case should a user provide his/her password to another individual.

Users shall immediately notify the supervising staff person or data processing department if they detect a possible security problem. Users shall not access the system solely for the purpose of searching for security problems.

Users shall not install or download software or other applications without permission of the supervising staff person.

Users shall follow all district virus protection procedures when installing or downloading approved software.

System Limits

Users shall access the system only for educational, professional or career development activities. This applies to discussion group mail lists, instant message services and participation in Internet "chat room" conversations.

Users shall check e-mail frequently and delete messages promptly.

Privacy Rights

Users shall respect the privacy of messages that they receive and refrain from reposting messages without the approval of the sender.

Users shall not publish private information about another individual.

School Furnished Electronic Devices

The district may furnish students electronic devices such as laptop computers, tablets, notebooks, cellular telephones, or other electronic devices. When a student is furnished with an electronic device the district shall provide the student with written or electronic notification that the electronic device may record or collect information on the student's activity or the student's use of the device if the electronic device is equipped with a camera, global positioning system, or other feature capable of recording or collecting information on the student's activity or use of the device. The notification shall also include a statement that the district shall not use any of the capabilities in a manner that would violate the privacy rights of the student or any individual residing with the student. The parent or guardian of the student furnished an electronic device shall acknowledge receipt of the notification. The district shall retain the acknowledgement as long as the student retains the use of the electronic device.

Failure to provide the required notification shall be subject to a fine of \$250 per student, per incident. If imposed, the fine shall be remitted to the Department of Education, and shall be deposited in a fund that shall be used to provide laptop or other portable computer equipment to at-risk students.

Implementation

INTERNET SAFETY TECHNOLOGY (continued)

The superintendent may prepare regulations to implement this policy.

Adopted: November 25, 2013
 NJSBA Review/Update: July 2021
 Readopted: October 27, 2021

Key Words

Acceptable Use, Blocking/Filtering Software, E-mail, Internet, Internet Safety, Technology, Web Site, World Wide Web, CIPA

Legal References: N.J.S.A. 2A:38A-1 et seq. Actions for computer related offenses
N.J.S.A. 2C:20-25 Computer criminal activity; degree of crime; sentencing
N.J.S.A. 18A:7A-10 NJQSAC
N.J.S.A. 18A:36-35 School Internet websites; disclosure of certain student information prohibited
N.J.S.A. 18A:36-39 Notification by school to certain persons using certain electronic devices; fine
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

17 U.S.C. 101 - United States Copyright Law

47 CFR 54.503(d) - Competitive Bidding; Gift Restrictions

47 U.S.C. 254(h) - Children's Internet Protection Act

State in re T.L.O., 94 N.J. 331 (1983), reversed on other grounds, New Jersey v. T.L.O., 569 U.S. 325 (1985).

O'Connor v. Ortega 480 U.S. 709 (1987)

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

Cross References: *1111 District publications
 *3514 Equipment
 3543 Office services
 *3570 District records and reports
 4118.2/4218.2 Freedom of speech (staff)
 *5114 Suspension and expulsion
 *5124 Reporting to parents/guardians
 *5131 Conduct/discipline
 *5131.1 Harassment, intimidation and bullying
 *5131.5 Vandalism/violence
 *5142 Student safety
 5145.2 Freedom of speech/expression (students)
 *6144 Controversial issues
 *6145.3 Publications
 6161 Equipment, books and materials

*Indicates policy is included in the Critical Policy Reference Manual.

INTERNET SAFETY TECHNOLOGY (continued)

CAREER AND TECHNICAL EDUCATION

The Estell Manor Board of Education believes that constructive attitudes and concepts involving the dignity of all kinds of work belong in the curriculum from the beginning grades. Therefore, in fulfillment of the New Jersey Student Learning Standards, the board shall develop and implement a comprehensive guidance and counseling system that is designed to provide students opportunities to enhance career awareness, exploration, preparation, and decision-making skills necessary for success in the workplace. The board shall ensure that educational programs shall continuously expose students to the nature of the wide variety of careers available. The 21st Century Life and Careers Student Learning Standard shall be infused into the curriculum throughout the grades in age appropriate activities. When any hands-on experience requires use of power tools, etc., all eye protection and other appropriate safety regulations shall be observed.

Career Education and Counseling

The board shall develop and implement a comprehensive guidance and academic counseling program for all students to facilitate career awareness, exploration, and preparation in accordance with N.J.A.C. 6A:8-3.2. This program shall:

- A. Be linked to the New Jersey Student Learning Standards;
- B. Be infused throughout the K-8 curriculum;
- C. Be supported by professional development programs;
- D. Take into consideration the American School Counselor Association's National Standards for School Counseling Programs;
- E. Provide developmental career guidance and academic counseling linked to the New Jersey Student Learning Standards designed to:
 1. Assist students in making and implementing informed educational and career choices, including opportunities to change career focus;
 2. Support students' academic attainment, career development, and personal/social development;
 3. Develop the student's understanding of the relationship between academic attainment, career development, and personal/social development;
 4. Encourage students to create and maintain portfolios consisting of student accomplishments in academic and career oriented work;
- F. The board shall ensure that students with disabilities (age 14 or younger), if determined appropriate by IEP, have career and academic counseling coordinated with transitional services in accordance with N.J.A.C. 6A:14-3.7;
- G. The board shall develop and implement curriculum and instructional methods that:
 1. Are integrated with technological literacy;
 2. Provide all students with an understanding of the career application of knowledge and skills learned in the classroom; and
 3. Provide all students with the opportunity to apply knowledge and skills learned in the classroom to real or simulated career challenges.

CAREER AND TECHNICAL EDUCATION (continued)

H. The board will develop and implement for all students a system of career development activities that:

1. Offers the opportunity to explore career interests within, one or more of the Career Clusters (listed below) that are linked to the New Jersey Student Learning Standards;
2. Allows district boards of education to select the appropriate format for offering career-development activities based on district resources, community needs and student interest;
3. Allows the board to select an appropriate delivery format that may include an integrated curriculum based on the New Jersey Student Learning Standards or specialized programs that reflect the needs of students and the community; and
4. Instills the concept of the need for continuous learning throughout one’s life.

The board directs the superintendent or his or her designee to take reasonable measures to expand student awareness of and encourage participation in fields that are non-traditional for their sex, and to expand both access to and success in high-growth fields for both men and women.

All students shall have equal and bias-free access to career and technical education programs and a full range of possible occupational, professional, and career and technical education choices including careers in the science and technology industries and nontraditional careers, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional/sexual orientation, gender, gender identity or expression, religion, pregnancy, disability, English proficiency, immigration status, housing status or socioeconomic status.

The board of education shall strive to make continuous and significant improvement in career and technical achievement of career and technical education students, and levels of performance shall be objective, quantifiable, and measurable. The board shall also identify in the local plans the level of performance targeted for each of the core indicators of performance.

Adopted:	April 25, 2007
NJSBA Review/Update:	July 2021
Readopted:	October 27, 2021

Key Words

Career Education, Vocational-technical Education

New Jersey Career Clusters:

- Agriculture, Food and Natural Resources
- Architecture and Construction
- Arts, A/V Technology and Communications
- Business Management and Administration
- Education and Training
- Finance
- Government and Public Administration
- Health Science
- Hospitality and Tourism
- Human Services
- Information Technology
- Law, Public Safety, Corrections and Security
- Manufacturing
- Marketing
- Science, Technology, Engineering and Mathematics
- Transportation, Distribution and Logistics

Legal References: N.J.S.A. 18A:11-1

General mandatory powers and duties

CAREER AND TECHNICAL EDUCATION (continued)

<u>N.J.S.A.</u> 18A:38-36	Employment certificates to part-time students; revocation
<u>N.J.S.A.</u> 18A:40-12.1, -12.2	Protective eye devices required for teachers, students and visitors in certain cases
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 18A:54E-1 through -5	Business and school partnerships
<u>N.J.A.C.</u> 6A:7-1.7	Equality in school and classroom practices
<u>N.J.A.C.</u> 6A:8-2.2	Authority for the state plan for vocational education
<u>N.J.A.C.</u> 6A:8-3.2	Career education and counseling
<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
<u>N.J.A.C.</u> 6A:9B-1.1 <u>et seq.</u>	State board of examiners and certification
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:9B-9.4, -11.3, -14.19 through -14.21	
<u>N.J.A.C.</u> 6A:19-1.1 <u>et seq.</u>	Career and technical education programs and standards
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:19-1.2, -2.1, -2.3, -3.1, -5.1, -5.2, -6.1, -6.5, -6.7, -6.8	
<u>N.J.A.C.</u> 6A:23A-17.4	Method of determining tuition rates for county vocational schools
<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	Operation and Maintenance of Facilities
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:26-12.2, -12.5	
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Carl D. Perkins Career and Technical Education Act of 2006, P.L.109-270

Possible

<u>Cross References:</u> *3220/3230	State funds; federal funds
*3516	Safety
*5142	Student safety
*5145.4	Equal educational opportunity
*6010	Goals and objectives
*6121	Nondiscrimination/affirmative action
*6141	Curriculum design/development
*6142.2	English as a second language; bilingual/bicultural

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

HIV PREVENTION EDUCATION

The Estell Manor Board of Education believes HIV education should be integrated into the comprehensive health education curriculum, but may also be applied to other curriculum areas.

The district HIV education program must address, at a minimum, the nature, transmission, prevention and effects of the disease. The program shall be provided through a coordinated sequential curriculum, taking into consideration the age, growth, development and maturity of the students and the subject matter of the course. Development of the program should take into account the instructional needs of all students in the district.

The superintendent shall ensure that the information presented as a part of the HIV prevention education program is articulated in such a way that transition from grade to grade in the elementary school will be appropriate for all students.

The superintendent shall be responsible for the preparation and development of an HIV prevention education program, with active consultation and participation of an advisory committee that may consist of teachers, administrators, parents/guardians, students (as appropriate), physicians, members of social and health service agencies, members of the clergy and representative members of the community. The board shall appoint the members of the committee upon the recommendation of the superintendent. The advisory committee shall be responsible for reviewing the instructional program and all materials to be used and, through the superintendent, of recommending same for board adoption.

The superintendent shall ensure that all staff involved in teaching the HIV prevention education program are properly certified for the subject area in which they are teaching and adequately prepared to teach the material. As necessary, appropriate staff training shall be provided.

Upon request, the HIV education curriculum will be made available to parents/guardians for their review. The superintendent will establish procedures whereby students whose parents/guardians present to the building principal a signed statement that a designated part of the instruction is in conflict with his/her conscience, morals or religious beliefs will be excused from that part of the curriculum. An alternative educational opportunity shall be provided during the time a student is excused from part or the entire program. The alternative educational opportunity will include topics that do not conflict with the parents/guardians beliefs but fall within the same subject area (i.e. comprehensive health education) as the program from which the student is excused. There shall be no loss of class credit or credit toward graduation from such an exemption.

The superintendent shall establish a process for evaluating and updating the HIV prevention education program to incorporate new information. Any such revisions shall be implemented after consultation with and review by an advisory committee as described above.

The board of education alone, upon the recommendation of the superintendent, shall determine the content, sequence, and materials of the HIV prevention education program. The board shall ensure compliance with all requirements of state and federal law concerning the content of the curriculum and distribution of materials.

Adopted: December 21, 2009
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

HIV PREVENTION EDUCATION (continued)Key Words

AIDS, HIV Prevention Education

Legal References: N.J.S.A. 18A:33-1 District to furnish suitable facilities; adoption of courses of study
N.J.S.A. 18A:35-4.7 Parents statement of conflict with conscience
N.J.S.A. 18A:35-4.19 through-4.22 AIDS Prevention Act of 1999
N.J.S.A. 26:5c-1 et seq. Acquired Immune Deficiency Syndrome
N.J.A.C. 6A:8-3.1(d) Curriculum and instruction
N.J.A.C. 6A:16-2.1(a)7 Health services policy and procedural requirements
N.J.A.C. 8:61-1.1 et seq. Participation and Attendance at School by Individuals with HIV Infection
N.J.A.C. 12:100-4.2 Safety and Health Standards for Public Employees (Adoption by reference)

29 CFR 19910.1030 - Bloodborne Pathogens StandardEvery Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.S. T. v. Board of Education of the City of Millville, 1986 S.L.D. (December 24), aff'd St. Bd.**Possible**

Cross References: *1220 Ad hoc advisory committees
*4131/4131.1 Staff development; inservice education/visitations/conferences
*5124 Reporting to parents/guardians
*5131.6 Drugs, alcohol, tobacco (substance abuse)
*5141 Health
*5141.2 Illness
*5145.4 Equal educational opportunity
*6122 Articulation
*6140 Curriculum adoption
*6141 Curriculum design/development
*6142 Subject fields
*6142.1 Family life education
*6142.4 Physical education and health
*6144 Controversial issues
*6146 Graduation requirements
*6161.2 Complaints regarding instructional materials
*6300 Evaluation of the instructional program

*Indicates policy is included in the Critical Policy Reference Manual.

CURRICULUM GUIDES

The superintendent shall oversee development of curriculum guides for every course and area of study for every grade level. Each guide shall contain objectives for concepts and skills to be taught and attitudes to be developed; necessary study skills; suggested materials and activities designed to achieve all of these; and evaluation criteria intended to test the extent to which learning objectives have been met. Curriculum guides shall include all requirements of the New Jersey Student Learning Standards.

Teachers shall use the guides as the core of their instructional planning. It shall be the responsibility of the building principal to ensure that curriculum guides are being followed.

A copy of each guide in use shall be kept on file in each school office. Such guides shall be available for public inspection.

Because curriculum guides are the means of implementing instruction in courses adopted by the board as the curriculum of the district, the board shall approve any new curriculum guides or any revision to an existing guide before they are put into effect.

Adopted: January 28, 2004
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Curriculum, Curriculum Guides, Subject Fields

Legal References:	<u>N.J.A.C.</u> 6A:8-1.3	Definitions
	<u>N.J.A.C.</u> 6A:8-2.1 <u>et seq.</u>	The New Jersey Student Learning Standards
	<u>N.J.A.C.</u> 6A:8-3.1 <u>et seq.</u>	Implementation of the New Jersey Student Learning Standards
	<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Possible

Cross References:	*6122	Articulation
	*6140	Curriculum adoption
	*6141	Curriculum design/development
	*6142	Subject fields
	*6142.2	English as a second language; bilingual/bicultural
	*6147	Standards of proficiency

*Indicates policy is included in the Critical Policy Reference Manual.

LESSON PLANS

All teachers are required to maintain and use an updated curriculum guide for preparation of lesson plans for each subject taught. Lesson plans must include objectives which specify what students should know, or be able to do, at the completion of that lesson. Lesson plans should be prepared in enough detail with enough clarity to enable a substitute teacher to carry on the program during the absence of a teacher.

When the teacher plans to use materials not included in the curriculum guide, he/she should list these materials in the lesson plan.

The building principal shall check lesson plans on a regular basis.

Adopted: January 28, 2004

NJSBA Review/Update: July 2021

Readopted: October 27, 2021

Key Words

Lesson Plans, Curriculum Guides, Curriculum

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:8-2.1 et seq. The New Jersey Student Learning Standards
N.J.A.C. 6A:8-3.1 et seq. Implementation of the New Jersey Student Learning Standards
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Possible

Cross References: *4115 Supervision
*4116 Evaluation
*4121 Substitute teachers
*6010 Goals and objectives
*6142 Subject fields
*6143 Curriculum guides

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

CONTROVERSIAL ISSUES

Free discussion of controversial issues--political, economic, social--shall be encouraged in the classroom whenever appropriate for the level of the group.

Issues may be considered controversial which arouse strong reactions, based either on personal conviction or allegiance to a group. School treatment of controversial issues shall be designed to instruct students in fair and objective study techniques. The decision on whether a particular controversial issue shall become a matter for school study shall be based on the timeliness of the question, the maturity and needs of the students and the mission of the school. Classroom discussions on controversial questions which arise unexpectedly shall be the responsibility of the teacher, who shall provide relevant information on both sides of the question. Such discussions shall be kept free from the assumption that there is one correct answer that should emerge from a discussion and be taught authoritatively to the students.

A student shall have the right to:

- A. Study controversial issues which have political, economic, or social significance, commensurate with the student's level of maturity and understanding;
- B. Free access to all relevant information, including the material that circulates freely in the community;
- C. Study under competent instruction in an atmosphere free from bias and prejudice.

