

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

Complete Policy Updated by NJSBA

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HARASSMENT, INTIMIDATION AND BULLYING

The board of education believes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Since students learn by example, school administrators, faculty, staff, and volunteers are required to demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying. Harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Therefore, the school district will not tolerate acts of harassment, intimidation or bullying.

The board of education expects all students to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. The board expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment.

The standards of character education are an essential component of the Roselle Park School District's Code of Conduct. The board believes that with the appropriate infusion of character education into the school curriculum, modeling of appropriate behavior by adults; support and assistance of students in school, the community and home; our students will achieve the above standards of character education.

The board prohibits acts of harassment, intimidation or bullying against any student. School responses to harassment, intimidation and bullying shall be aligned with the board approved code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions. The superintendent shall be responsible for ensuring the prompt investigation and response to all reports of harassment, intimidation and bullying committed on school grounds, at school activities and on school buses. In addition, the superintendent shall ensure that this policy is applied to incidents of harassment, intimidation and bullying that are committed off school grounds in cases where a school employee is made aware of such actions. The superintendent has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.5.

This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, and when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. The board directs the superintendent or his or her appropriately trained and qualified designee to develop detailed regulations suited to the age level of the students and the physical facilities of the individual schools.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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

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

“Electronic communication” means a communication that is transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager.

Consequences and Remedial Measures for Acts of Harassment, Intimidation or Bullying

Students

Consequences and remedial measures for a student who commits an act of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student’s history of problem behaviors and performance. Consequences shall be consistent with the board approved code of student conduct and N.J.A.C. 6A:16-7. Consequences and remedial measures shall be designed to:

- A. Correct the problem behavior;
- B. Prevent another occurrence of the problem;
- C. Protect and provide support for the victim of the act; and
- D. Take corrective action for documented systemic problems related to harassment, intimidation or bullying.

Consequences and appropriate remedial actions for a student who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to and including short and long-term suspension or expulsion, as permitted by law. The consequences and remedial measures may include, but are not limited to:

HARASSMENT, INTIMIDATION AND BULLYING (continued)

A. Consequences

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Classroom or administrative detention;
5. Referral to disciplinarian;
6. In-school suspension during the school week or the weekend;
7. After-school programs;
8. Out-of-school suspension (short-term or long-term);
9. Legal action; and
10. Expulsion.

B. Remedial Measures

1. Personal

- a. Restitution and restoration;
- b. Mediation;
- c. Peer support group;
- d. Recommendations of a student behavior or ethics council;
- e. Corrective instruction or other relevant learning or service experience;
- f. Supportive student interventions, including participation of the intervention and referral services team;
- g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
- h. Behavioral management plan, with benchmarks that are closely monitored;
- i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- j. Involvement of school disciplinarian;
- k. Student counseling;
- l. Parent conferences;
- m. Student treatment; or
- n. Student therapy.

2. Environmental (Classroom, School Building or School District)

- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- b. School culture change;
- c. School climate improvement;
- d. Adoption of research-based, systemic bullying prevention programs;
- e. School policy and procedures revisions;
- f. Modifications of schedules;
- g. Adjustments in hallway traffic;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- h. Modifications in student routes or patterns traveling to and from school;
- i. Supervision of students before and after school, including school transportation;
- j. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
- k. Teacher aides;
- l. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- m. General professional development programs for certificated and non-certificated staff;
- n. Professional development plans for involved staff;
- o. Disciplinary action for school staff who contributed to the problem;
- p. Supportive institutional interventions, including participation of the intervention and referral services team;
- q. Parent conferences;
- r. Family counseling;
- s. Involvement of parent-teacher organizations;

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

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

Staff

Consequences and appropriate remedial actions for any staff member who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to disciplinary charges which could result in suspension or termination. The consequences and remedial measures may include, but are not limited to:

A. Consequences

- 1. Admonishment;
- 2. Temporary removal from the classroom;
- 3. Deprivation of privileges;
- 4. Referral to disciplinarian;
- 5. Withholding of Increment
- 6. Suspension;
- 7. Legal action; and
- 8. Termination

HARASSMENT, INTIMIDATION AND BULLYING (continued)

B. Remedial Measures

1. Personal

- a. Restitution and restoration;
- b. Mediation;
- c. Support group;
- d. Recommendations of behavior or ethics council;
- e. Corrective action plan;
- f. Behavioral assessment or evaluation;
- g. Behavioral management plan, with benchmarks that are closely monitored;
- h. Involvement of school disciplinarian;
- i. Counseling;
- j. Conferences;
- k. Treatment; or
- l. Therapy.

2. Environmental (Classroom, School Building or School District)

- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- b. School culture change;
- c. School climate improvement;
- d. Adoption of research-based, systemic bullying prevention programs;
- e. School policy and procedures revisions;
- f. Modifications of schedules;
- g. Supervision;
- h. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- i. General professional development programs for certificated and non-certificated staff;
- j. Professional development plans for involved staff;
- k. Disciplinary action;
- l. Supportive institutional interventions, including participation of the intervention and referral services team;
- m. Conferences;
- n. Counseling;

Reporting Harassment, Intimidation and Bullying Behavior

The superintendent, principal and/or their designee shall be responsible for receiving complaints alleging violations of this policy.

The board shall allow reports to be anonymous, but no formal disciplinary action shall be based solely on an anonymous report. Any school employee, board member, contracted service provider, student, visitor or volunteer who has witnessed, or has reliable information that a student has been subject to harassment, intimidation or bullying, must report the incident to the building principal or his/her designee.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

The following procedures shall apply to the reporting of incidents of harassment, intimidation and bullying:

- A. All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident;
- B. The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services; and
- C. All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying.

A board member, school employee, contracted service provider, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or bullying shall report the incident to the building principal and any appropriate school official, or to any school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning school bullying.

A board member or a school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, and who makes this report in compliance with the procedures in this policy, shall be immune from a cause of action for damages arising from any failure to remedy the reported incident.

A school administrator who receives a report of harassment, intimidation, or bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

District Anti-Bullying Coordinator

The superintendent shall appoint a district anti-bullying coordinator. The superintendent shall make every effort to appoint an employee of the school district to this position. The district anti-bullying coordinator shall:

- A. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, and bullying of students;
- B. Collaborate with school anti-bullying specialists in the district, the board of education, and the superintendent to prevent, identify, and respond to harassment, intimidation, and bullying of students in the district;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- C. Provide data, in collaboration with the superintendent, to the Department of Education regarding harassment, intimidation, and bullying of students; and
- D. Execute such other duties related to school harassment, intimidation, and bullying as requested by the superintendent.

The district anti-bullying coordinator shall meet at least twice a school year with the school anti-bullying specialists in the district to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.

School Anti-Bullying Specialist

The principal in each school shall appoint a school anti-bullying specialist. When a school guidance counselor, school psychologist, or another individual similarly trained is currently employed in the school, the principal shall appoint that individual to be the school anti-bullying specialist. If no individual meeting these criteria is currently employed in the school, the principal shall appoint a school anti-bullying specialist from currently employed school personnel. The school anti-bullying specialist shall:

- A. Chair the school safety team;
- B. Lead the investigation of incidents of harassment, intimidation, and bullying in the school; and
- C. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school.

School Safety Team

The district shall form a school safety team in each school to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school and to address school climate issues such as harassment, intimidation, or bullying. The school safety team shall meet at least two times per school year.

The school safety team shall be appointed by the principal and consist of the principal or his or her designee who, if possible, shall be a senior administrator; a teacher in the school; the school anti-bullying specialist; a parent of a student in the school; and other members to be determined by the principal. The school anti-bullying specialist shall serve as the chair of the school safety team.

The school safety team shall:

- A. Receive any complaints of harassment, intimidation, or bullying of students that have been reported to the principal;
- B. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;

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- C. Identify and address patterns of harassment, intimidation, or bullying of students in the school;
- D. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
- E. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
- F. Participate in the training required pursuant to the provisions of (N.J.S.A. 18A:37-13 et seq.) and other training which the principal or the district anti-bullying coordinator may request;
- G. Collaborate with the district anti-bullying coordinator in the collection of district-wide data and in the development of district policies to prevent and address harassment, intimidation, or bullying of students; and
- H. Execute such other duties related to harassment, intimidation, and bullying as requested by the principal or district anti-bullying coordinator.

No parent/guardian who is a member of the school safety team shall:

- A. Receive complaints of harassment, intimidation or bullying of students that have been reported to the principal;
- B. Receive copies of reports prepared after an investigation of a harassment, intimidation or bullying incident;
- C. Identify and address patterns of harassment, intimidation or bullying of students; or
- D. Participate in any other activities of the team which may compromise the confidentiality of a student.

Investigating Reported Harassment, Intimidation and Bullying

All reported incidents of harassment, intimidation and bullying shall be investigated promptly and in accordance with law and the following procedures:

- A. All investigations shall be thorough and complete, and documented in writing, and shall include, but not be limited to:
 - 1. Taking of statements from victims, witnesses and accused;
 - 2. Careful examination of the facts;
 - 3. Support for the victim; and
 - 4. Determination if alleged act constitutes a violation of this policy.
- B. The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- C. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.
- D. The results of the investigation shall be reported to the superintendent within two school days of the completion of the investigation, and in accordance with law and board policy. The superintendent may initiate intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action.
- E. The results of each investigation shall be reported to the board of education no later than the date of the next board meeting following the completion of the investigation, and include:
1. Any services provided;
 2. Training established;
 3. Discipline imposed; or
 4. Other action taken or recommended by the superintendent.
- F. The superintendent or his or her designee shall ensure that parents or guardians of the students who are parties to the investigation shall receive information about the investigation. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board and include:
1. The nature of the investigation;
 2. Whether the district found evidence of harassment, intimidation, or bullying; or
 3. Whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying.

Range of Ways to Respond to Harassment, Intimidation or Bullying

The board of education recognizes that some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts and provide support programs for victims. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom, school building or school district levels or by law enforcement officials.

In considering whether a response beyond the individual is appropriate, the administrator shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom; school building; school district) responses include:

- A. School and community surveys;
- B. Mailings;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- C. Focus groups;
- D. Adoption of research-based bullying prevention program models;
- E. Training for certificated and non-certificated staff;
- F. Participation of parents and other community members and organizations;
- G. Small or large group presentations for staff, students, and the community for fully addressing a positive school climate and culture as well as the issues surrounding harassment, intimidation and bullying in the school community; and
- H. The involvement of law enforcement officers, including school resource officers.

For every incident of harassment, intimidation or bullying, the district shall respond to the individual who committed the act. Responses may include:

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

The range of ways in which the school shall respond once an incident of harassment, intimidation or bullying is identified shall be defined by the principal in conjunction with the school anti-bullying specialist, and shall include an appropriate combination of counseling, support services, intervention services, and other programs as defined by the commissioner.

HARASSMENT, INTIMIDATION AND BULLYING (continued)Retaliation and Reprisal Prohibited

The board prohibits reprisal or retaliation or false accusation against any person who witnesses and/or reports an act of harassment, intimidation or bullying by any student, school employee, board member, contracted service provider, visitor or volunteer. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation or false accusation shall be determined by the superintendent and/or principal or their designee after consideration of the nature, severity and circumstances of the act, in accordance with case law and board policies and procedures.

Any act of retaliation or reprisal or false accusation against any person who reports an act of harassment, intimidation or bullying shall not be tolerated. Any student, school employee, board member, contracted service provider, volunteer or visitor who engages in the act of retaliation or reprisal or who falsely accuses another shall be subjected to consequence and appropriate remedial action. In cases where any state or federal law has allegedly been violated, the local law enforcement agency shall be notified.

A. Students

The consequences and appropriate remedial action for a student found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance, and shall be consistent with this policy. Consequences may include positive behavioral interventions, notification of the parents/guardians, up to and including short or long-term suspension or expulsion, as permitted by law;

B. School Employees

Consequences and appropriate remedial action for a school employee found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with district policies, procedures and agreements, up to and including suspension or dismissal from service;

C. Board Members

Consequences and appropriate remedial action for a board member found to have committed an act of harassment, intimidation, or bullying; or found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with district policies, procedures and agreements, up to and including a public sanction or filed ethics charges;

D. Visitors, Volunteers, Contracted Service Providers, and All Other Persons

Consequences and appropriate remedial action for a visitor, volunteer, contracted service providers and all other persons found to have engaged in harassment, intimidation or bullying; or engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined by the superintendent after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

Consequences and remediation for students, employees, board members, visitors, volunteers, and contracted service providers, engaging in harassment, intimidation or bullying or engaged in retaliation, reprisal and/or false accusations may include the following:

A. Consequences

1. Admonishment;
2. Temporary removal from the classroom or school;
3. Deprivation of privileges
4. Prohibited from access to the school facilities (visitors, vendors, board members, all other people);
5. Classroom or administrative detention;
6. Referral to disciplinarian;
7. In-school suspension during the school week or the weekend;
8. After-school programs;
9. Out-of-school suspension (short-term or long-term);
10. Legal action;
11. Withholding of Increment;
12. Suspension;
13. Expulsion;
14. Termination;
15. Termination of service agreements or contracts (vendors, volunteers);
16. Public sanction (board members);
17. Ethics charges (some administrators, board members).

Remedial Measures

1. Personal
 - a. Restitution and restoration;
 - b. Mediation;
 - c. Peer support group;
 - d. Recommendations of a student behavior or ethics council;
 - e. Corrective instruction or other relevant learning or service experience;
 - f. Supportive student interventions, including participation of the intervention and referral services team;
 - g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
 - h. Behavioral management plan, with benchmarks that are closely monitored;
 - i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
 - j. Involvement of school disciplinarian;
 - k. Counseling;
 - l. Conferences;
 - m. Treatment; or
 - n. Therapy.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

2. Environmental (Classroom, School Building or School District)
 - a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
 - b. School culture change;
 - c. School climate improvement;
 - d. Adoption of research-based, systemic bullying prevention programs;
 - e. School policy and procedures revisions;
 - f. Modifications of schedules;
 - g. Supervision;
 - h. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
 - i. General professional development programs for certificated and non-certificated staff;
 - j. Professional development plans for involved staff;
 - k. Disciplinary action;
 - l. Supportive institutional interventions, including participation of the intervention and referral services team;
 - m. Conferences;
 - n. Counseling;

Appeal Process

The parent or guardian may request a hearing before the board after receiving the information from the superintendent regarding the investigation. The hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents.