Students shall be taught to recognize each other's right to form an opinion on controversial issues, and shall be assured of their own right to do so without jeopardizing their relationship with the teacher, administration or the school.

When public employees make statements pursuant to their official duties: in the classroom, at board meetings, and at other meetings related to educational issues affecting the district, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline (Garcetti v. Ceballos).

The superintendent or designee shall have the authority to limit or suspend discussion of controversial issues pending a review of the issue/materials. Instructional materials not previously approved must be reviewed by the principal before being introduced into the classroom.

Adopted: March 29, 2004
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Controversial Issues, Curriculum, Instructional Materials, Censorship

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36-34 Written approval required prior to acquisition of certain survey information from students

CONTROVERSIAL ISSUES (continued)

N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Student Protection Rights Amendment - 20 U.S.C. 1232h

Tenure Hearing of William Lee Johnson, Clearview Regional School District, 79 S.L.D. 267; 79 S.L.D. 273 aff'd with deletion of paragraph

Garcetti v. Ceballos 2006 U.S. LEXIS 4341 (May 2006)

Possible

- Cross References:**
- *1312 Community complaints and inquiries
 - 5145 Rights
 - *6115 Ceremonies and observances
 - *6141.2 Recognition of religious beliefs and customs
 - *6145.3 Publications
 - *6161.1 Guidelines for evaluation and selection of instructional materials
 - *6161.2 Complaints regarding instructional materials

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

EXTRACURRICULAR ACTIVITIES

The Estell Manor Board of Education believes that the educational goals and objectives of the district are best achieved by a diversity of learning experiences, some of which are more appropriately conducted outside the regular classroom program.

The purpose of extracurricular activities shall be:

- A. To develop useful new capabilities in students that can lead to extension of career opportunities;
- B. To develop student initiative and provide for the exercise of responsibility;
- C. To develop leadership capabilities and good organizational skills;
- D. To aid students in the social skills;
- E. To enable students to explore a wider range of individual interests than might be available in the regular program.

For purposes of this policy, "extracurricular activities" shall be those activities that are sponsored or approved by the board but are not offered for credit toward graduation. Such activities shall generally be conducted outside the regular school day, available to students who voluntarily elect to participate, marked by student participation in the processes of initiation, planning, organizing and execution and shall ordinarily include band, clubs, dramatic or musical presentations, and intramural and interscholastic sports.

Equal access to school facilities shall be granted to all activities that meet this definition.

The superintendent shall prepare procedures to implement an extracurricular program which shall:

- A. Assess the needs and interests of the students of this district;
- B. Ensure the provision of competent guidance and supervision by staff;
- C. Guard against the exploitation of students;
- D. Provide for a variety of experiences and a diversity of organizational models;
- E. Provide for the continuing evaluation of the extracurricular program and staff;
- F. Ensure that all extracurricular activities are open to all eligible students and that all students are fully informed of the opportunities open to them.

The guidance goal for each student shall be a balanced program of appropriate academic studies and activities to be determined by the school, the parents/guardians and the student. Guidance is necessary to encourage nonparticipants, and to prevent the overenthusiastic from emphasizing activities at the cost of their academic performance.

EXTRACURRICULAR ACTIVITIES (continued)

Only persons in the employ of a board of education shall be permitted to organize district students during school time or during any recess in the school day for purposes of instruction or coaching or for conducting games, events, or contests in physical education or athletics.

No activity shall be considered to be under the sponsorship of this board unless it has been approved by the board on recommendation of the superintendent. Fund-raising activities of extracurricular groups must be approved by the board.

All students in good disciplinary and academic standing shall have equal access to all extracurricular activities regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity and expression, religion, disability, immigration status, English proficiency, housing status or socioeconomic status. The district shall ensure equity in educational programs including extracurricular activities and provide opportunities for students to interact positively with others on a nondiscriminatory basis.

Good Disciplinary Standing

Good disciplinary standing shall mean that a student is not eligible to participate while serving a detention or suspension. Students who serve more than the number of detentions, suspensions or a combination of the two during one term, as determined by the board, may be found not eligible to participate the following term.

- A. When a student already participating in an extracurricular activity is reported for an infraction of the rules for student conduct, the principal shall appoint a staff committee to consider whether the student shall be removed from any or all extracurricular activities.
- B. If a student was in bad disciplinary standing the previous term, the principal shall refer the matter to a staff committee to determine whether the student shall be permitted to participate during the current term.

Good Academic Standing

Good academic standing at the beginning of the school year for all grades means successful completion of the previous year's requirements, with no failures. Continuing good academic standing requires maintenance of passing grades in all subjects during the current year.

A student who begins the year not in good academic standing, who maintains a passing grade in every subject and a minimum grade point average as determined by the board, may request consideration to participate in extracurricular activities at the beginning of the second semester.

Attendance

The district's attendance policy shall also apply.

Implementation

The superintendent shall direct development of detailed regulations to ensure equitable implementation of this policy. Particular care shall be taken to ensure that all extra-curricular programs and their operation comply with district equity requirements. Participation in academically related coaching or tutoring groups may be exempt from the eligibility requirement at the superintendent's discretion.

NJSBA Review/Update: July 2021
Adopted: October 27, 2021

EXTRACURRICULAR ACTIVITIES (continued)Key Words

Extracurricular Activities, Cocurricular Activities, Student Activities, Student Activities

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:11-3 Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals
N.J.S.A. 18A:19-14 Funds derived from student activities
N.J.S.A. 18A:35-20 Participation in courses in which verbalization unessential to understanding of subject matter; location of and children in bilingual programs
N.J.S.A. 18A:42-5, -6 Certain student organizations declared harmful ...
N.J.S.A. 34:13A-1 et seq. New Jersey Employer-Employee Relations Act
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
N.J.A.C. 6A:8-3.2 Career education and counseling
N.J.A.C. 6A:9B-5.16 Athletics personnel
N.J.A.C. 6A:16-2.2 Required health services
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-9.1 et seq. Athletics Procedures

20 U.S.C.A. 4071-4074 - Equal Access Act

20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972

Krupp v. Bd. of Ed. of Union County Reg. H.S. Dist. #1, 278 N.J. Super. 31 (App. Div. 1994) cert. den. 140 N.J. 277 (1994)

Good News Club v. Milford Central School, 121 U.S. 2093 (2001)

The Comprehensive Equity Plan, New Jersey Department of Education

NJSIAA Constitution, Bylaws, Rules and Regulations

Possible

Cross References: 1210 Community organizations
1320 Participation in out of school community activities
*1322 Contests for students
*2224 Nondiscrimination/affirmative action
*3453 School activity funds
4143/4243 Extra pay for extra work
*5113 Absences and excuses
*5126 Awards for achievement
*5131 Conduct/discipline
*5136 Fund-raising activities
5143 Insurance
*5145.4 Equal educational opportunity
*6010 Goals and objectives
*6142 Subject fields
6142.5 Travel and exchange programs
*6142.12 Career and technical education
*6145.1/6145.2 Intramural competition; interscholastic competition
6145.4 Public performances and exhibitions

EXTRACURRICULAR ACTIVITIES (continued)

6145.5	Student organizations
6145.7	Social events/meetings
*6146	Graduation requirements
*6153	Field trips

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

INTRAMURAL COMPETITION; INTERSCHOLASTIC COMPETITION

The Estell Manor Board of Education considers all competitive extracurricular activities--academic, artistic and athletic--an integral part of the total educational program. Competitive activities shall be under the same administration and control as the rest of the school program and closely articulated with it.

Competitive activities and artistic expression can provide students with valuable experiences and opportunities. In this district, the emphasis in any competition or artistic expression shall be on providing inclusion in such experiences and opportunities rather than on producing winning teams or providing entertainment. Practice for or performance in any competitive event shall not interfere with the regular educational program.

The board shall approve all proposed interscholastic competitions, either via schedule or as a discrete event, whichever is appropriate. The board must approve membership in any leagues, associations and conferences, and any agreements with other schools for a series of games or events. Contests of any kind between and among the schools of the district shall be approved by the superintendent.

The board shall appoint coaches, advisors, physicians and other necessary supervisory personnel upon recommendation of the superintendent. The superintendent shall also ensure that training programs/regulations are developed for all extracurricular athletic activities and that all physical facilities involved in any competition in which district schools take part shall be adequate, safe and sanitary.

Public recognition shall be given to participants in academic or artistic competitions in the same measure as to athletic competitors. The district's affirmative action resolution and plan for equity in school and classroom practices shall apply to determining eligibility for competition, approval of each competitive activity in which students officially represent the district, and district expenditure to provide facilities and coaches.

Parental Consent

No student may participate in a school-sponsored physical or artistic activity outside the general education curriculum without a signed consent form from a parent/guardian naming the activity and acknowledging that the activity may be hazardous.

Academic Eligibility

Academic standards for eligibility shall be those established by policy 6145 Extracurricular Activities.

Attendance Standards

Attendance standards shall be those set in policy 5113 Attendance, Absences and Excuses. In particular, a student shall not participate in a performance, exhibition, practice or athletic event unless he/she has been present in school that day or has been absent for an excused reason other than for sickness.

Disciplinary Standards

Disciplinary standards are based on board policies 5114 Suspension and Expulsion and 5131 Conduct/Discipline. Students on disciplinary probation or serving a detention or suspension may not practice,

INTRAMURAL COMPETITION;
INTERSCHOLASTIC COMPETITION (continued)

perform or compete. The superintendent and the building principal shall decide at the end of a probation or suspension whether the student may return to practice and competition.

Special Education Students

To participate in interscholastic competition, special education students must meet the same requirements listed above and the physical eligibility requirements. Reasonable modifications must be provided to each qualified student seeking to participate in an extra-curricular activity. However, a modification may be denied if, based on an individualized assessment, the modification presents an objective health or safety risk to the student or to others, or where the modification would result in a fundamental alteration to the nature of the program. A fundamental alteration is a modification that provides an objective advantage or disadvantage or requires a change in the rules of competition.

Equality and Equity in Athletic Programs

The district athletic programs shall be operated equitably with regard to the male and female teams including:

- A. Relatively equal numbers of varsity and sub-varsity teams for male and female students;
- B. Equitable scheduling of night games, practice times, locations and number of games for male and female teams;
- C. Equitable treatment that includes staff salaries, purchase and maintenance of equipment and supplies;
- D. Comparable facilities for male and female teams.

Physical Eligibility

All students in grades six through 8 participating in intramural or interscholastic athletics must be given a medical examination within 365 days prior to the first practice session, with a health history update if the examination was completed more than 60 days prior to the first practice session of the first sport participated in. The medical examination shall be given at the student's medical home, as defined in file code 5141.3 Health Examinations and Immunizations. If a student does not have a medical home, the school physician shall conduct the medical examination. Examinations shall be made available throughout the school year consistent with the district athletic schedule. The examination shall be documented on the form approved by the commissioner of education and include, as a minimum, the components listed in the administrative code. In the event a private physician is used, the medical examination shall not be at the expense of the board of education.

The parents/guardians shall be sent written notification signed by the examining physician testifying to the student's physical fitness to participate in athletics. The reason for the physician's disapproval of the student's participation shall be included in the notification. The health findings of the medical examination for participation in athletics shall be made part of the general health examination record.

The superintendent shall present to the board for adoption procedures for administration of the required medical examination. The procedures for the medical examination to determine the fitness of a student to participate in athletics shall include a form for a medical history to be filled out and returned by a parent/guardian and a form to be filled out by the examining physician.

The medical examination to determine the fitness of a student to participate in athletics shall include, as a minimum, the following:

INTRAMURAL COMPETITION;
INTERSCHOLASTIC COMPETITION (continued)

- A. A medical history questionnaire, completed by the parent/guardian of the student, to determine if the student:
1. Has been medically advised not to participate in any sport, and the reason for such advice;
 2. Is under a physician's care and the reasons for such care;
 3. Has experienced loss of consciousness after an injury;
 4. Has experienced a fracture or dislocation;
 5. Has undergone any surgery;
 6. Takes any medication on a regular basis, the names of such medication and the reasons for such medication;
 7. Has allergies including hives, asthma and reaction to bee stings;
 8. Has experienced frequent chest pains or palpitations;
 9. Has a recent history of fatigue and undue tiredness;
 10. Has a history of fainting with exercise;
 11. Has a history of family members dying suddenly.
- B. A physical examination which shall include, as a minimum, no less than:
1. Measurement of weight, height, and blood pressure;
 2. Examination of the skin to determine the presence of infection, scars of previous surgery or trauma, jaundice, and purpura;
 3. Examination of the eyes to determine visual acuity, use of eyeglasses or contact lenses, and examination of the sclera for the presence of jaundice;
 4. Examination of the ears to determine the presence of acute or chronic infection, perforation of the eardrum and gross hearing loss;
 5. Examination of the nose to assess the presence of deformity which may affect endurance;
 6. Assessment of the neck to determine range of motion and the presence of pain associated with such motion;
 7. Examination of chest contour;
 8. Auscultation and percussion of the lungs;
 9. Assessment of the heart with attention to the presence of murmurs, noting rhythm and rate;
 10. Assessment of the abdomen with attention to the possible presence of hepatomegaly, splenomegaly, or abnormal masses;
 11. Assessment of the back to determine range of motion and abnormal curvature of the spine;
 12. Examination of extremities to determine abnormal mobility or immobility, deformity, instability, muscle weakness or atrophy, surgical scars and varicosities;
 13. Examination of the testes to determine the presence and descent of both testes, abnormal masses or configurations, or hernia;
 14. Assessment of physiological maturation;
 15. Neurological examination to assess balance and coordination and the presence of abnormal reflexes.
- A. The percentage of competitions the student has participated in;
- B. Attendance at practices and competitions;
- C. Indicators of outstanding effort, performance and teamwork.

Insurance

The board may cover each participant in an extracurricular activity with insurance coverage in consultation

INTRAMURAL COMPETITION;
INTERSCHOLASTIC COMPETITION (continued)

with the current insurance carrier.

Parents/guardians shall be strongly encouraged to participate in the supplemental student accident insurance program offered by the board.

Pamphlet on Sudden Cardiac Arrest

Once each school year, the superintendent or designee shall distribute to parents/guardians of students participating in school sports, the New Jersey Department of Education's pamphlet on sudden cardiac death. The pamphlet includes a description of early warning signs and privately available screening options.

Fact Sheet on the Use and Misuse of Opioid Drugs

Once each school year, the superintendent or designee shall distribute to parents/guardians of students participating in the interscholastic sports program or cheerleading program the educational fact sheet developed by the Commissioner of Education in consultation with the Commissioner of Health that provides information concerning the use and misuse of opioid drugs in the event that a student-athlete or cheerleader is prescribed an opioid for a sports-related injury. The district shall obtain a signed acknowledgment of the receipt of the fact sheet by the student-athlete or cheerleader and his/her parent or guardian.

Good Sportsmanship

The board believes that instilling habits of good sportsmanship should be one of the primary goals of athletic endeavors and that all district employees should model good behaviors in this area.

It is especially important that the athletic director and coaches accept the responsibility for encouraging young athletes to handle themselves in a sportsmanlike way and be models of self-control and dignity for players and spectators. Coaches shall include discussions on courtesy and sportsmanlike behavior as part of pre-game activities. Student fans shall be reminded that their conduct reflects on the schools of this district and that poor sportsmanship will be disciplined.

Parents/guardians and other adult spectators shall also be encouraged to act as models for young people by demonstrating self-control and dignity at all athletic events.

Unsportsmanlike behavior as exhibited through verbal abuse, rude gestures, taunts, obscenities, thrown objects, etc., shall not be tolerated in students, staff or any persons in attendance at district athletic competitions. Discipline may include, but not be limited to, eviction from the competition and prevention from attending further competitions.

The superintendent shall prepare regulations on good sportsmanship and ensure their dissemination to students, parents/guardians and the community.