At the next board of education meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the superintendent's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with law, no later than the 90 days after the issuance of the board's decision.

A parent, student, guardian, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination."

Week of Respect

The week beginning with the first Monday in October of each year is designated as a "Week of Respect" in the State of New Jersey. The district, in order to recognize the importance of character education, shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation, or bullying as defined by law (N.J.S.A. 18A:37-14). Throughout the school year the district shall provide ongoing age-appropriate instruction focusing on preventing harassment, intimidation, and bullying in accordance with the Core Curriculum Content Standards.

HARASSMENT, INTIMIDATION AND BULLYING (continued)Training

A. School Leaders

Any school leader who holds a position that requires the possession of a superintendent, principal, or supervisor endorsement shall complete training on issues of school ethics, school law, and school governance as part of the professional development for school leaders required in accordance with State Board of Education regulations. This training shall also include information on the prevention of harassment, intimidation, and bullying (N.J.S.A. 18A:26-8.2).

B. Teaching Staff Development

Each public school teaching staff member shall complete at least two hours of instruction in suicide prevention, to be provided by a licensed health care professional with training and experience in mental health issues, in each professional development period. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide (N.J.S.A. 18A:6-112).

C. Board Members

Within one year after being newly elected or appointed or being re-elected or re-appointed to the board of education, a board member shall complete a training program on harassment, intimidation, and bullying in schools, including a school district's responsibilities as required by law (N.J.S.A. 18A:37-13 et seq.). A board member shall be required to complete the program only once (N.J.S.A. 18A:12-33).

D. Staff, Student and Volunteer Training

The school district shall:

1. Provide training on the school district's harassment, intimidation, or bullying policy to school employees and volunteers who have significant contact with students;
2. Provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements;
3. Ensure that the training includes instruction on preventing bullying on the basis of the protected categories as required by law (N.J.S.A. 18A:37-14) and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying; and
4. Develop a process for discussing the district's harassment, intimidation or bullying policy with students.

Information regarding the school district policy against harassment, intimidation or bullying shall be incorporated into a school's employee training program and shall be provided to full-time and part-time staff, volunteers who have significant contact with students, and those persons contracted by the district to provide services to students.

Throughout the school year, the district shall provide ongoing age-appropriate instruction on preventing harassment, intimidation and bullying, consistent with the Core Curriculum Content Standards.

HARASSMENT, INTIMIDATION AND BULLYING (continued)Reporting to the Board

Two times each year between September 1 and January 1 and between January 1 and June 30, the school board shall hold a public hearing at which the superintendent will report to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

- A. The number of reports of harassment, intimidation, or bullying;
- B. The status of all investigations;
- C. The nature of the bullying based on one of the protected categories identified in N.J.S.A. 18A:37-14 such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic;
- D. The names of the investigators;
- E. The type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying; and
- F. Any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying.

Reporting to the Department of Education

The information, including but not limited to, oral reports, written reports or electronic reports shall also be reported once during each reporting period between September 1 and January 1 and between January 1 and June 30, to the Department of Education. The report shall include:

- A. Data broken down by the enumerated categories including the protected categories as listed above and the type of harassment, intimidation and bullying (any gesture; any written, verbal or physical act; or any electronic communication, whether it be a single or series of incidents); and
- B. Data broken down by each school in the district, in addition to district-wide data.

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with law (N.J.S.A. 18A:37-13 et seq.). The district shall receive a grade determined by averaging the grades of all the schools in the district.

*Note: revise section below for districts with one school.

Each school shall post the grade received by the school and the overall district grade on the homepage of the school's website. The district shall post all the grades for each school of the district and the overall district grade on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within 10 days of the receipt of a grade by the school and district.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

It shall be a violation to improperly release any confidential information not authorized by federal or State law for public release.

The superintendent will annually submit the report to the Department of Education utilizing the Electronic Violence and Vandalism Reporting system (EVVRS). The superintendent shall accurately report on each incident of violence, vandalism, alcohol and other drug abuse, and incident of harassment intimidation and bullying within the school district. Any allegations of falsification of data will be reviewed by the board of education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g).

The State Board of Education shall impose penalties on any school employee who knowingly falsifies the report. Therefore, the superintendent shall make a reasonable effort to verify reports of violence, vandalism, and harassment, intimidation, or bullying. The board shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements. The majority representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, and harassment, intimidation, or bullying.

Program Assessment and Review

Each school and the school district shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. The programs or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying.

Policy Development and Review

The district harassment, intimidation and bullying policy shall be adopted through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

The district shall annually conduct a re-evaluation, reassessment, and review of this policy, making any necessary revisions and additions. The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review. The district shall transmit a copy of the revised policy to the appropriate executive county superintendent within 30 school days of the revision (beginning September 1, 2011).

Publication, Dissemination and Implementation

In publicizing this policy, the community including students, staff, board members, contracted service providers, visitors and volunteers, shall be duly notified that the rules detailed within apply to any incident of harassment intimidation and bullying that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students in accordance with law.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

The superintendent shall take the following steps to publicize this policy:

- A. Provide a link to this policy on a prominent place on the district website;
- B. Provide a link to this policy on a prominent place on each school's website;
- C. Distribute this policy annually to all staff, students and parents/guardians; and
- D. Print this policy in any district publication that sets forth the comprehensive rules, procedures and standards of student conduct and in student handbooks;

The district shall notify students and parents/guardians that the policy is available on the district's website. The district shall publish the name, school phone number, school address and school email address of the district anti-bullying coordinator on the home page of the district website. Each school within the district shall publish the name, school phone number, school address and school email address of the district anti-bullying coordinator and their school anti-bullying specialist on the home page of the school's website. The information concerning the district anti-bullying coordinator and the school anti-bullying specialists shall also be maintained on the Department of Education's website.

Additionally, the district shall make available, in an easily accessible location of its website, the Department of Education's guidance document for the use by parent/guardians, students and district staff to assist in resolving complaints concerning student harassment, intimidation or bullying.

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

This and all related policies shall be reviewed on a regular basis.