Adopted: September 23, 2015
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Extracurricular Activities, Cocurricular Activities, Competition, Intramural Competition, Interscholastic Competition

INTRAMURAL COMPETITION;
INTERSCHOLASTIC COMPETITION (continued)

Legal References:	<u>N.J.S.A. 5:17-1 et seq.</u>	Athletic code of conduct permitted; "youth sports event" defined...
	<u>N.J.S.A. 18A:11-3</u>	Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals
	<u>N.J.S.A. 18A:26-2.1 et al.</u>	Certification of director of athletics
	<u>N.J.S.A. 18A:36-20</u>	Discrimination; prohibition
	<u>N.J.S.A. 18A:40-41</u>	Pamphlet on sudden cardiac death
	<u>N.J.S.A. 18A:40-41.10</u>	Educational fact sheet relative to use, misuse of opioid drugs for sports-related injuries
	<u>N.J.S.A. 18A:40A-1 et seq.</u>	Substance abuse
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:40A-9, -10, -11</u>	
	<u>N.J.S.A. 18A:42-2</u>	School orchestra not to compete with civilian musicians; exceptions
	<u>N.J.S.A. 18A:42-7</u>	Participants in certain interscholastic extracurricular activities may earn varsity letter
	<u>N.J.S.A. 18A:43-1</u>	Accident insurance for students authorized
	<u>N.J.A.C. 6A:7-1.4</u>	Responsibilities of the district board of education
	<u>N.J.A.C. 6A:7-1.7</u>	Equality in school and classroom practices
	<u>N.J.A.C. 6A:9B-5.15</u>	Persons employed to coach for swimming or diving programs
	<u>N.J.A.C. 6A:9B-5.16</u>	Athletics personnel
	<u>N.J.A.C. 6A:11-4.14</u>	Sports programs
	<u>N.J.A.C. 6A:16-2.1 et seq.</u>	General Provisions for School Health Services
	<u>See particularly:</u>	
	<u>N.J.A.C. 6A:16-2.2</u>	
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C. 6A:32-9.1 et seq.</u>	Athletic Procedures
	<u>See particularly:</u>	
	<u>N.J.A.C. 6A:32-9.1(c), -9.1(d-e)</u>	
	20 <u>U.S.C.A. 1681 et seq.</u>	- Title IX of the Education Amendments of 1972
	29 <u>U.S.C.A. 794 et seq.</u>	- Section 504 of the <u>Rehabilitation Act of 1973</u>
	<u>Krupp v. Bd. of Ed. of Union County Reg. H.S. Dist. #1</u> , 278 <u>N.J. Super.</u> 31 (App. Div. 1994) cert. den. 140 <u>N.J.</u> 277 (1994)	
	NJSIAA Constitution, Bylaws, Rules and Regulations	
	The Comprehensive Equity Plan, New Jersey State Department of Education	

Possible

Cross References:	*1322	Contests for students
	1500	Relations between area, county, state, regional and national associations and the district
	*3250	Income from fees, fines, charges
	*3453	School activity funds
	3530	Insurance management
	*3541.31	Privately owned vehicles
	4143	Extra pay for extra work

INTRAMURAL COMPETITION;
INTERSCHOLASTIC COMPETITION (continued)

*5125	Student records
*5126	Awards for achievement
*5131	Conduct/discipline
*5131.1	Harassment, intimidation and bullying
*5141.1	Accidents
*5141.3	Health examinations and immunizations
*5141.8	Sports related concussion and head injury
5143	Insurance
*5145.4	Equal educational opportunity
*6121	Nondiscrimination/affirmative action
*6142.4	Physical education and health
*6145	Extracurricular activities
6145.4	Public performances and exhibitions
*6146	Graduation requirements
*6147.1	Evaluation of individual student performance

*Indicates policy is included in the Critical Policy Reference Manual.

INTRAMURAL COMPETITION; INTERSCHOLASTIC COMPETITION

USE AND MISUSE OF OPIOID DRUGS FACT SHEET
STUDENT-ATHLETE AND PARENT/GUARDIAN SIGN-OFF

[The New Jersey Department of Education developed this template Student-Athlete Sign-Off Form in January 2018 to assist schools with adhering to state statute requiring student-athletes (and their parents/guardians, if the student is a minor) to confirm they have received an Opioid Fact Sheet from the school. School districts, approved private schools for students with disabilities, and nonpublic schools that participate in an interscholastic sports or cheerleading program should insert their district or school letterhead here.]

In accordance with N.J.S.A. 18A:40-41.10, public school districts, approved private schools for students with disabilities, and nonpublic schools participating in an interscholastic sports program must distribute this [Opioid Use and Misuse Educational Fact Sheet](#) to all student-athletes and cheerleaders. In addition, schools and districts must obtain a signed acknowledgement of receipt of the fact sheet from each student-athlete and cheerleader, and for students under age 18, the parent or guardian must also sign.

This sign-off sheet is due to the appropriate school personnel as determined by your district prior to the first official practice session of the spring season annually and prior to the student-athlete's or cheerleader's first official practice of the school year.

Name of School:

Name of School District (if applicable):

I/We acknowledge that we received and reviewed the Educational Fact Sheet on the Use and Misuse of Opioid Drugs.

Student Signature:

Parent/Guardian Signature (also needed if student is under age 18):

Date:

*Does not include athletic clubs or intramural events.

Fact Sheet: <http://www.nj.gov/education/students/safety/behavior/atd/opioid/FactSheet.pdf>

GRADUATION REQUIREMENTS

In order to be graduated from the Estell Manor School District, and receive a certificate of completion, a student must:

- A. Meet both state and district proficiency standards in the New Jersey Department of Education approved curriculum areas;
- B. Complete successfully any course requirements stated in the administrative code, unless those of the district are greater, in which case the district's standard must be met. The proficiencies required must include the New Jersey Student Learning Standards approved by the State Board of Education.

Successful completion means that the student has demonstrated the degree of proficiency required by the district to indicate achievement of the district goals for the particular course, and has attended the required number of course sessions.

The superintendent shall put into effect the procedures necessary to assess each student upon entry into the system, and, annually thereafter, to identify those students not meeting the state or district proficiency requirements. He/she shall develop the programs necessary to remedy these deficiencies at the lowest possible grade level.

Remediation and Basic Skills

Students who do not pass the New Jersey Department of Education approved statewide proficiency assessment, the elementary assessment component for grades three through five and the middle school components for grades six through eight shall be provided appropriate remediation.

English Language Learners

English language learners must be provided with the program opportunities required by law, and must fulfill the regular state and district requirements for graduation.

Special Education Students

By June 30 of a disabled student's last year in the elementary program, the student's case manager, parent/guardian and teacher(s) shall meet to review the instructional guide and basic plan of the student'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 student exiting the elementary program will address all the elements required in the administrative code. The description of the educational program will include exemptions, if any, from regular education program options or state and local graduation requirements including the Department of Education approved statewide high school proficiency assessment, along with the rationale for the exemptions. The exemptions must be approved in writing by the superintendent.

Proficiency

GRADUATION REQUIREMENTS (continued)

In consultation with appropriate professional staff, the superintendent shall develop and present to the board for adoption indicators of achievement and standards of proficiency and attendance.

Adopted: August 25, 2004
 NJSBA Review/Update: July 2021
 Readopted: October 27, 2021

Key Words

High School Graduation, Early Warning Test, Graduation, Graduation Requirements, Option 2

Legal References: N.J.S.A. 18A:4-25 Prescribing minimum courses of study for public schools; approval of courses of study
N.J.S.A. 18A:7C-1 Commissioner of education to develop a program of standards and guidelines
N.J.S.A. 18A:7C-2 Boards of education; establishment of standards
N.J.S.A. 18A:7C-4.1 Operation Recognition; purpose; eligibility; application procedure
N.J.S.A. 18A:7C-5.1 Boards of education prohibited from excluding students from graduation ceremony or from obtaining yearbook for inability to pay fees
N.J.S.A. 18A:7F-46 Review, update of the NJSLs, Educational Adequacy Report
N.J.S.A. 18A:33-1 District to furnish suitable facilities; adoption of courses of study
N.J.S.A. 18A:35-1 et seq. Curriculum and courses
N.J.S.A. 18A:35-14.9 Student promotion and remediation; policies and procedures
N.J.S.A. 18A:36-17 Credit of seniors in active military and naval service, etc.
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessment
See particularly:
N.J.A.C. 6A:8-1.2,-2.1,-3.1,-3.3,-4.1,-4.2,-4.3,-5.1,-5.2
N.J.A.C. 6A:13-1.1 et seq. Programs and practices to support student achievement
N.J.A.C. 6A:14-3.7 Individualized education program
N.J.A.C. 6A:14-4.11 Graduation
N.J.A.C. 6A:15-1.11 Graduation requirements for English Language Learners
N.J.A.C. 6A:20-2.4 Graduation (adult education programs)
N.J.A.C. 6A:23A-9.5 Commissioner to ensure achievement of the New Jersey Student Learning Standards
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
N.J.A.C. 6A:33-1.1 et seq. School turnaround and improvement

The Department of Education Website, <http://www.nj.gov/njded/assessment/> (Lists the state assessment components)

Every Student Succeeds Act of 2015, Pub.L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

Cross References: *1120 Board of education meetings
 *5113 Attendance, absences and excuses
 *5120 Assessment of individual needs
 *5127 Commencement activities

GRADUATION REQUIREMENTS (continued)

6000	Concepts and roles in instruction
*6010	Goals and objectives
*6122	Articulation
*6140	Curriculum adoption
6141.4	Independent study
*6142	Subject fields
*6142.2	English as a second language; bilingual/bicultural
*6142.6	Basic skills
*6145	Extracurricular activities
*6147	Standards of proficiency
*6154	Homework/makeup work
*6171.4	Special education
*6200	Adult/community education

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

PUBLICATIONS

The Estell Manor Board of Education sponsors student publications as important elements of the instructional program. Students are encouraged to develop skills of written and verbal communication and to exercise the right to express their opinions freely and responsibly.

The rights of free speech, and free expression of students in public schools pursuant to the First Amendment, are not automatically coextensive with the rights of adults in other settings and shall be applied in light of the special characteristics of the school environment. The board of education reserves the right to exercise prepublication control over school-sponsored publications through administrative staff and faculty. Students shall have the right to appeal the exercise of censorship by school district staff to the board of education.

Student expression may be restricted, if it can be determined that such expression is inconsistent with the basic educational mission of the school district and when censorship action is reasonably related to legitimate educational concerns.

Students who violate this policy by expression, publication or distribution of any materials which are biased or prejudiced, vulgar or profane, unsuitable for immature audiences, or which do not meet the school district's high standards of learning and propriety consistent with its educational goals and objectives may be subject to appropriate discipline.

This policy shall be implemented in accordance with regulations to be developed by the superintendent. The regulations shall:

- A. Identify school district staff responsible for student publications;
- B. Establish procedures for prepublication review; and
- C. Specify procedures for appeal by students to the board of education with provisions for prompt decisions to be made at each level.

Websites

School-sponsored websites are also subject to this policy and to the same regulatory constraints as are print publications.

Adopted: May 26, 2004
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Publications, Student Publications

Legal References: N.J.S.A. 18A:11-1
N.J.S.A. 18A:36-35

General mandatory powers and duties
School Internet web sites; disclosure of certain student information prohibited

PUBLICATIONS (continued)

N.J.S.A. 18A:54-20 Powers of boards (county vocational schools)
N.J.A.C. 6A:8-3.1 et seq. Implementation of the New Jersey Student Learning Standards

Tinker v. Des Moines Independent School District, 393 U.S. 503 (1969)

Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986)

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)

Desilets v. Clearview Regional Board of Education, 137 N.J. 585 (1994)

Possible

Cross References: *1111 District publications
5145 Rights
5145.2 Freedom of speech/expression
*5145.5 Photographs of students
*6142.10 Technology

*Indicates policy is included in the Critical Policy Reference Manual

Policy

PROMOTION/RETENTION

The Estell Manor Board of Education recognizes that personal, social, physical and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

The superintendent shall direct development of and the board shall adopt detailed regulations to govern progress of students through levels K-8. The regulations shall include:

- A. Standards of proficiency related to district goals and objectives and student proficiency;
- B. Standards of attendance, and provision for review of mastery;
- C. Timely efforts to help all students achieve acceptable levels of proficiency;
- D. Notification to parents and students, at appropriate times during the school year, of the student's progress in meeting the promotion and remediation standards;
- E. Immediate consultation with the student's parent or guardian if, in the teacher's judgment, there is any indication that the student's progress may not be sufficient to meet these standards;
- F. Procedures for parents/guardians and adult students to appeal promotion/retention decisions;
- G. Procedures for involving parents/guardians, teachers and students, where appropriate, to participate in the development of the policy.

Progress reports for students in in bilingual, ESL, or English language services programs shall be made to parents/guardians on the same schedule as the reports of all students enrolled in the district. Progress reports shall be in writing and in both English and their primary speaking language unless doing so places unreasonable burden on the board.

Parents/guardians will be notified whenever exceptions are contemplated in a student's normal progression from level to level. The final decision in all cases will rest with school authorities.

Adopted: February 28, 2007
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Promotion, Retention, Bilingual

Legal References:	<u>N.J.S.A.</u> 18A:4-24	Determining efficiency of schools; report to state board
	<u>N.J.S.A.</u> 18A:7C-2	Boards of education; establishment of standards
	<u>N.J.S.A.</u> 18A:35-4.9	Student promotion and remediation; policies and procedures
	<u>N.J.A.C.</u> 6A:8-4.1	Statewide assessment system
	<u>N.J.A.C.</u> 6A:8-4.2	Documentation of student achievement

PROMOTION/RETENTION (continued)

N.J.A.C. 6A:8-5.1 Graduation requirements
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Wheatley v. Board of Education of City of Burlington, 1974 S.L.D. 851

Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

Cross References: *5113 Attendance, absences and excuses
*5120 Assessment of individual needs
*5124 Reporting to parents/guardians
*6142 Subject fields
*6142.2 English as a second language; bilingual/bicultural
*6143 Curriculum guides
*6145 Extracurricular activities
*6146 Graduation requirements
6146.1 Acceleration
*6147 Standards of proficiency
*6147.1 Evaluation of individual student performance
*6171.1 Remedial instruction
*6171.3 At-risk and Title 1

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

STANDARDS OF PROFICIENCY

The superintendent, in consultation with teaching staff, shall develop criteria for evaluation, indicators of achievement of the criteria, and acceptable standards of achievement for all grade levels, courses and programs offered by the Estell Manor School District. The criteria, indicators and standards must be related to district goals and objectives. Parents/guardians shall be notified in a timely manner whenever their child appears in danger of failing to meet required proficiency levels. Parents/guardians shall be strongly encouraged to participate in designing remedial plans for their children.

These standards of proficiency shall include but not be limited to those New Jersey Student Learning Standards identified by the State Department of Education and shall form the basis for the district's grading system.

By the date required by law, the superintendent shall annually report to the board and the community at a regularly scheduled meeting an evaluation of student achievement toward meeting district and school goals and objectives.

The superintendent shall consider additional factors contributing to student achievement such as indicators of student and educator engagement, school climate and/or safety. The superintendent may consult with the appropriate staff member in the development and assessment of indicators of engagement, school climate and/or safety, such as teaching staff, the affirmative action officer and the anti-bullying coordinator and/or specialist.

The board shall administer the applicable Statewide assessments, including the elementary assessment component for grades three through five, and the middle school assessment component for grades six through eight. The Statewide assessments shall be administered according to a schedule prescribed by the Commissioner.

Low student achievement shall be regarded by the board as an indication that revisions are needed in educational programming, general strategy, staff resource use, staff evaluation, and/or other aspects of the learning program.