Date: September 18, 2007
Revised: January 19, 2010
Revised: March 16, 2010
Revised: September 6, 2011
NJSBA Review/Update: September 28, 2015
Readopted:

Key Words

Harassment, Intimidation, Bullying, False Accusation, Retaliation, Reprisal, Conduct, Discipline, Student Conduct

HARASSMENT, INTIMIDATION AND BULLYING (continued)

Legal References:	<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	<u>N.J.S.A. 18A:6-112</u>	Instruction on suicide prevention for public school teaching staff
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:12-33</u>	Training program; requirements
	<u>N.J.S.A. 18A:17-46</u>	Reporting of certain acts by school employee; annual report; public hearing (acts of violence)
	<u>N.J.S.A. 18A:25-2</u>	Authority over students
	<u>N.J.S.A. 18A:26-8.2</u>	School leader defined; training as part of professional development
	<u>N.J.S.A. 18A:36-19</u>	Student records; creation, maintenance and retention, security and access; regulations; nonliability
	<u>N.J.S.A. 18A:36-19a</u>	Student records (Newly enrolled students; transfers of records, identification)
	<u>N.J.S.A. 18A:37-1 et seq.</u>	Submission of Students to Authority (Discipline)
	<u>N.J.S.A. 18A:37-13 et seq.</u>	<u>Anti-Bullying Bill of Rights Act</u>
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:37-14, -15, -17</u>	Harassment, intimidation, and bullying
	<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
	<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsions (students with disabilities)
	<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to support student development (includes student conduct code)
	<u>See particularly:</u>	
	<u>N.J.A.C. 6A:16-7.1, -7.5, -7.7</u>	
	<u>N.J.A.C. 6A:30-1.4 et seq.</u>	Evaluation process for the annual review

Gebser v. Lago Vista Independent School District 524 U.S. 274 (1989) United States Supreme Court addresses the standard by which a district will be held liable for sexual harassment of a student by a school employee under Title IX --requires actual notice and deliberate indifference.

Davis v. Monroe County Board of Education 526 U.S. 629 (1999) United States Supreme Court establishes the standard under which a school district may be liable under Title IX for sexual harassment of one student by another student. The district will be liable for damages only where the school officials are proven to have been deliberately indifferent to harassment of which it is actually aware. The harassment must be "severe, pervasive and objectively offensive."

HARASSMENT, INTIMIDATION AND BULLYING (continued)

Saxe v. State College Area School District 240 F.3d 200 (3rd Cir 2001) A Pennsylvania school district's anti-harassment policy was overly broad and therefore violated the Constitutional guarantee of freedom of speech.

L.W. v. Toms River Regional Schools Board of Education 189 N.J. 381 (2007) The New Jersey Supreme Court held that the standard under which a school district may be liable under the New Jersey Law Against Discrimination for student-on-student bullying or harassment is not the Title IX deliberate indifference standard, but is rather the same standard used under the NJLAD for hostile work environment cases. A district will be judged by whether the district's response met the "reasonable person" test: what would a reasonable person (teacher, supervisor, vice principal, principal, etc.) do in a similar situation. School districts will be shielded from liability under NJLAD when their preventive and remedial actions are reasonable in light of the totality of the circumstances.

Possible

<u>Cross References:</u>	*1220	Ad hoc advisory committees
	*1410	Local units
	3517	Security
	*3541.33	Transportation safety
	*4131/4131.1	Staff development; inservice education/visitation conferences
	4148/4248	Employee protection
	*4231/4231.1	Staff development; inservice education/visitation conferences
	5000	Concepts and roles for students
	5010	Goals and objectives for students
	*5020	Role of parents/guardians
	*5113	Attendance, absences and excuses
	*5114	Suspension and expulsion
	*5124	Reporting to parents/guardians
	*5131	Conduct and discipline
	*5131.5	Vandalism/violence
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	5132	Dress and grooming
	*5142	Student safety
	5145	Rights
	5145.2	Freedom of speech/expression
	*5145.4	Equal educational opportunity
	*5145.6	Student grievance procedure
	*5145.1	Questioning and apprehension
	*5145.1	Search and seizure
	*6145	Extracurricular activities
	*6164.4	Child study team
	*6171.4	Special education
	*6172	Alternative educational programs

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

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 5131.5

VANDALISM/VIOLENCE

Vandalism

The Roselle Park Board of Education views vandalism against school property by pupils as reprehensible. The causes of such misbehavior often are complex, calling for careful study by parents/guardians, school staff and appropriate community officials.

The Board believes that pupils should respect property and take pride in the schools of this district. Whenever a pupil has been found to have done willful and malicious damage to property of The Board, the principal of the school shall notify the superintendent. The Board will hold the pupil or his/her parents/guardians liable for the damage caused by him/her.

When vandalism is discovered, the administration is directed to take such steps as are necessary to identify the vandals. If pupils have taken part in the vandalism, the appropriate administrator shall:

- A. Identify the pupils involved;
- B. Call together persons, including the parents/guardians, needed to study the causes;
- C. Decide upon disciplinary and/or legal action possibly including suspension. Should parents/guardians fail to cooperate in the discussions, the administration may charge the pupil with being delinquent by a petition stating the offense and requesting appearance in juvenile court;
- D. Take any constructive actions needed to try to guard against further such pupil misbehavior;
- E. Seek appropriate restitution.

Violence

Physical violence including assault with or without a weapon, against another pupil, a staff member or board member is prohibited and will result in the disciplinary sanctions included in policies on suspension and expulsion and conduct/discipline. Disruptive behavior that is characterized by violence, even though not directed toward another person, should be reported by the classroom teacher to the school principal, unless instructed otherwise, so that possible program adjustments may be identified.

VANDALISM/VIOLENCE (continued)

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm or any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The superintendent may modify this suspension on a case-by-case basis. Each pupil so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the Board.

Any school employee observing or having direct knowledge from a participant or victim of an act of violence in the district public school(s) should complete the standard report form and submit it to the school principal who is responsible for preparing the official report to the superintendent. Staff will report accurately and not falsify information.

The Board shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements pursuant to N.J.S.A. 18A:17-46.

Two times each year between September 1 and January 1 and between January 1 and June 30, the school board(s) shall hold a public hearing at which the superintendent reports to The Board all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

Threats of Violence

The Board is committed to promoting healthy relationships and a safe learning environment. Therefore, it shall not tolerate pupil threats of harm to self or others or other threatening behaviors, including threats to damage school property. Threatening behaviors shall not be tolerated on school property or at activities under the jurisdiction of the Board of Education.

Pupils shall inform a teacher, guidance counselor or principal when he/she is in possession of knowledge of such threats. Staff shall immediately notify the principal of any threat or threatening behavior that he/she has knowledge of, has witnessed or received. All such threats shall be promptly reported to the appropriate law enforcement agency.

Pupils who perpetrate threatening behaviors shall be disciplined in accordance with policy and regulations on suspension and expulsion and conduct/discipline.

Unsafe School Choice Option

The superintendent shall comply with all requirements of the Unsafe School Choice Option policy adopted by the State Board of Education for schools in districts that receive funds under the No Child Left Behind Act of 2001. He/she shall keep The Board informed of all state requirements and actions taken to implement the policy.

VANDALISM/VIOLENCE (continued)

Particularly, if a school in the district is designated as “persistently dangerous” as defined in the policy, corrective action plans shall be prepared and presented to The Board for review. The corrective action plans shall be in the format provided by the Department of Education and shall describe how the schools will reduce the number of incidents of violence as determined by the Electronic Violence and Vandalism Reporting System (EVVRS).

Likewise, if a student while at school or on school grounds becomes a victim of a violent criminal offense as defined by state statute, he/she shall be offered the option of transferring to another safe school within the district.