Adopted: July 21, 2004
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Proficiencies, Standards of Proficiency

Legal References: <u>N.J.S.A.</u> 18A:7C-1	Commissioner of Education to develop a program of standards and guidelines
<u>N.J.S.A.</u> 18A:7C-2	Establishment of standards for graduation from secondary schools for graduation from secondary schools
<u>N.J.S.A.</u> 18A:7E-2 through -5	School report card program
<u>N.J.S.A.</u> 18A:7F-46	Review, update of the New Jersey Student Learning Standards; Educational Adequacy Report

STANDARDS OF PROFICIENCY (continued)

<u>N.J.S.A.</u> 18A:35-4.9	Student promotion and remediation; policies and procedures
<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessment
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:8-1.1, -1.3,-2.1, -4.1, -4.4, -5.1	
<u>N.J.A.C.</u> 6A:14-4.10,11	Statewide assessment
<u>N.J.A.C.</u> 6A:15-1.1 <u>et seq.</u>	Bilingual Education
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:15-1.11	
<u>N.J.A.C.</u> 6A:23A-9.5	Commissioner to ensure achievement of the New Jersey Student Learning Standards
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-2.1	Definitions
<u>N.J.A.C.</u> 6A:32-12.1 <u>et seq.</u>	Student Behavior
<u>Abbott v. Burke</u> , 149 <u>N.J.</u> 145 (1997) (Abbott IV)	
<u>Abbott v. Burke</u> , 153 <u>N.J.</u> 480 (1998) (Abbott V)	
<u>Abbott v. Burke</u> , 163 <u>N.J.</u> 95 (2000) (Abbott VI)	
<u>Every Student Succeeds Act</u> , <u>Pub. L.</u> 114-95., 20 <u>U.S.C.A.</u> 6301 <u>et seq.</u>	

Possible

<u>Cross References:</u>	*1120	Board of education meetings
	*5113	Attendance, absences and excuses
	*5120	Assessment of individual needs
	*5124	Reporting to parents/guardians
	*5125	Student records
	6000	Concepts and roles in instruction
	*6010	Goals and objectives
	*6140	Curriculum adoption
	*6141	Curriculum design/development
	*6146	Graduation requirements
	*6146.2	Promotion/retention
	*6171.1	Remedial instruction
	*6171.3	At-risk and Title 1
	*6300	Evaluation of the instructional program

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE

Grading

The superintendent, in consultation with the teaching staff, shall develop a marking system to be used uniformly in the same grade level throughout the Estell Manor school. The system should be clear, easily understood by parents/guardians and students, and able to be applied with consistency of interpretation. Computation of grade-point average and rank in class shall be uniform throughout the district. Evaluation and grading symbols shall be intended to appraise the student's progress toward established goals, and shall be a factor in promotion/graduation decisions.

The board encourages the certified staff, under the direction of the superintendent, to employ a comprehensive approach to the use of appraisal and evaluative techniques in monitoring student progress, including, but not limited to, written and oral teacher-made tests, performance observation, parent/guardian interviews, formal and informal evaluation techniques, use of cumulative student records, and medical examinations. Recognized standardized achievement tests may also be used in grades designated by the board.

The superintendent shall have the right to review disputed grades and with board approval to adjust them.

Testing

In addition to testing procedures established in policy 5120 Assessment of Individual Needs, the school district shall establish and maintain a general testing program to:

- A. Improve the instructional program to assist students in achieving the New Jersey Student Learning Standards;
- B. Measure the needs and progress of individual students;
- C. Measure the achievement of grade levels;
- D. Allow comparison of district students with national or other norms;
- E. Aid in evaluation of programs.

The district testing program shall embody at least the tests required by state and federal law. The administration shall continually scrutinize the applicability and effectiveness of tests being used in the district.

School personnel shall not use tests, procedures or other guidance and counseling materials that are differentiated or stereotyped on the basis of race, color, creed, religion, gender, gender identity or expression, affectional or sexual orientation, ancestry, national origin, nationality, disability, marital status, familial status, pregnancy or social or economic status.

Any requests for surveys, student observations, or student questionnaires must be forwarded through the principal's office to the superintendent's office for approval before any survey or observation can be conducted. If the survey concerns any of the topics described in statute, the superintendent shall obtain

EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE (continued)

written consent from parents/guardians or the students being surveyed at least two weeks prior to its administration.

Individual results of standardized tests, including intelligence tests, shall be made available to parents/guardians upon their request, but shall be considered confidential information to be available only to authorized persons. School and district test results shall be discussed in a public meeting.

Determining Class Rank

The superintendent shall develop procedures for determining class ranking that take into account:

- A. Records of transfer students;
- B. Honors and advanced courses.

Adopted: July 23, 2014
 NJSBA Review/Update: July 2021
 Readopted: October 27, 2021

Key Words

Evaluation, Student Evaluation, Student Evaluation, Class Rank, Grading, Testing, Examinations

Legal References: N.J.S.A. 18A:7C-3, -4, -6, -6.2 Remedial instruction for students not meeting graduation standards
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:35-4.9 Student promotion and remediation, policies and procedures
N.J.S.A. 18A:36-34 Written approval required prior to acquisition of certain survey information from students
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:7-1.7 Equality in school and classroom practice
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessments
See particularly:
N.J.A.C. 6A:8-1.3, -4.1, -5.1
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-2.1 Definitions
N.J.A.C. 6A:32-7.1 Student Records

34 CFR 98 - Protection of Student Rights

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Talarsky v. Edison Township Board of Education, 1977 S.L.D. 862

Possible

Cross References: *1000/1010 Concepts and roles in community relations; goals and objectives
 *1120 Board of education meetings
 *5113 Attendance, absences and excuses
 *5120 Assessment of individual needs
 *5124 Reporting to parents/guardians

EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE (continued)

*5125	Student records
*5141.3	Health examinations and immunizations
*6142.6	Basic skills
*6146	Graduation requirements
*6146.2	Promotion/retention
*6147	Standards of proficiency

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

CLASS SIZE

The superintendent shall recommend for Estell Manor Board of Education approval the number of class sections for each course or grade level. He/she shall take into consideration such factors as student needs, curriculum requirements, types of instructional setting, district finances and space or equipment limitations.

Particular attention shall be paid to space-per-student requirements of the State Department of Education.

Adopted: July 21, 2004
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Class Size, Space-per-student Requirements

Legal References:	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:8-2.1	Authority for educational goals and standards
	<u>N.J.A.C.</u> 6A:14-4.7	Program criteria: special class programs, secondary and vocational rehabilitation
	<u>N.J.A.C.</u> 6A:23A-9.5	Commissioner to ensure achievement of the New Jersey Student Learning Standards
	<u>N.J.A.C.</u> 6A:26-2.1 <i>et seq.</i>	Long-Range Facilities Plans
	<u>N.J.A.C.</u> 6A:32-8.2	School enrollment
	<u>N.J.A.C.</u> 6A:32-8.3	School attendance

Possible

Cross References:	3240	Tuition income
	*5118	Nonresidents
	*5120	Assessment of individual needs
	*5145.4	Equal educational opportunity
	6150	Instructional arrangements
	*6171.4	Special education
	*7110	Long-range facilities planning

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

FIELD TRIPS

The Estell Manor Board of Education recognizes that field trips, used as a device for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the school.

For purposes of this policy, a field trip shall be defined as any journey by a group of students away from the school premises, under the supervision of a teacher, which is an integral part of an approved course of study and conducted for the purpose of affording a first-hand educational experience not available in the classroom.

The board of education shall consider field trips which are included in curriculum guides to have been approved in advance. All trips not listed in the curriculum guide must be individually approved by the board. Times and locations of field trips shall not be posted on any district web sites.

When field trips and excursions are to be arranged, the following guidelines apply:

- A. All trips, and the arrangements for them, must have advance approval. This includes whether district buses will be used; whether these may be supplemented by private vehicles; the route to be followed; and parking arrangements if necessary;
- B. Costs must be ascertained;
- C. Each child who goes on a field trip or excursion must have written parental permission;
- D. Student safety must be of prime concern, and adequate supervision must be provided by staff aided by other adult chaperones if necessary;
- E. All trips must be well planned, properly timed, and related to regular learning activities, or to district goals and objectives; and
- F. Each field trip should be evaluated by students, teachers, and the administration.

The board shall bear all expenses of field trips included in the curriculum guides. Parents/guardians shall be asked to bear the expense of all other excursions. No student is to be denied the right to participate because of inability to pay.

The superintendent shall develop guidelines for planning trips suitable to the various grade levels, and regulations governing frequency, distance and expense.

The board does not endorse, support or assume liability in any way for any staff member of this district who takes students on trips not approved by the board. No staff member may solicit students of this district for such trips within the facilities or on the school grounds of this district without board permission.

Student Self-Administration of Medication

The board shall permit self-administration of medication on field trips for asthma or other potentially life-threatening illness by students in grades fourth through eighth. All conditions established by law and board policy shall be met (see policy 5141.215141.21 Administering Medication).

FIELD TRIPS (continued)

Epinephrine shall be administered via epi-pen to students in emergencies on field trips by the school nurse, his/her designee(s), the student's parent/guardian or the student himself/herself, in accordance with policy 5141.21 Administering Medication.

Adopted: August 24, 2005
 NJSBA Review/Update: July 2021
 Readopted: October 27, 2021

Key Words

Field Trips, Trips

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:25-2	Authority over students
	<u>N.J.S.A.</u> 18A:36-21 through -23	Field trips; costs to be borne by parents or guardians ...
	<u>N.J.S.A.</u> 18A:36-35	School Internet web sites; disclosure of certain student information prohibited
	<u>N.J.S.A.</u> 18A:39-20.1	Transportation to and from related school activities in private vehicle with capacity of eight or less; authorization of qualified school personnel, state employees or parents
	<u>N.J.S.A.</u> 18A:40-12.3 through -12.4	Self-administration of medication by students; conditions ...
	<u>N.J.S.A.</u> 18A:40-12.5	Policy for emergency administration of epinephrine to public school students
	<u>N.J.S.A.</u> 18A:40-12.6	Administration of epinephrine; primary responsibility; parental consent
	<u>N.J.A.C.</u> 6A:27-1.1 <u>et seq.</u>	Student transportation
	<u>See particularly:</u> <u>N.J.A.C.</u> 6A:27-1.1(b), -7.6, -11.1, -11.2	
	<u>Rhodes v. Caldwell Board of Education</u> , 1981 <u>S.L.D.</u> 140	

Possible

<u>Cross References:</u>	1210	Community organizations
	*1230	School-connected organizations
	*3450	Money in school buildings
	*3541.31	Privately owned vehicles
	*5020	Role of parents/guardians
	*5136	Fund-raising activities
	*5141.21	Administering medication
	*6145	Extracurricular activities
	*6154	Homework/makeup work

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

HOMEWORK/MAKEUP WORK

The Estell Manor Board of Education believes that homework relevant to material presented in class provides an opportunity to broaden, deepen or reinforce the student's knowledge. Teachers must use discretion in deciding the number and length of assignments. The board encourages the use of interrelated major homework assignments such as term papers, themes and creative art projects.

Homework shall not be used for punitive reasons.

Students absent for any reason must make up assignments, classwork and tests within a reasonable length of time. In most cases, a reasonable length of time shall be the same number of school days as the days missed.

Students being excused for any reason must make arrangements with the teacher of the missed classes in order to make up the work missed. This must be done before the absence from class.

Incompletes

When a student does not complete work missed for absence or other reasons, he/she will receive an "incomplete" for the marking period. Students will be given a number of school days following the end of the marking period, as determined by the board, to make up the missed work.

If work critical to the student's understanding of the subject is not made up by the end of the next marking period, the grade for that subject area may be an "F."

If work is missing during the final marking period of the school year, the grade will be left to the discretion of the teacher. The teacher who has given an incomplete is responsible for reporting to the student the work he/she has missed and citing the consequences mentioned above.

Adopted: July 21, 2004
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Homework, Makeup Work

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36-14 Religious holidays; absence of students on; effect
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:32-10.1 et seq. Summer School Sessions

Possible

Cross References: 1320 Participation in out of school community activities
*1322 Contests for students
*5020 Role of parents/guardians
*5113 Attendance, absences and excuses

HOMEWORK/MAKEUP WORK (continued)

- *5124 Reporting to parents/guardians
- *6145 Extracurricular activities
- *6153 Field trips
- 6174 Summer school

*Indicates policy is included in the Critical Policy Reference Manual.

INSTRUCTIONAL PLANNING/SCHEDULING

The superintendent and staff shall keep abreast of developing technologies and teaching methodologies, investigating those likely to be of benefit to district students, and recommending them for board consideration.

The Estell Manor Board of Education recognizes that district students vary in learning styles and in ability. Therefore, the superintendent shall ensure that teaching staff adapt their instructional methods and arrangements to meet identified student needs and encourage maximum individual progress.

The superintendent shall ensure that district personnel, time and facilities are used in such a way as to provide the most favorable learning environment for all students, thus fostering achievement of district goals, objectives and standards.

Because the board believes that students can learn better and faster when the skills learned in one discipline are integrated into another, programs, projects and units of study shall be encouraged that require the use of reading, writing and mathematics skills in conjunction with other areas of study, such as music, art, science, etc. The board also encourages programs that call on various skill levels of several grades in one discipline, such as musical presentations, science fairs, and other similar efforts.

Every effort should be made to further district affirmative action/equity goals in developing instructional arrangements.

The board directs that instruction be planned and scheduled in such a way that there is minimum disruption of the school day, including movement between classes and conflicting activities.

Nonpublic School Students

Required instructional services shall be delivered to nonpublic school students in facilities that are acceptable and convenient to staff and students.

Adopted: July 21, 2004
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Instructional Planning, Instructional Scheduling, Scheduling

Legal References: <u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
<u>N.J.S.A.</u> 18A:46-19.5	Services to students in nonpublic schools
<u>N.J.S.A.</u> 18A:46A-5	Consent of parent or guardian; location
<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessments
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
<u>N.J.A.C.</u> 6A:15-1.1 <u>et seq.</u>	Bilingual Education
<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	Operation and Maintenance of Facilities

INSTRUCTIONAL PLANNING/SCHEDULING (continued)

Agostini v. Felton, 521 U.S. 203 (1997), overruling Aguilar v. Felton, 473 U.S. 402 (1985)

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*4113/4213	Assignment; transfer
	*5145.4	Equal educational opportunity
	*5200	Nonpublic school students
	*6010	Goals and objectives
	6130	Organizational plan
	6141.4	Independent study
	*6142.2	English as a second language; bilingual/bicultural
	*6151	Class size
	6152	Grouping
	*6171.2	Gifted and talented
	*6171.4	Special education

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

INSTRUCTIONAL SERVICES AND RESOURCES

The Estell Manor Board of Education believes that personnel and materials appropriate to the needs of the school program must be available to each student and teacher.

To be in compliance with the requirements of federal law, the board of education directs the superintendent to distribute curriculum materials and instructional supplies to the school in such a way that equivalence of such materials is ensured. Staff assignments shall comply with this directive.

When the school fails to achieve adequate yearly progress as defined by the state for two consecutive years, all provisions in federal law shall be followed.

The board will endeavor to provide the supportive resources and personnel necessary for teachers to implement the approved curriculum in their classrooms and work effectively with children.

It will be the administration's responsibility to set up and maintain such central services for curriculum materials, including audiovisual materials, as are needed, and appropriate channels through which teachers and students will be supplied with these resources.

In addition, there will be a media resource center and media specialist to offer children instruction and teachers assistance in selecting and using learning resources.

Adopted: July 21, 2004
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Instructional Services, Instructional Resources

Legal References: N.J.S.A. 18A:34-1 Textbooks; selection; furnish free with supplies; appropriations
N.J.A.C. 6A:7-1.4 et seq. Responsibilities of the district board of education
N.J.A.C. 6A:8-2.1 Authority for educational goals and standards
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

Cross References: *3220/3230 State funds; federal funds
*4113/4213 Assignment; transfer
*5145.4 Equal educational opportunity
*6121 Nondiscrimination/affirmative action
*6141 Curriculum design/development
*6142.2 English as a second language; bilingual/bicultural
*6161.1 Guidelines for evaluation and selection of instructional materials
*6171.3 At-risk and Title 1

INSTRUCTIONAL SERVICES AND RESOURCES (continued)

*6171.4 Special education

*Indicates policy is included in the Critical Policy Reference Manual.

GUIDELINES FOR EVALUATION AND SELECTION OF INSTRUCTIONAL MATERIALS

The Estell Manor Board of Education believes that textbooks should support and enrich the curriculum and make possible the achievement of the district's instructional goals. The superintendent shall develop procedures for continual review of new texts being offered and evaluation of those already in use to ensure that the textbooks used in this district are up to date in the factual matter they present and further the district's instructional goals. Textbooks and instructional materials should be judged by additional standards which shall include, but not be limited to:

- A. Does the material reflect the district's affirmative action/equity policy, which prohibits the teaching or encouragement of bias based on any categories listed in law or board policy?
- B. Does it help students develop abilities in critical reading and thinking?
- C. Does it provide effective basic or advanced education for the students for whom it is intended?

The review process shall:

- A. Be conducted by teaching staff members, particularly those teachers who will be using the materials as an integral part of the instructional program;
- B. Include a written review of the material which shall reflect the consensus of the teaching staff;
- C. Provide an opportunity for public inspection of the recommended text.

When adopting instructional materials for use in the schools, the board shall adopt inclusive instructional materials that portray the cultural and economic diversity of society including the political, economic, and social contributions of persons with disabilities and lesbian, gay, bisexual, and transgender people, where appropriate.