Parents/Guardians shall be informed according to law and policy.

The Board shall be provided with access to a copy of the current statewide Unsafe School Choice Option Policy.

School Violence Awareness Week

This school district shall observe School Violence Awareness Week, the week beginning on the third Monday in October of each year. Organized activities focused on the prevention of school violence will be offered to students, employees and board members. Local law enforcement personnel will be invited to participate.

Violence and Vandalism Reporting

The superintendent will annually submit a report utilizing the Electronic Violence and Vandalism Reporting system (EVVRS) accurately reporting on each incident of violence, vandalism and alcohol and other drug abuse within the school district. Any allegations of falsification of data will be reviewed by The Board using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee’s prior employment record.

Implementation

The superintendent shall oversee the development of implementing regulations on all aspects of this policy, including the establishment of procedures for cooperation between school staff and law enforcement officials for all situations involving firearms or other deadly weapons.

Adopted: March 16, 2010

NJSBA Review/Update: September 28, 2015

Readopted:

Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Vandalism, Violence

VANDALISM/VIOLENCE (continued)

Legal References: <u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A. 2A:53A-15</u>	Liability of parent or guardian for willful destruction of property by infant under 18
<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
<u>N.J.S.A. 18A:17-46</u>	Act of violence; report by school employee; notice of action taken; annual report,
<u>N.J.S.A. 18A:25-2</u>	Authority over pupils
<u>N.J.S.A. 18A:36-5.1</u>	School Violence Awareness Week
<u>N.J.S.A. 18A:37-1 et seq.</u>	Discipline of Pupils
<u>See particularly:</u>	
<u>N.J.S.A. 18A:37-2, -2.1 through -2.5, -3, -7 through -12</u>	
<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsion
<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C. 6A:16-5.1, -5.2, -5.3, -5.5, -5.6, -5.7, -6.1</u>	

"H.A. v. Warren Hills Regional School District, 1976 S.L.D. 336

See also Commissioners' Decisions indexed under "Pupils – Punishment of" in Index to N.J. School Law Decisions

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

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

Unsafe School Choice Option Policy, New Jersey Department of Education, June 30, 2003

Possible

Cross References: *1120	Board of education meetings
*3250	Income from fees, fines, charges
3517	Security
*4131/4131.1	Staff Development, Inservice Education, Visitations, Conferences
4148/4238	Employee protection
*5114	Suspension and expulsion
*5119	Transfers
*5124	Reporting to parents/guardians
*5131	Conduct/discipline
*5131.1	Harassment, intimidation and bullying
5131.4	Campus disturbances
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
*6114	Emergencies and disaster preparedness
*6172	Alternative educational programs

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

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 5131.7

WEAPONS AND DANGEROUS INSTRUMENTS

The Roselle Park Board of Education prohibits the possession and/or use of firearms, other weapons, or instruments that can be used as weapons on school property, on a school bus, at any school function, or while enroute to or from school or any school function.

For the purpose of this policy "weapon" includes but is not limited to those items enumerated in N.J.S.A. 2C:39-1r. The principal shall make the final determination that a particular object is a dangerous instrument in any case where there is a question of its possession or use posing a threat to students, staff or property.

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-based function shall be immediately removed from the school's regular education program pending a hearing before the board to remove the pupil from the regular education program for a period of not less than one calendar year.

The principal/designee shall be responsible for the removal of such a pupil and shall immediately report the removal to the superintendent. The superintendent may modify a pupil's removal on a case-by-case basis. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

A student found or observed on school property or at a school event in possession of a weapon or dangerous instrument other than a firearm shall be reported to the principal/designee immediately. The principal shall immediately inform the superintendent/designee and appropriate law enforcement officials with all known information concerning the matter, including the identity of the pupil involved.

Assault by a student with a weapon on a teacher, administrator, board member or other employee of the board is strictly prohibited and shall result in the student's immediate removal from the general education program for a period not exceeding one calendar year. Subject to a hearing before the board, the student shall be placed in an alternative education program.

The superintendent shall determine at the end of the year whether the student is prepared to return to the regular education program in accordance with procedures established by the Commissioner of Education.

Disciplinary action shall be taken against students who possess, handle, transmit or use firearms, other weapons, or dangerous instruments. Classified students shall be disciplined in accordance with their IEP and in compliance with law and administrative code. As in all disciplinary cases, due process will be provided (see policies 5114 Suspension and Expulsion and 5131 Conduct/Discipline).

WEAPONS AND DANGEROUS INSTRUMENTS (continued)

A violence and vandalism report shall be filed whenever a student is found to be in possession of a firearm, other weapon, or dangerous instrument.

Remotely Activated Paging Devices (Beepers)

No student shall bring or possess a remotely activated paging device on any property used for school purposes without the written permission of the principal. Permission shall not be granted unless and until the student has established a reasonable basis for possessing the device.

Student members of a volunteer fire company or first aid, ambulance or rescue squad may carry remotely activated paging devices provided that:

- A. The student is required to respond to an emergency; and
- B. A copy of the statement by the chief executive officer of the volunteer fire company or first aid, ambulance or rescue squad authorizing the possession of the paging device is in the possession of the student at all times while the student is in possession of the remotely activated paging device.

Implementation

The board directs the superintendent to develop regulations to implement this policy.

Adopted: March 16, 2010
NJSBA Review/Update: October 10, 2015
Readopted:

Key Words

Weapons, Dangerous Instruments, Violence, Paging Devices, Beepers, Firearms

Legal References:	<u>N.J.S.A. 2A:4A-60 et al.</u> penalties for <u>N.J.S.A. 2C:12-1</u> <u>N.J.S.A. 2C:33-19</u> <u>N.J.S.A. 2C:39-1</u> <u>N.J.S.A. 2C:39-5</u> <u>N.J.S.A. 2C:39-6</u> <u>N.J.S.A. 18A:6-1</u> <u>N.J.S.A. 18A:36-19.2</u> <u>N.J.S.A. 18A:37-1</u> <u>N.J.S.A. 18A:37-2</u> <u>N.J.S.A. 18A:37-2.1</u> through -2.5	Disclosure of juvenile information; disclosure Definition of assault Paging devices, possession by students Definitions Unlawful possession of weapons Exemptions Corporal punishment of pupils Student locker or other storage facility; inspections; notice to students Submission of pupils to authority Causes for suspension or expulsion of pupils Assaults by pupil upon teacher, administrator, board member or employee of board of education; suspension; expulsion proceedings
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WEAPONS AND DANGEROUS INSTRUMENTS (continued)

N.J.S.A. 18A:37-7 through -12 Zero Tolerance for Guns Act
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsion
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
 See particularly:
N.J.A.C. 6A:16-1.3, -5.2,
 -5.4, -5.5, -5.6, -6.1, -6.2,
 -6.3(b), -6.4

P.L. 103-382, Improving America's Schools Act of 1994 Section 1702, Prohibits possession or discharge of a firearm in a school zone, Pub. L. 101-647

Attorney General's Executive Directive No. 1988-1, Memorandum of Agreement (revised, amended)

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).