The superintendent shall develop administrative rules outlining a procedure for the selection of instructional materials that meets the above criteria. Instructional materials used within the district should be sufficient in quantity and scope to meet the needs of every student in the district.

The board, by law, makes the final textbook selection decision. However, prior to final adoption, the recommendations resulting from each review will be given thorough consideration.

Any citizen who objects to the final selections made by the board should follow the procedures outlined in board policy 6161.2 Complaints Regarding Instructional Materials.

Animal Dissection

Animal dissection is not required and alternative education to be provided:

The board, by law, will allow students to refuse to participate in animal dissection.

- A. The board will offer an alternate education program for a course or portion of a course involving

GUIDELINES FOR EVALUATION AND SELECTION
OF INSTRUCTIONAL MATERIALS (continued)

dissection of animals;

- B. A public school student from kindergarten through grade 12 may refuse to dissect, vivisection, incubate, capture or otherwise harm or destroy animals or any parts thereof as part of a course of instruction:
1. "Alternative education project" means the use of video tapes, models, films, books, computers, or any other tools which provide an alternative method for obtaining and testing the knowledge, information, or experience required by a course of study.
 2. "Animal" means any living organism that is an invertebrate, or is in the phylum chordata or organisms which have a notochord and includes an animal's cadaver or severed parts of an animal's cadaver.
- C. The school shall notify students and their parents or guardians at the beginning of each school year of the right to decline to participate in the activities enumerated in "A" of this section and shall authorize parents or guardians to assert the right of their children to refuse to participate in these activities. Within two weeks of the receipt of the notice, the students, parents or guardians shall notify the school if the right to decline participation in the enumerated activities will be exercised;
- D. Any student who chooses to refrain from participation in or observation of a portion of a course of instruction in accordance with this section shall be offered an alternative education project for the purpose of providing the student with the factual knowledge, information or experience required by the course of study. A student may refuse to participate in an alternative education project which involves or necessitates any harmful use of an animal, or animal parts;
- E. A student shall not be discriminated against, in grading or in any other manner, based upon a decision to exercise the rights afforded pursuant to this act.

Adopted: July 28, 2007
 NJSBA Review/Update: July 2021
 Readopted: October 27, 2021

Key Words

Evaluation, Instructional Materials, Selection of Instructional Materials, Evaluation of Instructional Materials

<u>Legal References:</u> <u>N.J.S.A.</u> 18A:4-25	Prescribing minimum courses of study for public schools; approval of courses of study
<u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
<u>N.J.S.A.</u> 18A:34-1	Textbooks; selection; furnished free with supplies; appropriations
<u>N.J.S.A.</u> 18A:35-1 <u>et seq.</u>	Curriculum and Courses
<u>N.J.S.A.</u> 18A:35-4.25	Districts to provide an alternate to dissection
<u>N.J.S.A.</u> 18A:35-4.35	History of disabled and LGBT persons included in middle and high school curriculum
<u>N.J.S.A.</u> 18A:35-4.36	Policies, procedures pertaining to inclusive instructional materials
<u>N.J.A.C.</u> 6A:7-1.4	Responsibilities of the district board of education
<u>N.J.A.C.</u> 6A:23A-20.4 <u>et seq.</u>	Ownership and storage of textbooks
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

GUIDELINES FOR EVALUATION AND SELECTION
OF INSTRUCTIONAL MATERIALS (continued)

Comprehensive Equity Plan, State Department of Education

Possible

Cross References:

*1312	Community complaints and inquiries
*2224	Nondiscrimination/affirmative action
*5145.4	Equal educational opportunity
6000	Concepts and roles in instruction
*6010	Goals and objectives
*6121	Nondiscrimination/affirmative action
*6140	Curriculum adoption
*6141	Curriculum design/development
*6142.1	Family life education
*6144	Controversial issues
*6161.2	Complaints regarding instructional materials
*6163.1	Media center/library

*Indicates policy is included in the Critical Policy Reference Manual.

COMPLAINTS REGARDING INSTRUCTIONAL MATERIALS

The Estell Manor Board of Education recognizes that opinions may differ on the appropriateness of any given instructional materials and equipment. Occasionally an individual or group may find instructional materials used in the schools that conflict with their views. Any resident of this district shall have the right to present a request, suggestion or complaint in reference to the physical plant, playgrounds, subject matter or instructional materials.

The superintendent shall develop procedures to give careful consideration to such requests, suggestions or complaints. These procedures shall provide that:

- A. All such requests, suggestions or complaints shall be submitted in writing;
- B. Whenever possible the process be initiated and solved at the lowest effective level;
- C. District response is courteous and prompt;
- D. Successive steps of appeal and mechanisms for review are available when necessary.

The use of challenged materials or equipment by class or school shall not be restricted until a final decision has been reached.

The final decision on controversial reading matter shall rest with the board after careful examination and discussion of the book or reading matter with school officials or others the board may wish to involve.

Adopted: August 25, 2004
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Instructional Materials, Complaints Regarding Instructional Materials, Complaints, Censorship

Legal Reference: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Board of Education Island Trees U.F.S.D. v. Pico, 457 U.S. 853 (1982)

Possible

Cross References: *1312 Community complaints and inquiries
2220 Representative and deliberative groups
*6144 Controversial issues
*6161.1 Guidelines for evaluation and selection of instructional materials

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

COMMUNITY RESOURCES

The Estell Manor Board of Education will draw on the knowledge and opinions of the community in developing mandated policies and programs in compliance with statute and administrative code, and to aid in meeting the district's identified needs.

The board of education encourages local businesses and individual residents who are especially qualified because of training, experience or interest to take an active part in the district's educational programs. Those persons and representatives of businesses identified by the superintendent and the staff and approved by the board may be invited to act as advisors in groups or individually in appropriate circumstances and situations.

The district shall also take advantage of the physical and financial resources of the community and of organizations including businesses when such facilities or locations provide learning and enrichment opportunities not otherwise available to our students. Student safety shall be a primary concern in making use of such resources.

In accordance with law, the administration shall identify and establish working relationships with licensed community agencies that are involved in evaluation and treatment of drug/alcohol problems.

Adopted: August 25, 2004
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Community Resources, Resources, Volunteers

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:16-1.1 et seq. Programs to support student development
See particularly:
N.J.A.C. 6A:16-4.1,-4.2
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the performance of school districts

Possible

Cross References: *1000/1010 Concepts and roles in community relations; goals and objectives
1210 Community organizations
*1220 Ad hoc advisory committees
*1410 Local units
*1600 Relations between other entities and the district
*3280 Gifts, grants and bequests
*4222 Noninstructional aides
*5131.6 Drugs, alcohol, tobacco (substance abuse)
*6142.1 Family life education
*6142.2 English as a second language; bilingual/bicultural
*6142.13 HIV prevention education
*6153 Field trips
6164.6 Tutoring

COMMUNITY RESOURCES (continued)

*6171.2	Gifted and talented
*6171.3	At-risk and Title 1
*6171.4	Special education
9420	Recognition of individuals--citizens, students, staff members or members of board

*Indicates policy is included in the Critical Policy Reference Manual.

RESEARCH

The Estell Manor Board of Education recognizes that educational research can be a valuable tool in identifying and applying strategies to enhance student achievement and in identifying factors that could prevent students from becoming contributing members of society. Surveys among student populations can be an important part of this research.

Students and parents/guardians retain certain rights, however, in the administration of surveys. The board shall ensure a copy of the survey is available for viewing and that prior written consent is obtained from parents/guardians or emancipated students before any survey is administered in whole or in part by any state or federal source, if the survey (analysis or evaluation) is designed to reveal information on any of the following:

- A. Political affiliations or beliefs of the student or the student's parents/guardians;
- B. Mental and psychological problems of the student or the student's family;
- C. Sex behavior or attitudes;
- D. Illegal, anti-social, self-incriminating, or demeaning behavior;
- E. Critical appraisals of other individuals with whom respondents have close family relationships;
- F. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers;
- G. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian;
- H. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program); or
- I. Social security number.

Parents/guardians shall be given the opportunity to inspect any survey, analysis or evaluation that solicits information in any of the above areas, including surveys funded by other than state or federal sources. If parents/guardians object to their child(ren)'s participation in a survey regarding the above matters, the child(ren) shall be allowed to opt out. The superintendent shall adopt regulation to protect the confidentiality of all survey respondents.

Prior approval of the superintendent is required for all other surveys on topics not listed. Anyone seeking approval of a proposed survey must provide the superintendent with details of the survey methodology, its specific educational purpose and a description of how results will be disseminated and applied.

The superintendent shall develop regulations to implement this policy that include reasonable timelines for parents/guardians to access and review surveys as prescribed by law, and arrangements to protect student privacy in the administration of a survey.

This policy and the regulations shall be made available to the public at least annually at the beginning of the

RESEARCH (continued)

school year, especially to parents/guardians and to district staff. The public shall be informed within a reasonable period of time if substantive change is made to policy and regulations. The public shall also be informed of specific or approximate dates, if known, when surveys may be administered.

Parent/Guardian Notification

Annual parental/guardian notice shall include an opportunity for the parent/guardian to opt the student out of the following activities:

- A. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose.
- B. The administration of any third party (non-Department of Education funded) survey containing one or more of the above described nine items of information.

Adopted: August 25, 2004
 NJSBA Review/Update: July 2021
 Readopted: October 27, 2021

Key Words

Student Privacy, Research, Surveys

Legal References: N.J.S.A. 18A:36-34 Written approval required prior to acquisition of certain survey information from students

20 U.S.C.A. 1232g – Family Educational Rights and Privacy Act

20 U.S.C.A. 1232h – Protection of Student Rights Amendment

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

In re: Application of Charles V. Reilly, Robert A. Hutton and Sean Reilly to Contest the Validity of the Enactment of Assembly Bill 3359 (P.L. 2001, c. 364), Superior Court of New Jersey, Appellate Division, Docket No. A-0163-02T2, 2003 N.J. Super. Lexis 376

Possible

Cross References: *1140 Distribution of materials by students and staff
 1315 Distribution of materials to students and staff
 4132 Publications/materials
 *5020 Role of parents/guardians
 *5124 Reporting to parents/guardians
 *5125 Student records
 *5141.3 Health examinations and immunizations
 *6147.1 Evaluation of individual student performance

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

MEDIA CENTER/LIBRARY

The Estell Manor School District's media center shall contain a wide range of materials on all levels of difficulty, appealing to diverse tastes, and presenting different points of view. Every student shall have access to a media collection containing materials appropriate to age level, interests and courses of study. Library/media services connected to classroom studies shall be provided in the school. These services shall include access to computers, approved instructional software, appropriate books including novels, anthologies and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research. Library/media services shall be provided under the direction of a certified school library media specialist.

The superintendent has final responsibility for the selection of media center materials by professionally trained personnel including media specialists, teachers, principals and supervisors. Requests from faculty and students shall be given consideration.

In selecting materials to recommend for purchase, the media specialist shall evaluate the existing collection and consult reputable, unbiased, professionally prepared selection aids, and specialists from all departments and/or all grade levels.

In addition to standard book materials, the board shall provide for the use of a wide variety of audiovisual materials and equipment to enhance the curriculum.

The media center shall offer a continuous program of instruction in library and study skills, preparing students for independent use of learning resources and for development of reading, listening and viewing abilities and tastes.

The superintendent shall develop and present for board approval a media center/library program to provide necessary space, personnel and material to implement this policy.

Adopted: August 25, 2004
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Library, Media Center, Audiovisual Materials

Legal References: N.J.A.C. 6A:9B-14.14 School library media specialist
N.J.A.C. 6A:9B-14.15 Associate school library media specialist
N.J.A.C. 6A:13-2.1 Standards-based instructional priorities

47 U.S.C. 254(h) Children's Internet Protection Act

Board of Education Island Trees U.F.S.D. v. Pico, 457 U.S. 853 (1982)

Possible

Cross References: *1312 Community complaints and inquiries

MEDIA CENTER/LIBRARY (continued)

*6161.1 Guidelines for evaluation and selection of instructional materials

*6161.2 Complaints regarding instructional materials

*Indicates policy is included in the Critical Policy.

INTERVENTION AND REFERRAL SERVICES FOR GENERAL EDUCATION STUDENTS

The Estell Manor Board of Education shall provide a program of intervention and referral services for general education students who are experiencing personal, interpersonal or academic difficulties to help them function productively and develop positively in the classroom environment.

The superintendent shall prepare procedures to:

- A. Identify learning, behavior and health difficulties of students;
- B. Collect thorough information on the identified learning, behavior and health difficulties;
- C. Identify the roles and responsibilities of the building staff who participate in planning and providing intervention and referral plan and services;
- D. Develop and implement action plans which provide for appropriate school or community interventions or referrals to school and community resources, based on the collected data and desired outcomes for the identified learning, behavior and health difficulties;
- E. Provide support, guidance and professional development to school staff who identify learning, behavior and health difficulties and refer students to school staff who participate in planning and providing intervention and referral services;
- F. Actively involve parents/guardians in the development and implementation of intervention and referral plans;
- G. Coordinate the access to and delivery of school resources and services for achieving the outcomes identified in the intervention and referral services action plan;
- H. Coordinate the services of community-based social and health provider agencies and other community resources for achieving the outcomes identified in the intervention and referral services action plans;
- I. Maintain records of all requests for assistance and all intervention and referral services plans in accordance with federal and state law and regulation;
- J. Review and assess the effectiveness of the services provided in achieving the outcomes identified in the intervention and referral plan and modify each plan to achieve the outcomes as appropriate; and
- K. At a minimum, annually review the intervention and referral services action plans and the actions taken as a result of the building's system of intervention and referral services and make recommendations to the principal for improving school programs and services, as appropriate.

The board shall review and adopt these procedures, and the superintendent shall report to the board on their implementation.

Adopted: August 25, 2004

NJSBA Review/Update: July 2021

INTERVENTION AND REFERRAL SERVICES FOR GENERAL
EDUCATION STUDENTS (continued)

Readopted: October 27, 2021

Key Words

Student Assistance Committee, Intervention and Referral Services for General Education Students

Legal Reference: N.J.A.C. 6A:16-8.1 et seq. Intervention and Referral Services

Possible

Cross References: *6164.4 Child study team
*6172 Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

GUIDANCE SERVICES

A guidance program shall be incorporated into the Estell Manor School District's educational program to aid students in making informed and responsible decisions and in using effective decision-making processes. The guidance program shall be developed and coordinated by the superintendent in consultation with teaching staff members he/she has identified as possessing necessary skills and abilities, to help students acquire the insights and knowledge they need to become autonomous, mature members of adult society in a democratic nation.

The board of education shall ensure all students have access to adequate and appropriate counseling services. When informing students about possible careers or professional or vocational opportunities, the options presented to students shall not be restricted or limited on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status. No biased or stereotyped tests or guidance or counseling materials shall be used.

The purpose of the guidance program shall be to help students in learning to make their own decisions concerning life's many choices--personal, educational, and career/vocational.

The guidance program shall provide, as fully as possible, the information needed to make the best decisions concerning the student's educational program. Such information shall include facts such as test scores, grades and educational history. Student records may also include anecdotes, but shall not carry judgments, opinions and other advice.

Students shall be encouraged to avail themselves of the help of the guidance department's personnel.

Guidance services shall include establishment of a referral system that guards the privacy of the student and monitors the efficacy of such referrals, when district resources are not sufficient, as in drug or alcohol counseling.

Adopted: August 25, 2004
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Guidance Services

Legal References:	<u>N.J.S.A.</u> 18A:35-4.2	Career development program
	<u>N.J.S.A.</u> 18A:36-19	Student records; creation, maintenance and retention, security and access; regulations; nonliability
	<u>N.J.S.A.</u> 18A:36-19.1	Military recruiters; access to schools and student information directories
	<u>N.J.S.A.</u> 18A:38-36	Employment certificates to part-time students; revocation
	<u>N.J.S.A.</u> 18A:46-5.1	Basic child study team services; provision by boards of education and state operated programs
	<u>N.J.A.C.</u> 6A:7-1.7	Equality in school and classroom practices

GUIDANCE SERVICES (continued)

<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessment
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:8-3.2	
<u>N.J.A.C.</u> 6A:9B-14.2	Substance awareness coordinator
<u>N.J.A.C.</u> 6A:9B-14.7	Director of school counseling services
<u>N.J.A.C.</u> 6A:9B-14.8	School counselor
<u>N.J.A.C.</u> 6A:14-3.4	Evaluation
<u>N.J.A.C.</u> 6A:16-4.1	Adoption of policies and procedures for the intervention of student alcohol and other drug abuse
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-7.1 <u>et seq.</u>	Student Records
<u>N.J.A.C.</u> 6A:32-12.2	Guidance and counseling

Possible

<u>Cross References:</u>	5000	Concepts and roles in student personnel
	5010	Personal goals and objectives for students
	*5020	Role of parents/guardians
	*5113	Absences and excuses
	*5114	Suspension and expulsion
	*5120	Assessment of individual needs
	*5124	Reporting to parents/guardians
	*5125	Student records
	*5131	Conduct/discipline
	*5131.1	Harassment, intimidation and bullying
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*6142.12	Career education
	*6145	Extracurricular activities
	*6146	Graduation requirements
	*6164.4	Child study team
	*6171.1	Remedial instruction
	*6171.2	Gifted and talented
	*6171.4	Special education
	*6172	Alternative educational programs
	*6173	Home instruction

*Indicates policy is included in the Critical Policy Reference Manual.