See also Commissioners' Decisions indexed under "Pupils – Punishment of" in Index to N.J. School Law Decisions

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

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

Possible

Cross References: *5114 Suspension and expulsion
 *5131 Conduct/discipline
 *5131.1 Harassment, intimidation and bullying
 *5131.5 Vandalism/violence
 *5131.6 Drugs, alcohol, tobacco (substance abuse)
 *5145.11 Questioning and apprehension
 *5145.12 Search and seizure
 *6172 Alternative educational programs

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

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 6142.4

PHYSICAL EDUCATION AND HEALTH

The Roselle Park 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 Common Core State Standards for mathematics and language arts and literacy and the Core Curriculum Content 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 pupils.

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 pupils to be excused. Such pupils shall be scheduled for a study hall period instead.

The board will consider on a case-by-case basis requests from pupils 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.

Dating Violence

For students in grades 7 through 12, 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 P.L. 2011, c. 64, school policy, procedures and curriculum shall include the following information:

Dating violence will not be tolerated;

Dating violence reporting procedures;

Guidelines for responding to at-school incidents of dating violence;

Discipline procedures specific to at-school incidents of dating violence;

Warning signs of dating violence; and

Information on safe and appropriate school, family, peer, and community resources available to address dating violence shall also be included within the curriculum.

Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillator (AED)

The board of education shall provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator to each student during high school (in grades 9, 10, 11 or 12). The instruction shall be provided to each student prior to graduation as part of the district's implementation of the Core Curriculum Content Standards in Comprehensive Health and Physical Education. The board may select a no-cost, non-certification instructional program to meet this requirement.

The instruction provided shall:

- A. Be modeled from an instructional program established by the American Heart Association, American Red Cross, or other nationally-recognized association with expertise in instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator; and
- B. Include a hands-on learning component for each participating student.

Adopted: September 2011

NJSBA Review/Update: November 2015

Readopted:

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

PHYSICAL EDUCATION AND HEALTH (continued)

<u>N.J.S.A.</u> 18A:35-4.19 through -4.22	<u>AIDS Prevention Act of 1999</u>
<u>N.J.S.A.</u> 18A:35-4.23	Dating violence into health education curriculum
<u>N.J.S.A.</u> 18A:35-5 through -9	Maintenance of physical training courses; features
<u>N.J.S.A.</u> 18A:37-33 through -37	Dating violence policy and education
<u>N.J.A.C.</u> 6A:7-1.7	Equality in school and classroom practices
<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-5.18	Athletics Personnel
<u>N.J.A.C.</u> 6A:9B-10.8	Health and physical education
<u>N.J.A.C.</u> 6A:32-9.1	Athletics Procedures
<u>N.J.A.C.</u> 6A:16-2.1 <u>et seq.</u>	General Provisions for School Health Services
<u>See particularly:</u> <u>N.J.A.C.</u> 6A:16-2.2	

P.L.2014, c.36 (instruction in cardiopulmonary resuscitation and use of an automated external defibrillator prior to graduation)

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

Possible

<u>Cross References:</u> *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

Complete Policy Updated by NJSBA

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 6171.4

SPECIAL EDUCATION

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

Full Educational Opportunity for Students with Disabilities

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

The board shall ensure that:

- A. Free, appropriate public education is made available to each eligible student begins no later than the student's third birthday and that an individualized education program is in effect for the student by that date;
- B. If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin;
- C. A free, appropriate public education is available to any student with a disability who needs special education and related services, even though the student is advancing from grade to grade;
- D. The services and placement to receive a free and appropriate education needed by each student with a disability are based on the student's unique needs and not on the student's disability; and
- E. The services and placement needed by each student with a disability are provided in appropriate educational settings as close to the student's home as possible, and, when the IEP does not describe specific restrictions, the student is educated in the school he or she 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 to 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 chief school administrator 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 chief school administrator 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 chief school administrator 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 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 forth in the administrative code shall be followed when a 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 as defined by the administration code cannot be identified;
 - B. The parent cannot be located after reasonable efforts;
 - C. 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;
 - D. The student is a ward of the State and no State agency has taken steps to appoint a surrogate parent for the student;
 - E. 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;
 - F. 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:

SPECIAL EDUCATION (continued)

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 will not be replaced without cause;
 - d. All persons serving as surrogate parents are at least 18 years of age;
 - e. 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
 - f. 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 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 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. 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. 6A14-2.4. 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 parent/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 a 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;

SPECIAL EDUCATION (continued)

- 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 required.
- C. 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.

Electronic Mail (N.J.A.C. 6A:14-1.2)

The board requires that the following items must be made in writing, contain an original signature of the parent/guardian, and be mailed or hand-delivered to the board; all parental requests for child study team referrals; evaluations including but not limited to initial or independent evaluations or reevaluations; changes in eligibility, classification, program and placement, and the provision of a free, appropriate public education.

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

The board directs the chief school administrator 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.

SPECIAL EDUCATION (continued)

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 revisions. The procedure 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 conducted. Child study team members or speech-language specialist 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 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

- 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;

SPECIAL EDUCATION (continued)

- 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 educational 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 evaluation;
- G. An initial evaluation consisting of a multi-disciplinary assessment in all areas of suspected disability shall be conducted. Such evaluation shall include at least two assessments and shall be conducted by at least two members of the child study team in those areas in which they have appropriate training or are qualified through their professional licensure or educational certification and other specialists in the area of disability as required or as determined necessary;
- H. When the suspected disability is a disorder of articulation, voice or fluency, the speech-language specialist shall meet with the parent/guardian and the student's general education teacher about the student's educational performance to review existing data on the student including evaluations and information provided by the parents, current classroom-based assessments and observations, and the observations of teachers and related services providers;
- I. A comprehensive written report of the results of each assessment shall be prepared according to the specifications of law and regulation (N.J.A.C. 6A:14-3.4(h));
- J. When conducting an initial evaluation or reevaluation, the reports and assessments of child study team members or related services providers from other public school districts, Department of Education approved clinics or agencies, educational services commissions or jointure commissions or professionals in private practice 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 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.

SPECIAL EDUCATION (continued)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 is conducted with which the parent disagrees. The request for an independent evaluation shall specify the assessment(s) the parent 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:14-203(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 disable, or the school principal or designed if they choose to participate.

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

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

SPECIAL EDUCATION (continued)

The board directs the chief school administrator 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 law and regulation (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 chief school administrator/signee 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.

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 interpreters or translators and sign language interpreters for the deaf, when necessary, at no cost to the parents.

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

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

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

When developing the IEP, the IEP team shall make considerations in accordance with N.J.A.C. 6A:14-3.7(c). These considerations include the consistency of the location of the services for students who are prone to regression due to frequency changes in location. 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.

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

SPECIAL EDUCATION (continued)

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 ensure the quality of services which the student 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 and regulation (N.J.A.C. 6A:14-4.6) 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.

A full continuum of alternative placements according N.J.A.C 6A:14-4.3 shall be made available to meet the needs of students with disabilities for special education, and related services.

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

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

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

SPECIAL EDUCATION (continued)

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 and equal opportunity for participating 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, 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 comes first.

SPECIAL EDUCATION (continued)

When a reevaluation is completed:

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

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.