CHILD STUDY TEAM

The Estell Manor Board of Education shall provide the services of child study team personnel in numbers sufficient to ensure implementation of pertinent law and regulation. The superintendent shall present to the board for approval job descriptions, qualifications and evaluation criteria for positions required, and shall present to the board for hiring the best qualified applicants. The child study team shall consist of a school psychologist, a learning disability teacher consultant and a school social worker, and for the purposes of evaluation and classification shall include pertinent information from certified school personnel making the referral.

When complete evaluations of students are necessary, the superintendent shall recommend for board approval qualified persons or agencies to supplement the district team. Appropriate staff members, such as the nurse and teachers assigned to the student, shall also be involved.

Students who have been identified by any professional staff member, the parents/guardians of the child, a child welfare agency or by the health services staff as possibly having an educational disability shall be considered for evaluation.

Teachers and administrators shall provide intervention resources (e.g., adaptive teaching methods and materials, schedule changes, modified workloads, corrective or remedial instruction, etc.) in order to discover whether an observed difficulty is the result of problems within the educational delivery system. Parents/guardians shall be notified of such interventions. The members of the child study team shall be available to discuss problems informally with teachers and parents/guardians.

If the problems persist despite these intervention techniques, a formal referral, requiring due process procedures, shall be initiated. The examination of each such student shall proceed promptly in strict accordance with law. The board shall review and adopt the regulations governing the referral process.

Examination of each identified child shall consist of a physical examination, a psychological examination, an educational examination, a social case study, and such other examinations as may be deemed necessary by the child study team.

Any decision by the basic child study team concerning the evaluation, classification and placement of a student shall include the full participation of that student's parents or guardian.

Students at Risk

In addition to the students with disabilities, the child study team shall consider and recommend appropriate remedies and/or programs for students at risk for school failure. Child study team members may participate as part of the multidisciplinary team in making decisions regarding a student's placement in an alternative education program.

All staff members shall be familiar with and implement the discipline policies and procedures adopted by the board (see board policy 5131 Conduct and Discipline). This implementation of the student code of conduct combined with consistent documentation shall provide data that may be used to identify students that are at risk for school failure due to emotional and behavior issues. Staff members shall report the names of students who disrupt the educational program to the appropriate administrator who shall initiate actions that

CHILD STUDY TEAM (continued)

will ensure the involvement of the student's family and the provision of counseling and assessment services, so as to determine the causes of the student's disruptive behavior. A request for pre-referral intervention or for referral for evaluation may be made to the child study team. Throughout this process, administrators, support staff, teachers, parents/guardians, and if prudent, the student shall be involved. If all strategies prove unsuccessful, referral to the appropriate outside agency may be made.

Students whose continuing attendance interrupts the educational program and/or threatens harm to themselves and others may be suspended and considered for expulsion.

Adopted: July 21, 2004
 NJSBA Review/Update: July 2021
 Readopted: October 27, 2021

Key Words

Child Study Team, Referrals, At-Risk, Disaffected Students, Disruptive Students,

Legal References: N.J.S.A. 18A:46-3.1 Regional consultants for hearing impaired; appointment; duties
N.J.S.A. 18A:46-5.1 Basic child study team services; provision by boards of education and state operated programs
N.J.S.A. 18A:46-5.2 Participation by parent or guardian
N.J.A.C. 6A:9B-14.5 School social worker
N.J.A.C. 6A:9B-14.6 Speech-language specialist
N.J.A.C. 6A:9B-14.7 Director of school counseling services
N.J.A.C. 6A:9B-14.8 School counselor
N.J.A.C. 6A:9B-14.9 School psychologist
N.J.A.C. 6A:9B-14.10 Learning disabilities teacher-consultant
N.J.A.C. 6A:14-1.1 et seq. Special Education
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

20 U.S.C.A. 1400 et seq. - 1990 Individuals with Disabilities Education Act, P.L. 101-476

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

Possible

Cross References: *4111 Recruitment, selection and hiring
 *5114 Suspension and expulsion
 *5120 Assessment of individual needs
 *5131 Conduct/discipline
 *5200 Nonpublic school students
 *6010 Goals and objectives
 *6146.2 Promotion/retention
 *6164.2 Guidance services
 *6171.4 Special education
 *6172 Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

SPECIAL INSTRUCTIONAL PROGRAMS

The regular curriculum of the Estell Manor School District is designed to accomplish the district's educational goals and objectives for a thorough and efficient system of education for all students.

When necessary, the regular program shall be altered or supplemented or other means used to provide for the identified needs of the following students:

- A. The classifiable educationally disabled;
- B. The gifted and talented;
- C. Those requiring compensatory or remedial programs;
- D. The students at risk for school failure;
- E. Pregnant students;
- F. Students requiring home instruction;
- G. The physically disabled;
- H. Students who are English language learners;

Adopted: August 25, 2004
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Special Instructional Programs

Legal References:	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	<u>N.J.S.A. 18A:35-4.9</u>	Student promotion and remediation; policies and procedures
	<u>N.J.S.A. 18A:35-15</u>	
	through -26	Bilingual Education Programs
	<u>N.J.S.A. 18A:46-1 et seq.</u>	Classes and Facilities for Handicapped Children
	<u>N.J.S.A. 18A:46A-1 et seq.</u>	Auxiliary services
	<u>N.J.A.C. 6A:8-3.1 et seq.</u>	Implementation of the New Jersey Student Learning Standards
	<u>N.J.A.C. 6A:14-1.1 et seq.</u>	Special Education
	<u>N.J.A.C. 6A:15-1.1 et seq.</u>	Bilingual Education
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts

Every Student Succeeds Act of 2015, PL. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

SPECIAL INSTRUCTIONAL PROGRAMS (continued)

<u>Cross References:</u>	*6142.2	English as a second language; bilingual/bicultural
	*6171.1	Remedial instruction
	*6171.2	Gifted and talented
	*6171.3	At-risk and Title 1
	*6171.4	Special education
	*6172	Alternative educational programs
	*6173	Home instruction
	6174	Summer school
	*6178	Early childhood education/preschool

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

REMEDIAL INSTRUCTION

Students who perform below acceptable levels on statewide assessments of the New Jersey Student Learning Standards shall participate in remedial programs. Proficiency shall also be evaluated through multiskills assessment, standardized tests, diagnostic instruments, teacher observation and student progress reports.

The programs shall include procedures to evaluate student achievement related to the remedial program objectives and standards. Continuous communication between teaching staff members and parents/guardians of students participating in remedial educational programs shall be coordinated by the superintendent. These programs shall be supplemental to the regular program and designed to assist students who have academic, social, economic or environmental needs that prevent them from succeeding in regular school programs.

All parents/guardians shall be notified in writing of a student's need for a remedial/skill maintenance program and shall be encouraged to participate in its design.

Parents/guardians shall be notified at appropriate times during the course of remediation, of the student's progress in meeting the remediation standards. The parent/guardian shall be immediately consulted if, in the teacher's judgment, there is any indication that the student's progress may not be sufficient to meet these standards.

Board policies shall be developed with the participation of parents, teachers and students, where appropriate and reviewed and adopted by the board as required by law.

The superintendent shall evaluate the remedial education programs each school year and report to the board of education as to their effectiveness in achieving and maintaining acceptable levels of student proficiency.

The superintendent shall develop and the board shall adopt procedures for student promotion and remediation, related to district goals, objectives and student proficiency.

Adopted: August 25, 2004
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Remedial Instruction, Compensatory Instruction, Supplemental Instruction, Remedial Education

Legal References: N.J.S.A. 18A:7C-1 et seq. High School Graduation Standards
See particularly:
N.J.S.A. 18A:7C-2,
-3, -4, -6
N.J.S.A. 18A:35-4.9 Student promotion and remediation; policies and procedures
N.J.A.C. 6A:8-4.3 Accountability
N.J.A.C. 6A:8-4.4 Annual review and evaluation of school districts

REMEDIAL INSTRUCTION (continued)

<u>N.J.A.C.</u> 6A:8-5.1	Graduation
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Possible

- Cross References:**
- *4138.2 Private tutoring
 - *5120 Assessment of individual needs
 - *6141 Curriculum design/development
 - *6142 Subject fields
 - *6142.6 Basic skills
 - *6146 Graduation requirements
 - *6146.2 Promotion/retention
 - *6147 Standards of proficiency
 - *6171.3 At-risk and Title 1

*Indicates policy is included in the Critical Policy Reference Manual.

GIFTED AND TALENTED

Definitions

"Gifted and talented student" means a student who possesses or demonstrates a high level of ability in one or more content areas when compared to their chronological peers in the school district and who requires modifications of their educational program if they are to achieve in accordance with their capabilities.

"Instructional adaptation" means an adjustment or modification to instruction enabling a student who is gifted and talented to participate in, benefit from, and demonstrate knowledge and application of the New Jersey Student Learning Standards in one or more content areas at the instructional level of the student, not just the student's grade level.

The board of education shall ensure that appropriate instructional adaptations and educational services are provided to gifted and talented students in kindergarten through grade 8 to enable them to participate in, benefit from, and demonstrate knowledge and application of the New Jersey Student Learning Standards at the instructional level of the student.

Gifted and Talented Program

The Estell Manor Board of Education directs that the superintendent and appropriately trained and qualified staff members designated by the superintendent shall:

- A. Ensure that appropriate instructional adaptations are designed for students who are gifted and talented;
- B. Make provisions for an ongoing kindergarten through grade 8 identification process for gifted and talented students that includes multiple measures in order to identify student strengths in intellectual ability, creativity, or a specific academic area. The district shall ensure equal access to a continuum of gifted and talented education services. The identification process shall include consideration of all students, including those who are English language learners and those with individualized education plans (IEPs) or 504 plans;
- C. Develop and document appropriate curricular and instructional modifications used for gifted and talented students indicating content, process, products, and learning environment, and including, but not limited to, additional education activities such as academic competitions, guest speakers, and lessons with a specialist;
- D. Take into consideration the Gifted Programming Standards, Position Statements, and White Papers of the National Association for Gifted Children in identifying and serving gifted and talented students;
- E. Provide the time and resources to develop, review, and enhance instructional tools with modifications for helping gifted and talented students acquire and demonstrate mastery of the required knowledge and skills specified by the standards at the instructional level of the student; and
- F. Actively assist and support professional development for teachers, educational services staff, and

GIFTED AND TALENTED (continued)

school leaders in the area of gifted and talented instruction including their efforts to meet mandatory professional development requirements (see board policy 4131/4131.1 Staff Development, Inservice Education, Visitation, Conferences and N.J.A.C. 6A:9C-3).

Gifted and Talented Curriculum and Instruction

The board shall provide appropriate kindergarten-through-grade-8 educational services for gifted and talented students.

The superintendent shall develop and the board shall approve criteria for identifying all gifted and talented students in kindergarten through grade 8. The identification process shall include multiple measures. Gifted and talented students shall be provided with appropriate instructional adaptations and services to encourage development of their special abilities in achieving the New Jersey Student Learning Standards.

The superintendent or designee shall ensure that the curriculum and instruction are designed and delivered in such a way that all students are able to demonstrate the knowledge and skills specified by the New Jersey Student Learning Standards. The curriculum and instruction shall provide educational challenges to students identified as gifted and talented and shall be reviewed regularly.

Curriculum and instruction shall be designed with consideration for the individual learning styles of each student as well as the capacity of a gifted student to create concepts, respond to stimuli in a unique and creative manner, and develop higher levels of thinking. Appropriate accommodations, instructional adaptations, and/or modifications as determined by the IEP or 504 team shall be made for students with disabilities or 504 plans.

Because early discovery of a gift or talent is important, it is essential that the identification of these students be carried on as a continuing process, since special abilities and skills appear at different times in the development of many children.

The superintendent shall coordinate development of appropriate curricular and instructional modifications used for gifted and talented students indicating content, process, products, and learning environment. The board directs the superintendent to take into consideration the prekindergarten through grade 12 Gifted Programming Standards of the National Association for Gifted Children in developing school and district programs for gifted and talented students.

The superintendent shall devise indicators of achievement to evaluate the success of each program presented to the board for adoption.

The superintendent shall take the appropriate measures to ensure that minority and female students are not underrepresented in gifted and talented or accelerated/advanced courses.

Coordinator for Gifted and Talented Services

The state coordinator for gifted and talented services appointed by the commissioner of education, shall be responsible for reviewing the information about gifted and talented services provided by the district. The superintendent or designee shall file a report with the coordinator on a schedule that coincides with the district's New Jersey Quality Single Accountability Continuum (NJQSAC) review. The report shall include, but not be limited to:

- A. The gifted and talented continuum of services, policies, and procedures implemented in the school district;

GIFTED AND TALENTED (continued)

- B. The total number of students receiving gifted and talented services in each grade level kindergarten through grade 8 disaggregated by race, gender, special education designation, and English language learner designation;
- C. The professional development opportunities provided for teachers, educational services staff, and school leaders about gifted and talented students, their needs, and educational development; and
- D. The number of staff employed by the school district whose job responsibilities include identification of and providing services to gifted and talented students.

Complaint Process

Any individual who believes that the district has not complied with the provisions in the law or administrative code related to gifted and talented services may file a complaint with the board of education. The complaint shall be submitted in writing to the board office. The superintendent or designee shall take the necessary actions to correct or remediate the complaint and report such actions to the board. The board shall issue a decision, in writing, to affirm, reject, or modify the district's action in the matter.

If the complaint is not resolved to the individual's satisfaction or the individual is not satisfied by the written decision of the board, the individual may then file a petition of appeal of the board's written decision to the Commissioner of Education through the Office of Controversies and Disputes in accordance with law (N.J.S.A. 18A:6-9) and the procedures set forth in State Board of Education regulations.

This complaint policy shall be linked to the homepage of the board's website.

Information Available on Website

Detailed information shall be available on the district website regarding the policies and procedures used to identify students as gifted and talented and the continuum of services offered to gifted and talented students. The information shall include the criteria used for consideration for eligibility for the gifted and talented services, including the multiple measures used in the identification process to match a student's needs with services, and any applicable timelines in the identification process.

Adopted: August 25, 2004
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 Readopted: October 27, 2021

Key Words

Gifted, Talented

<u>Legal References:</u> <u>N.J.S.A. 18A:35-4.15</u> through -4.16	Legislative findings and declarations; chess instruction for second-grade students in gifted and talented and special education programs ...
<u>N.J.S.A. 18A:35-34</u>	Short Title: Strengthening Gifted and Talented Education Act
<u>N.J.S.A. 18A:35-35</u>	Definitions relative to gifted and talented students
<u>N.J.S.A. 18A:35-36</u>	Instructional adaptations, educational services for gifted and talented students
<u>N.J.S.A. 18A:35-37</u>	Coordinator for gifted and talented services
<u>N.J.S.A. 18A:35-38</u>	Complaint for noncompliance

GIFTED AND TALENTED (continued)

<u>N.J.S.A.</u> 18A:35-39	Information available on the website
<u>N.J.S.A.</u> 18A:61C-10	Dual enrollment agreement increased availability of college-level instruction; scope
<u>N.J.S.A.</u> 18A:61C-11	Acceptance of course credit
<u>N.J.S.A.</u> 18A:61C-15	Eligibility to receive college credit
<u>N.J.S.A.</u> 18A:61C-16	Awarding college credit
<u>N.J.A.C.</u> 6A:8-1.3	Definitions
<u>N.J.A.C.</u> 6A:8-3.1	Curriculum and instruction
<u>N.J.A.C.</u> 6A:8-3.3	Enrollment in college courses
<u>N.J.A.C.</u> 6A:13-2.3	Standards-based instruction
<u>N.J.A.C.</u> 6A:30-1.4	Evaluation process for the annual review

P.L. 2019, c. 338, Strengthening Gifted and Talented Education Act

National Association for Gifted and Talented, www.nagc.org

Pre-K-Grade 12 Gifted Programming Standards, <http://www.nagc.org/resources-publications/resources/national-standards-gifted-and-talented-education/pre-k-grade-12>

Possible

- Cross References:**
- *1600 Relations between other entities and the district
 - *6010 Goals and objectives
 - *6121 Nondiscrimination/affirmative action
 - *6171 Special instructional programs

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

TITLE I
IMPROVING ACADEMIC ACHIEVEMENT AND PARENT AND FAMILY ENGAGEMENT

The Estell Manor School District shall comply with all state and federal requirements in developing, implementing, administering and evaluating funded compensatory education programs and in particular programs and activities provided with Title I funds.