SPECIAL EDUCATION (continued)

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

SPECIAL EDUCATION (continued)

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 exemption or modification based on the student's educational needs; and a description of alternate proficiencies to be achieved by the student to qualify for a State endorse diploma.

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

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

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. 6A:14-4.10)

The board shall ensure that all students with disabilities participate in statewide assessments (in grades 3, 4, 5, 6, 7, 8, and high school) in each content area of the general statewide assessment for their grade. Accommodations and 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 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 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).

SPECIAL EDUCATION (continued)

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.

The chief school administrator 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.

- A. Authorized persons 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 parents 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. 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

SPECIAL EDUCATION (continued)

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 and the administrative code. To assure the security of special education records:
 1. Provisions 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 authorized persons according to N.J.A.C. 6A:32-705 within 10 days of the request, but prior to any review or hearing conducted in accordance with N.J.A.C. 6A.

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

Procedural Safeguards (6A:14-2.3 through -2.4)

The board of education directs the chief school administrator to establish and implement the required procedural safeguards.

Procedural safeguards shall include:

- A. Ensuring that the rights of a student are protected through the provisions 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:14-203 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 to the actions in 1, when such consent is required;

SPECIAL EDUCATION (continued)

- D. Seeking parent/guardian participation in conferences and determinations as specified in 1, and in evaluation of the success of the educational plan for their child. When necessary, conference schedules shall be altered to accommodate working parents/guardians;
- 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);
- 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 free, appropriate public education and the parents elected to enroll the student in a nonpublic school, n early childhood program, or an approved private school for students with disabilities;
- L. Related services including, but not limited to, counseling, occupational therapy, physical therapy, school nurse services, recreation, social work services, medical services and speech-language services shall be provided to a student with a disability when required for the student to benefit from the educational program. Related services shall be provided by appropriately certified and/or licensed professionals as specified in the student's IEP;

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

SPECIAL EDUCATION (continued)

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

To implement achievement of the board's goal for provision of special education, the chief school administrator 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;

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 chief school administrator 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 chief school administrator 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 pupils. However, before disciplinary action is taken against an educationally disabled student, consideration must be given to whether the behavior is caused by the disabling condition, whether the program that is being provided meets the student's needs, whether a component of the student's IEP covers the behavior, or whether the student is an immediate danger to himself/herself or others.

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

- A. In imposing a removal of ten days or less on a classified student, the building principal may, on a case-by-case basis, consider any unique circumstances pertaining to the violation of the student code of conduct. Any such unique circumstance shall be included in the above written description of the reasons for removal;
- B. Special education students are entitled to receive general education 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.

SPECIAL EDUCATION (continued)

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)

Such suspensions are subject to the same district Board of education procedures as nondisabled pupils. However, at the time of removal, the principal shall forward written notification and a description of the reasons for such action to the case manager.

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

Disabilities Services Resource (all school districts with grades nine through 12) N.J.A.C. 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 district may contract with the early intervention program for the provision of that program.

SPECIAL EDUCATION (continued)

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 according to N.J.A.C. 6A:14-3.3C and N.J.A.C. 6A:14-3.7.

Preschool Disabled Program

The chief school administrator 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 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 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.

SPECIAL EDUCATION (continued)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 the or 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 culture background and language abilities are taken into consideration unless it is clearly unfeasible to do so; and shall accurately reflect the student's ability rather than the impairment. All actions regarding parent/guardian notification, consent and participation shall be provided in the native language of the parent, unless that is clearly impossible. In that case, care shall be taken that the facts and procedures are made intelligible to the parents/guardians.

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

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

The chief school administrator 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 chief school administrator 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 chief school administrator 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.

Parental 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.

SPECIAL EDUCATION (continued)

Annual Reports

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

Eligibility for State and Federal Funds

The chief school administrator 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 chief school administrator 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.

ADDENDUM TO 6171.4 SPECIAL EDUCATION POLICY

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

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

PART I – POLICIES

COUNTY CODE: **COUNTY**
NAME: _____

DISTRICT CODE: **DISTRICT**
NAME: _____

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

Policy #1:

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

SPECIAL EDUCATION (continued)**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 (IEP) 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 State-wide and district-wide assessment programs with appropriate accommodations, where necessary according to N.J.A.C. 6A:14-4.10. All students with disabilities will participate in statewide assessments or the applicable alternative assessment, in grades three, four, five, six, seven, eight, and high school in applicable courses.

Policy #7:

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

Policy #8:

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

- A. The obligation to make a free, appropriate public education available to each eligible student begins no later than the pupil's third birthday and that an individualized education program (IEP) is in effect for the student by that date;
1. 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;
 2. 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;
 3. 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
 4. 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.

SPECIAL EDUCATION (continued)**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 IEP 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.

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. 6A14-1.2 (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 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;

SPECIAL EDUCATION (continued)

4. Ensure 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 material 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 Developmental 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 parents 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 a school official 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 pupil's IEP, pursuant to N.J.A.C. 6A:14-4.5(d).

***Policy #20:**

The school district has a plan in effect to establish stability in special education programming. The plan takes onto 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.A.C. 18A:40-5.1 et seq.

SPECIAL EDUCATION (continued).**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.
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.

SPECIAL EDUCATION (continued).**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 general education 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 discounted.

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 award of the state and no State agency has taken steps to appoint a surrogate parent for the student.

SPECIAL EDUCATION (continued)

- 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 and students in accordance with N.J.A.C. 6A:14.
 - a. The district will appoint a person that will be responsible for training surrogate parents;
 - b. The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;
 - c. The training will be designed to make surrogate parents familiar with State and federal requirements for assessment, individualized education program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;
 - d. Surrogate parents will be provided with copies of: The Parental Rights in Special Education booklet; N.J.A.C. 6A:14; the Special Education Process; Code Training Materials from the Department of Education Website; and other relevant materials; and
 - e. Surrogate parents will be provided information to enable them to become familiar with the nature of the child's disability.
5. The district will ensure that:
 - a. All persons serving as surrogate parents have no interest that conflicts with those of the student he or she represents;
 - b. All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;
 - c. All persons serving as surrogate parents are at least 18 years of age;
 - d. If the school district compensates the surrogate parent for providing such services, a criminal history review of the person in accordance with N.J.S.A. 18A:6-7.1 is completed prior to his or her serving as the surrogate parent; and
 - e. No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the district board of education or a public or nonpublic agency that is involved in the education or case of the child.

Policy #3:

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

SPECIAL EDUCATION (continued)**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 specific 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 specific 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 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.

SPECIAL EDUCATION (continued)

3. A system is in place to track the number of days a student with disabilities has been removed for disciplinary reasons.
4. Suspension from transportation is counted as a day of removal if the student does not attend school.
 - a. If transportation is included in the student's IEP as a required related service, the school district shall provide alternate transportation during the period of suspension from the typical means of transportation.
5. Removal for at least half of the school day is reported via the Electronic Violence and Vandalism Reporting System.
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)
 - 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 and 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. Advanced 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:

SPECIAL EDUCATION (continued)

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

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

Policy #9:

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

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.