The purpose of Title I funding is to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.

Definitions

A Title I targeted assistance program provides supplemental Title I services to eligible students who are identified failing or most at risk of failing to meet the New Jersey Student Learning Standards and have the “greatest need” for academic assistance. Categorizing students with “the greatest need” is based entirely on academic need (low achievement) and poverty is not a factor. Title I, Part A funds may only be used to upgrade the educational program for the targeted group identified as academically at risk. Schools with targeted assistance programs do not meet the 40% poverty threshold required for a schoolwide program.

A Title I schoolwide program permits a school to use Title I, Part A funds to upgrade the entire educational program of the school in order to raise academic achievement for all students. A school is eligible to have a schoolwide program when the school meets the 40% or greater poverty threshold and has as a goal upgrading the entire educational program with Title I, Part A funds.

(Note: the 40% or greater poverty threshold is waived for propriety and focus schools under the approved New Jersey ESEA flexibility waiver.)

District Educational Plan

The district educational plan shall be developed with timely and meaningful consultation with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders, administrators, other appropriate school personnel, and with parents of children in schools receiving Title I funds. As appropriate, the district educational plan shall be coordinated with other federal programs as detailed in the Every Student Succeeds Act of 2015, the Individuals with Disabilities Education Act (20 U.S.C.A. 1400 et seq.), the Rehabilitation Act of 1973 (20 U.S.C.A. 701 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C.A. 2301 et seq.), the Workforce Innovation and Opportunity Act (29 U.S.C.A. 3101 et seq.), the Head Start Act (42 U.S.C.A. 9831 et seq.), the McKinney-Vento Homeless Assistance Act (42 U.S.C.A. 11301 et seq.), the Adult Education and Family Literacy Act (29 U.S.C.A. 3271 et seq.), and other Acts as appropriate.

The district educational plan shall describe:

- A. How student progress in meeting the New Jersey Student Learning Standards shall be monitored. To ensure that students are successful in achieving the New Jersey Student Learning Standards the district shall:
 - 1. Develop and implement a well-rounded program of instruction that meets the academic needs of all

TITLE I (continued)

- students;
 - 2. Identify students who may be at risk for academic failure;
 - 3. Provide additional educational assistance to individual students determined to need help in meeting the New Jersey Student Learning Standards; and
 - 4. Identify and implement instructional and other strategies intended to strengthen academic programs and improve school conditions for student learning;
- B. How the district shall identify and address any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers;
- C. How the district shall carry out its responsibilities when the district is identified as needing comprehensive support and improvement and targeted support and improvement;
- D. The poverty criteria that will be used to select school attendance areas under the federal law (section 1113);
- E. The nature of the programs to be conducted by the district school including school-wide and targeted assistance programs (sections 1114 and 1115) and, where appropriate, educational services provided outside the schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs;
- F. The services the district will provide homeless children and youths, including services to support the enrollment, attendance, and success of homeless children and youths, in coordination with the services the district is providing under the McKinney-Vento Homeless Assistance Act (42 U.S.C.A. 11301 et seq.);
- G. The strategy the district will use to implement effective parent and family engagement;
- H. If applicable, how the district will support, coordinate, and integrate Title I services with early childhood education programs, including plans for the transition of participants in preschool programs to elementary school programs;
- I. How teachers and school leaders, in consultation with parents/guardians, administrators, paraprofessionals, and specialized instructional support personnel, in schools operating a targeted assistance school program, will identify the eligible children most in need of services;
- J. How the district will implement strategies to facilitate effective transitions for students from middle grades to high school and from high school to postsecondary education including, if applicable coordination with institutions of higher education, employers, and other local partners; and increase student access to early college high school or dual or concurrent enrollment opportunities, or career counseling to identify student interests and skills;
- K. How the district will support efforts to reduce the overuse of discipline practices that remove students from the classroom;
- L. As appropriate, how the district will support programs that coordinate and integrate academic and career and technical education content through coordinated instructional strategies; and
- M. Any other information on how the district proposes to use funds to meet the purposes of the federal Title I program including identifying and serving gifted and talented students; and developing effective school library programs to provide students an opportunity to develop digital literacy skills and improve academic achievement.

TITLE I (continued)

If the district educational plan is not satisfactory to the parents/guardians of participating children, the district shall submit the parent/guardian comments with the plan to the New Jersey Department of Education.

Parent and Family Engagement

The superintendent or his or her designees shall ensure that parents/guardians and family members are involved in developing the district Title I educational plan. The district shall provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within district in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance. In providing coordination, technical assistance, and other support, the superintendent or his or her designee may obtain meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education. To the extent feasible and appropriate, parent and family engagement strategies shall be coordinated and integrated with other relevant Federal, State, and local laws and programs. The superintendent shall ensure that an annual evaluation of the content and effectiveness of the parent and family engagement policy is conducted annually.

Parents/guardians shall be involved in the activities of the school. These activities may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members of the district schools to adequately represent the needs of the district population for the purposes of developing, revising, and reviewing the board parent and family engagement policy.

School Level Parent and Family Engagement

Each district school served by Title I funds shall convene an annual meeting at a convenient time, to which all parents/guardians of participating children shall be invited and encouraged to attend. The purpose of this meeting shall be to inform parents/guardians of programs and activities provided with Title I funds, to explain the federal requirements for participation in the federal Title I program, and inform parents/guardians of their right to be involved.

The building principal or his or her designee shall ensure that parents/guardians are involved, in an organized, ongoing and timely way, in the planning, review, and improvement of Title I programs. Parents/guardians shall be included in the planning, review, and improvement of the school parent and family engagement effort consistent with board policy for targeted assistance programs and/or the joint development of the school-wide program plan.

A flexible number of meetings shall be offered, such as meetings in the morning or evening. Transportation, child care, or home visits, as such services relate to parental involvement may be provided with Title I funds.

The parents/guardians and family members of all participating children shall be invited to attend and participate in district Title 1 programs. The principal or his or her designee shall ensure opportunities are provided for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports required by law in a format and, to the extent practicable, in a language parents/guardians understand.

Specifically, parents/guardians of participating children shall:

- A. Receive timely information about programs and activities provided with Title I funds;
- B. Receive a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels of the New Jersey Student Learning Standards; and

TITLE I (continued)

- C. If requested by parents/guardians, be provided opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible.

If the school-wide program plan is not satisfactory to the parents/guardians of participating children, the principal or his or her designee shall submit any parent/guardian comments with the schoolwide plan to the superintendent and the board.

This parent and family engagement policy shall be distributed to parents and family members of participating children.

Building Capacity for Parent and Family Engagement

The superintendent shall ensure effective involvement of parents/guardians and implement appropriate measures to support a partnership among the schools, parents/guardians, and the community to improve student academic achievement. The superintendent or his or her designee shall ensure that each of the district schools shall at a minimum:

- A. Provide assistance to parents/guardians in understanding New Jersey Student Learning Standards, the New Jersey Department of Education approved statewide proficiency assessments, school administered assessments, the requirements under federal law, and how to monitor a child's progress and work with educators to improve the achievement of their children;
- B. Provide materials and training to help parents to work with their children to improve their children's achievement;
- C. Educate teachers, specialized instructional support personnel, principals, and other school leaders, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;
- D. Coordinate and integrate parent involvement programs and activities to the extent feasible, with other Federal, State, and local programs, including public preschool programs, and conduct other activities, that support involvement;
- E. Ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand; and
- F. Provide such reasonable support as requested by parents/guardians.

School-Parent Compact

High student achievement is a shared responsibility. Each school receiving Title I funds shall jointly develop a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall:

- A. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children to meet the challenging State academic standards;

TITLE I (continued)

- B. Describe the ways in which each parent will be responsible for supporting their children's learning; volunteering in their child's classroom; and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and
- C. Address the importance of communication between teachers and parents/guardians on an ongoing basis through, at a minimum:
 - 1. Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievement;
 - 2. Frequent reports to parents on their children's progress;
 - 3. Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities; and
 - 4. Ensuring regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.

Annual Evaluation

An annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools shall be conducted with the meaningful involvement of parents and family members. The annual evaluation shall identify:

- A. Barriers to greater participation by parents in activities authorized with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background;
- B. The needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and
- C. Strategies to support successful school and family interactions.

The findings of the evaluation shall be used to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policy.

Supplement not Supplant

The Estell Manor School District shall use Title I funds only to supplement and to the extent practical increase the level of funds that would, in the absence of Title I funds, be made available for the education of students participating in Title I or state compensatory education projects. In no case shall Title I funds be used to supplant those non-Title I or non-state compensatory education funds.

Maintenance of Effort

The board of education will maintain a combined fiscal effort per student or aggregate expenditures of state and local funds with respect to the provision of the public education for the preceding fiscal year that is not less than 90% of the required amount of the combined fiscal effort per student or the aggregate expenditures for the second preceding fiscal year.

Eligibility for State and Federal Funds

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

Control over such funds and title to all equipment and supplies purchased with such funds shall remain with

TITLE I (continued)

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

General

The superintendent shall direct appropriate administrative personnel to pursue vigorously all possible sources of funding, either state or federal, that support such compensatory services, and shall keep abreast of all changes in the law which restrict or expand the district's use of state or federal funds.

Programs especially designed for migrant children shall be provided as necessary.

Adopted: August 25, 2004
 NJSBA Review/Update: July 2021
 Readopted: October 27, 2021

Key Words

State/Federal Funds, Federal Funds, Compensatory Instruction, Basic Skills, Maintenance of Effort, Supplement not Supplant, Comparability, At-Risk Students

Legal References: N.J.S.A. 18A:35-4.9 Student promotion and remediation; policies and procedures
N.J.S.A. 18A:59-1 through -3 Apportionment and distribution of federal funds; exceptions
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
 42 U.S.C.A. 2000d - 2000d4 - Title VI of the Civil Rights Act of 1964
Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988, (Pub. L. No. 100-297) amending Elementary and Secondary Education Act of 1965.
Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Resources: New Jersey Department of Education Every Student Succeeds (ESSA) Guidance Document located at:
<http://www.state.nj.us/education/ESSA/guidance/njdoe/DistrictGuide.pdf> (Last accessed 1/2/2018.)

New Jersey Department Of Education Webinar: *An Introduction To Title I Targeted Assistance Programs*. Located at: <http://www.state.nj.us/education/title1/grants/> (Last accessed 1/2/2018.)

New Jersey Department Of Education Webinar: *Transition from a Targeted Assistance Title I Program of Schoolwide Program*. Located at:
<http://www.state.nj.us/education/title1/grants/> (Last accessed 1/2/2018.)

Possible

Cross References: *3220/3230 State funds; federal funds
 *3514 Equipment
 *5120 Assessment of individual needs
 *5200 Nonpublic school students
 *6122 Articulation
 *6141 Curriculum design/development

TITLE I (continued)

*6142.2	English as a second language; bilingual/bicultural
*6142.6	Basic skills
*6171.1	Remedial instruction
*6171.4	Special education

*Indicates policy is included in the Critical Policy Reference Manual.

Exhibit

NEW JERSEY DEPARTMENT OF EDUCATION

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 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.

Reference:

New Jersey Department of Education, *Parental Rights in Special Education*, Revised August 2016).
<http://www.state.nj.us/education/specialed/form/prise/prise.pdf>

Policy

SPECIAL EDUCATION

In compliance with State Department of Education interpretation of the administrative code on special education, the Estell Manor Board of Education 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 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.

SPECIAL EDUCATION (continued)

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;
- 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

SPECIAL EDUCATION (continued)

- 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 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;

SPECIAL EDUCATION (continued)

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 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.

SPECIAL EDUCATION (continued)

- 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.

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:

1. Utilizing strategies identified through intervention and referral services (N.J.A.C. 6A:16-8) as well as other general education strategies;
2. Criteria for instructional, administrative and other professional staff, parents/guardians and state agencies to refer students for evaluation;
3. Evaluation criteria for the determination of eligibility for special education and related services; and
4. 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

SPECIAL EDUCATION (continued)

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 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

SPECIAL EDUCATION (continued)

information provided by the parents, current classroom-based assessments and observations, and the observations of teachers and related services providers;

- 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 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.

SPECIAL EDUCATION (continued)

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.

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

SPECIAL EDUCATION (continued)

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.

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

SPECIAL EDUCATION (continued)

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 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:

SPECIAL EDUCATION (continued)

- 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.

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

SPECIAL EDUCATION (continued)

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 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

SPECIAL EDUCATION (continued)

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.

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.

SPECIAL EDUCATION (continued)

- 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 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

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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 required by 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;
- 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);

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- 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;
- M. The superintendent shall ensure that the district's special education programs comply with the law in every respect, including fiscal regulations and reports;
- N. 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;
- O. 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;
- P. 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.

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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:46-7.3

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

SPECIAL EDUCATION (continued)

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 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

SPECIAL EDUCATION (continued)

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 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.

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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 students, staff and the community with disabilities in determining location of programs or planning new facilities per state and federal law.

Adopted:	December 18, 2013
NJSBA Review/Update:	July 2021
Readopted:	October 27, 2021

Key Words

Special Education, Disabled, Graduation Requirements, Records, Student Records, Student Records, Special Education Student Records, Parent Advisory Group

SPECIAL EDUCATION (continued)**6171.4 Special Education Policy Crosswalk**

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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: 01 COUNTY NAME: Atlantic

DISTRICT CODE: 1410 DISTRICT NAME: Estell Manor

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:

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.

SPECIAL EDUCATION (continued)

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:

1. 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;
2. 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;
3. 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;
4. 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
5. 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.

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.

SPECIAL EDUCATION (continued)

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. 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:**

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 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.

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.

SPECIAL EDUCATION (continued)

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.

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

SPECIAL EDUCATION (continued)

- 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 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:

SPECIAL EDUCATION (continued)

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 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.

SPECIAL EDUCATION (continued)

- 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 (SSDS).
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 specially designed services to progress in the general education curriculum; and

SPECIAL EDUCATION (continued)

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:

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 (continued)

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 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:

SPECIAL EDUCATION (continued)

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:**

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

SPECIAL EDUCATION (continued)

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

Legal References:	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	<u>N.J.S.A. 18A:46-1 et seq.</u>	Classes and Facilities for Handicapped Children
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:46-13</u>	
	<u>N.J.S.A. 18A:46A-1 et seq.</u>	Auxiliary Services
	<u>N.J.A.C. 5:23-1 et seq.</u>	Uniform construction code
	<u>N.J.A.C. 6A:7-1.7</u>	Equality in school and classroom practices
	<u>N.J.A.C. 6A:8-1.2</u>	Scope
	<u>N.J.A.C. 6A:8-1.3</u>	Definitions
	<u>N.J.A.C. 6A:8-3.1</u>	Curriculum and instruction
	<u>N.J.A.C. 6A:8-4.1 et seq.</u>	Implementation of the Statewide Assessment System
	<u>N.J.A.C. 6A:8-5.1 et seq.</u>	Implementation of Graduation Requirements
	<u>N.J.A.C. 6A:9B-1.1 et seq.</u>	State board of examiners and certification
	<u>See particularly:</u>	
	<u>N.J.A.C. 6A:9B-11.4</u>	Teacher of students with disabilities
	<u>N.J.A.C. 6A:14-1.1 et seq.</u>	Special Education
	<u>N.J.A.C. 6A:15-1.4</u>	Bilingual programs for limited English proficient students
	<u>N.J.A.C. 6A:23A-1.1 et seq.</u>	Fiscal accountability, efficiency and budgeting procedures
	<u>See particularly:</u>	
	<u>N.J.A.C. 6A:23A-17.4 to -17.7, -18.1 et seq.</u>	
	<u>N.J.A.C. 6A:26-6.1 et seq.</u>	Planning and Construction Standards for School Facilities
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C. 6A:32-7.1 et seq.</u>	Student Records
	<u>N.J.A.C. 6A:32-8.3</u>	School attendance
	<u>N.J.A.C. 6A:33-1.1 et seq.</u>	School attendance
	<u>Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.</u>	
	<u>20 U.S.C.A. 1400 et seq. - 1990 Individuals With Disabilities Education Act, P.L. 101-476 (formerly Education for All Handicapped Children Act--Part B)</u>	
	<u>29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973</u>	
	<u>34 CFR 76.1 et seq. - General Administrative Regulation EDGAR</u>	
	<u>34 CFR 77.1 et seq. - General Administrative Regulation EDGAR</u>	
	<u>34 CFR 300 - Assistance to States for the Education of Children with Disabilities (IDEA Regulations)</u>	

SPECIAL EDUCATION (continued)

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Agostini v. Felton, 521 U.S. 203 (1997), overruling Aguilar v. Felton, 473 U.S. 402 (1985)

Honig v. Doe, 484 U.S. 305 (1988)

Oberti v. Board of Education of Clementon School District, 995 F.2d 1204, 1216-17 (C. A.3 1993)

Cedar Rapids Community School District v. Garrett F., 526 U.S. 66 (1999)

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	Student records
	*5131	Conduct/discipline
	*5200	Nonpublic school students
	*6121	Nondiscrimination/affirmative action
	*6145	Extracurricular activities
	*6151	Class size
	*6164.2	Guidance services
	*6164.4	Child study team
	*9322	Public and executive sessions

*Indicates policy is included in the Critical Policy Reference Manual.

ALTERNATIVE EDUCATION PROGRAMS

The Estell Manor Board of Education endeavors to provide an education program adjusted to the needs of the individual child within the financial means of the district. Grouping enables a more efficient use of staff in meeting these needs. Program adaptations provide another means of using staff efficiently and effectively to meet the needs of many children.

The board of education recognizes that the active engagement of each student is a primary requisite for sound teaching and learning to take place. When a child is unable to benefit from the educational program the board shall make a determination of the student's risk for school failure and a decision regarding the student's placement in an alternative education program. For general education students the determination shall be based on the following, including but not limited to:

- A. The student's academic, health and behavioral records, including the student's IPP, if one has been developed and the results of available testing, assessment or evaluation of the student;
- B. Consultation with and notice to the student's parent/guardian; and
- C. Information provided by the school-based multidisciplinary team responsible to provide intervention and referral services (see board policy 6164.1 Intervention and Referral Services).

Decisions regarding the placement of a student with a disability in an alternative education program, shall be based on the recommendation of the child study team and consistent with the student's individualized education program (IEP).

Alternative Education Programs

Alternative education programs shall be approved by the Commissioner of Education. Each alternative education program shall fulfill the program criteria that are specified in N.J.A.C. 6A:16-9.2 including but not limited to:

- A. A maximum student-teacher ratio of 10:1 for middle school programs;
- B. An Individualized Program Plan (IPP) shall be developed for each general education student enrolled in the program; and
- C. For students with disabilities the alternate education program shall be consistent with the student's Individualized Education Program (IEP).

Individualized Program Plan (IPP)

The IPP shall be developed in consultation with the student's parent and the receiving school district, or an alternative education program within a State agency, public college operated program or department-approved school approved by the Commissioner of Education. as appropriate. The IPP shall:

- A. Be developed by a multidisciplinary team of professionals with knowledge of the student's educational, behavioral, emotional, social and health needs;

ALTERNATIVE EDUCATION PROGRAMS (continued)

- B. Identify the appropriate instructional and support services for addressing the student's identified needs;
- C. Be developed in accordance with the format prescribed by the Commissioner of Education and implemented within 30 calendar days of the student's placement in the alternative education program but need not, be developed prior to the student's placement.

The multidisciplinary team that reviews the IPP shall include district staff and staff from the alternative education program who have knowledge of the student's educational, behavioral, emotional, social and health needs.

The multidisciplinary team shall review and, as appropriate, revise the IPP prior to the completion of the student's anticipated enrollment in the alternative education program or prior to the end of the school year, whichever occurs first. Additionally the multidisciplinary team may review and revise the IPP, as needed, at any time during the student's enrollment in the alternative education program.

The student's parent shall be advised of revisions to the IPP.

Home Schooling

The board acknowledges the right of parents/guardians to educate their children at home. The board is not required by law to allow a resident child educated elsewhere than at school to participate in the regular school curriculum or in extracurricular or sports activities. The board may:

- A. Allow a child educated elsewhere than at school to participate in curricular and extracurricular activities or sports activities;
- B. Loan books or materials to a child educated elsewhere than at school.

Required Services to Home Schooled Students

When a student of this district is home schooled, the district shall:

- A. Provide payment for tuition when a student is enrolled in a shared-time vocational school program. Once a resident student is enrolled in a shared-time vocational school program the student becomes a public school student;
- B. Review any written request for a special education evaluation and if warranted conduct an evaluation as described in board policy 6171.4 Special Education and in accordance with the federal special education law, Individuals with Disabilities Education Act (P.L. 108-446 §612).

If the child is eligible for special education and related services, the district shall make a free, appropriate public education available only if the child enrolls in the district. If the child does not enroll in the district, but the district chooses to provide services, the district will develop a plan for the services to be provided.

Removal for Weapons Offenses or Assault

Any student who is convicted or found to be delinquent for the following offenses shall be immediately removed by the principal from the district's regular education program for a period of not less than one calendar year and placed in an alternative education school or program pending a hearing before the board of education to remove the student:

ALTERNATIVE EDUCATION PROGRAMS (continued)

- A. Possessing a firearm on any school property, on a school bus, or at a school-sponsored function; or
- B. Committing a crime while possessing a firearm.

The superintendent shall determine at the end of the year whether the student is to return to the district's regular education program, in accordance with procedures established by the Commissioner of Education.

Any student who assaults a student, teacher, administrator, board member, or other district employee with a weapon other than a firearm on school property, on a school bus, or at a school-sponsored function must be immediately removed from the school's regular education program and placed in an alternative school or program, pending a hearing before the board. The superintendent shall determine when the child shall return to the regular education program.

Adopted: August 25, 2004
 Revised: June 17, 2013
 NJSBA Review/Update: July 2021
 Readopted: October 27, 2021

Key Words

Alternative Educational Programs, Home Schooling, At-Risk Students

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:37-1 et seq. Discipline of students
See particularly:
N.J.S.A. 18A:37-2.2
N.J.S.A. 18A:38-1, -25, -31 Attendance at school free of charge
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:8-5.1 Graduation requirements
N.J.A.C. 6A:8-5.2 High school diplomas
N.J.A.C. 6A:14-1.1 et seq. Special Education
N.J.A.C. 6A:16-1.3 Alternative education programs
N.J.A.C. 6A:16-5.5 Removal of students from general education for firearms offense
N.J.A.C. 6A:16-5.6 Removal of students from general education for assaults with weapons
N.J.A.C. 6A:16-9.1 et seq. Alternative education programs
N.J.A.C. 6A:16-10.1 et seq. Home or out-of-school instruction for general education students
N.J.A.C. 6A:30-3.2 District performance review
N.J.A.C. 6A:32-12.1 et seq. Student Behavior
See particularly:
N.J.A.C. 6A:32-12.2

20 U.S.C.A. 1400 et seq. - 1990 Individuals With Disabilities Education Act, P.L. 108-446 §612

State v. Vaughn, 44 N.J. 142, 1965

State v. Massa, 95 N.J. Super. 382, 1967

20 USCA Section 8921 Gun Free Schools Act

ALTERNATIVE EDUCATION PROGRAMS (continued)

Possible

<u>Cross References:</u>	*5113	Absences and excuses
	*5114	Suspension and expulsion
	5119	Transfers
	*5131	Conduct/discipline
	*5131.7	Weapons and dangerous instruments
	*5134	Married/pregnant students
	*6142.2	English as a second language; bilingual programs
	*6142.12	Career education
	*6164.2	Guidance services
	*6164.4	Child study team
	*6171.4	Special education
	*6173	Home instruction

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

HOME INSTRUCTION

To provide uninterrupted education for students unable to attend their regular classes because of illness, disability, court order or administrative action, the Estell Manor Board of Education shall provide away-from-school instruction, when proper application has been made and subject to the following restrictions:

- A. The period of absence must be expected to be longer than two weeks except in special circumstances;
- B. A parent/guardian or appropriate adult authority must be within call during the period of instruction; and
- C. In cases of illness or disability, medical certification is required both of the necessity for the student's absence and his/her fitness to benefit from the instruction.

Each case must be approved by board action; all requirements for receipt of state aid must be fulfilled. Home instruction shall be available to all qualifying students regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, English proficiency, housing status or socioeconomic status.

Temporary or Chronic Health Condition

The board shall provide instructional services to an enrolled student when the student is confined to the home or another out-of-school setting due to a temporary or chronic health condition or a need for treatment that precludes participation in their usual education setting, whether general education or special education.

The parent/guardian shall submit a request for home instruction in writing. The request shall include a written determination from the student's physician documenting the projected need for confinement at the student's residence or other treatment setting for more than 10 consecutive school days or 20 cumulative school days during the school year.

The principal or his or her designee shall forward the request with the written determination to the school physician, who shall verify the need for home instruction. The school physician may contact the student's physician to secure additional information concerning the student's diagnosis or need for treatment, and shall either verify the need for home instruction or shall provide the board with the reasons for denial. The parent/guardian shall be notified concerning the school physician's verification or reasons for denial within five school days after receipt of the written determination by the student's physician.

The district shall provide instructional services within five school days after receipt of the school physician's verification or, if verification is made prior to the student's confinement, during the first week of the student's confinement to the home or out-of-school setting. Instructional services shall at a minimum include:

- A. A written plan for delivery of instruction shall be established to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress;
- B. Teachers providing home instruction shall be a certified teacher;

HOME INSTRUCTION (continued)

- C. The teacher shall provide one-on-one instruction for the number of days and length of time sufficient to continue the student's academic progress and dependent upon the student's ability to participate;
- D. For a student with disabilities, the home instruction shall be consistent with the student's individualized education plan (IEP) to the extent appropriate and shall meet the New Jersey Student Learning Standards. When the provision of home instruction will exceed 30 consecutive school days in a school year, the IEP team shall convene a meeting to review and, if appropriate, revise the student's IEP;
- E. For a student without disability, the home instruction shall meet the New Jersey Student Learning Standards, and the requirements of the board for promotion to the next grade level. When the provision of home instruction will exceed 60 calendar days, the school physician shall refer the student to the child study team for evaluation;
- F. The district shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly, through online services, including any needed equipment, or through contract with another district board of education, educational services commission, jointure commission, or approved clinic or agency. Students who are eligible to receive home instruction as needed at the district's expense are as follows:
 - 1. A student who resides within the area served by the board and is enrolled in a public school program; or
 - 2. A student who is enrolled in a nonpublic school that is located within the area served by board.

Reasons Other Than a Temporary or Chronic Health Condition

- A. The district shall provide home or out-of-school instruction for a general education student for reasons other than a temporary or chronic health condition no later than five school days after the student has left the general education program when:
 - 1. The student is mandated by State law and rule for placement in an alternative education program for firearms offenses and/or assault with weapons offenses but placement is not immediately available;
 - 2. The student is placed on short-term or long-term suspension;
 - 3. A court order requires that the student receive instructional services in the home or other out-of-school setting.

The district shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly, or through online services, including any needed equipment, or through contract with another board of education, educational services commission, jointure commission, or approved clinic or agency for resident students.

- B. The home or out-of-school instructional services for reasons other than a temporary or chronic health condition shall meet the minimum standards that are specified in N.J.A.C. 6A:16-10.2(d) including but not limited to:
 - 1. The district shall establish a written plan for delivery of instruction and maintain a record of instructional services and student progress;
 - 2. The teacher providing instruction shall be a certified teacher;
 - 3. The teacher shall provide one-on-one instruction for no fewer than 10 hours per week on three separate days of the week and no fewer than 10 hours per week of additional guided-learning experiences that may include the use of technology to provide audio and visual connections to the student's classroom;

HOME INSTRUCTION (continued)

4. The instruction shall meet New Jersey Student Learning Standards and the board's requirements for promotion and graduation;
5. If instruction is delivered in the student's home, a parent or other adult 21 years of age or older who has been designated by the parent shall be present during all periods of home instruction.

Any student receiving home instruction is not considered absent.

Adopted: May 18, 2015
 NJSBA Review/Update: July 2021
 Readopted: October 27, 2021

Key Words

Bedside Instruction, Home Instruction

Legal References: N.J.A.C. 6A:7-1.7 Equity in school and classroom practices
N.J.A.C. 6A:14-1.1 et seq. Special education
See particularly:
N.J.A.C. 6A:14-4.8, 4.9
N.J.A.C. 6A:16-4.3 Reporting, notification and examination procedures for students suspected of being under the influence of alcohol or other drugs
N.J.A.C. 6A:16-5.5 Removal of students from general education for firearms offenses
N.J.A.C. 6A:16-5.6 Removal of students from general education for assaults with weapons offenses
N.J.A.C. 6A:16-10.1 et seq. Home or out-of-school instruction
N.J.A.C. 8:61-1.1 Attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV)

H.A. v. Board of Education Warren Hills Regional, 1976 S.L.D. 336

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

Somerset County Educational Services Commission v. North Plainfield Board of Education 1999 S.L.D. September 7 State in re G.S. 330 N.J. Super. 338 (Ch. Div. 2000)

The Comprehensive Equity Plan, New Jersey Department of Education

Possible

Cross References: *4112.2 Certification
 *5113 Absences and excuses
 *5114 Suspension and expulsion
 *5131 Conduct/discipline
 *5131.6 Drugs, alcohol, tobacco (substance abuse)
 *5131.7 Weapons and dangerous instruments
 *5134 Married/pregnant students
 *5141.2 Illness
 *6146 Graduation requirements
 *6164.2 Guidance services
 *6164.4 Child study team

HOME INSTRUCTION (continued)

- *6171.4 Special education
- *6172 Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

EVALUATION OF THE INSTRUCTIONAL PROGRAM

The Estell Manor Board of Education directs the superintendent to develop and implement a systematic short-range and long-range plan for the continuing assessment of the progress of the educational program toward the goals established by the district. To this end, he/she shall recommend tests and methods indicated by his/her best professional judgment.

The board reserves the right to review each test and to approve those that serve a legitimate purpose without infringing upon the personal rights of the students or their parents/guardians. The results of any evaluation may be released by the superintendent using districtwide data. Parents/guardians may obtain an explanation of the results of their child's test from qualified school personnel.

The superintendent shall annually recommend improvements in the program and staff based upon the evaluation of the district's program. He/she will ensure that all required data is submitted to the Commissioner for inclusion in the school report card.

The board will cooperate with the Commissioner in the conduct of such state-wide assessment programs as are required by the State Board of Education and shall use the data gained thereby toward the improvement of the district's school.

Adopted: August 25, 2004
NJSBA Review/Update: July 2021
Readopted: October 27, 2021

Key Words

Evaluation, Evaluation of the Instructional Program, Instructional Program

Legal References: N.J.S.A. 18A:7A-10 Evaluation of performance of each school
N.J.S.A. 18A:7E-2
through -5 School report card program
N.J.A.C. 6A:7-1.4 Responsibilities of the district board of education
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessment
N.J.A.C. 6A:14-4.1(i) General requirements
N.J.A.C. 6A:23A-9.5 Commissioner to ensure achievement of the New Jersey
Student Learning Standards
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Possible

Cross References: *1000/1010 Concepts and roles in community relations; goals and objectives
*1120 Board of education meetings
*5120 Assessment of individual needs
*5145.4 Equal educational opportunity
6000 Concepts and roles in instruction
*6010 Goals and objectives

EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)

6011	Thorough and efficient/QEA
*6141	Curriculum design/development
*6147	Standards of proficiency
*6171.4	Special education

*Indicates policy is included in the Critical Policy Reference Manual.