SPECIAL EDUCATION (continued)**Procedures:**

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

Policy #13:

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

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.1 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, 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.

SPECIAL EDUCATION (continued)**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 Individualized Education Program of each student with a disability, which will set forth the instructional materials needed, how they will be provided, and address any assistive technology needed to permit the student to utilize the materials.

Policy #17:

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

Procedures:

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

Policy #18:

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

Procedures:

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

Policy #19:

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

Procedures:

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

SPECIAL EDUCATION (continued)

***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 dyslexia or other reading disabilities is screened for dyslexia or 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 and other reading disability receive appropriate evidence-based interventions.

<u>Legal References:</u>	<p><u>N.J.S.A.</u> 10:5-1 et seq. <u>N.J.S.A.</u> 18A:46-1 <u>N.J.S.A.</u> 18A:46-13 <u>N.J.S.A.</u> 18A:46A-1 <u>N.J.A.C.</u> 5:23-7.1 et seq. <u>N.J.A.C.</u> 6A:7-1.7 <u>N.J.A.C.</u> 6A:8-1.2 <u>N.J.A.C.</u> 6A:8-1.3 <u>N.J.A.C.</u> 6A:8-3.1 <u>N.J.A.C.</u> 6A:8-4.1 <u>N.J.A.C.</u> 6A:8-5.1 <u>N.J.A.C.</u> 6A:9B-1.1 <u>N.J.A.C.</u> 6A:14-1.1 <u>N.J.A.C.</u> 6A:15-1.4 <u>N.J.A.C.</u> 6A:23A-1.1 et seq. <u>N.J.A.C.</u> 6A:23A-17.4</p>	<p>Law Against Discrimination Definitions Types of facilities and programs Legislative findings and determination Barrier free subcode of the uniform construction code Equality in school and classroom practices Scope Definitions Curriculum and instruction Statewide Assessment System Graduation Requirements Scope General requirements Bilingual programs for English language learners Purpose and scope Method of determining tuition rates for county vocational-technical schools</p>
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SPECIAL EDUCATION (continued)

<u>N.J.A.C.</u> 6A:26-6.1 et seq.	Application of the Uniform Construction Code
<u>N.J.A.C.</u> 6A:30-1.1	Purpose and scope
<u>N.J.A.C.</u> 6A:32-7.1 et seq.	General considerations
<u>N.J.A.C.</u> 6A:32-8.3	School attendance
20 U.S.C. 1401 et seq.	Individuals with Disabilities Education Act
20 U.S.C. 6301 et seq.	Every Student Succeeds Act (Formerly NCLB)
29 U.S.C. 794 et seq.	Rehabilitation Act of 1973
34 CFR 300	Assistance to States for the Education of Children with Disabilities (IDEA Regulations)
34 CFR 76.1 et seq.	General Administrative Regulation EDGAR
34 CFR 77.1 et seq.	General Administrative Regulation EDGAR Agostini v. Felton
Cedar Rapids Community School District v. Garrett F., 526 U.S. 66 (1999)	
Honig v. Doe	
International Building Code 2015, New Jersey Edition; First Printing: September 2015; ISBN: 978-1-60983-156-1:	
Copyright 2015, International Code Council, Inc.	
Oberti v. Board of Education of Clementon School District, 995 F. 2d 1204,1216-17 (C. A.3 1993)	

Cross References:

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

Adoption Date:
 Classification:
 Revised Dates: February 2017

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 2210

ADMINISTRATIVE LEEWAY IN ABSENCE OF BOARD POLICY

In cases where immediate action must be taken within the school system when the Roselle Park Board of Education has provided no guidelines for administrative action, the superintendent shall have the power to act, but his/her decisions shall be subject to review by the board at its next regular meeting. **However, any administrative action by the superintendent shall not constitute official board policy.**

It shall be the duty of the superintendent to inform the board promptly of such action and of the need for policy.

Adopted: December 6, 2005
Revised: March 16, 2010
NJSBA Review/Update: September 2015
Readopted:

Key Words

Administrative Leeway in Absence of Board Policy, Absence of Board Policy

Legal References: N.J.S.A. 18A:11- 1 General mandatory powers and duties
 N.J.S.A. 18A:17-20 Tenured and non-tenured superintendents; general powers and duties
 N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Cross Reference: *3516 Safety
 4135.16/42.35.16 Work stoppages/strikes
 *5131.6 Drugs, alcohol, tobacco (substance abuse)
 *5141.1 Accidents
 *5141.2 Illness
 *6114 Emergencies and disaster preparedness
 *9311 Formulation, adoption, amendment of policies
 *9313 Formulation, adoption, amendment of administrative regulations

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

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

**Removed: ECS review of school level plan*

File Code: 2240

RESEARCH, EVALUATION AND PLANNING

As required by law, the Roselle Park Board of Education charges the superintendent to annually direct development or review of district long- and short-range goals and the plan of action to attain them. Objectives shall be developed with community participation and approved by the board of education; the plan of action shall be prepared in consultation with teaching staff members. The district's plans shall be discussed at a public meeting before the date required by law.

Further, the superintendent shall coordinate continual research and evaluation of programs and facilities. The master plan shall be studied and revised periodically to keep it in accord with the changing circumstances and aspirations of the district.

State Monitoring

The superintendent shall ensure and coordinate the District Performance Review every three years, in compliance with New Jersey Quality Single Accountability Continuum (NJQSAC). Upon completion of the district's conduct of the District Performance Review, the board shall fix a date, place and time for the holding of a public meeting for approval by board resolution. The board shall comply with meeting procedures specified in N.J.A.C. 6A:30-3.2.

School-Level Planning

By September 30, the principal of each school in the district shall coordinate development and implementation of a two-year school-level plan based on school report card data. This plan shall include pupil performance objectives, a review of progress by teaching and administrative staff, and the involvement of parents.

The performance objectives shall be based on pupil performance or behavior standards as defined in the administrative code.

At least once per semester, the principal of each school shall conduct meetings by grade level, department, team or similarly appropriate group to review the school-level plan. The review shall include:

- A. School report card data;
- B. Progress toward achieving pupil performance objectives;
- C. Progress toward achieving core curriculum content standards.

Each principal shall sign a statement of assurance attesting to these activities on the form prescribed by the commissioner of education.

The superintendent will supervise the preparation and timely submission of accurate reports in order to ensure compliance with all federal, state, county and local laws and regulations, board policies, contract terms and conditions. The superintendent will promptly prepare and file updates and revisions to reports whenever new information becomes available that would require that an amended report be submitted. The superintendent may delegate the preparation and revision of reports to other employees of the board. However, the superintendent retains final responsibility for the action taken when tasks are delegated. If the revisions and corrections are so significant as to compromise the basic integrity of the report, the superintendent will inform the board president in order that appropriate corrective action may be taken by the board.

Adopted: December 6, 2005 Revised:
 March 16, 2010 Revised: September 21,
 2010
 NJSBA Review/Update: September 2015
 Readopted:

Key Words

Research, Evaluation, Planning, Long-range Plan, Multi-year Maintenance, School Level Plan

<u>Legal References:</u>	<p><u>N.J.S.A.</u> 10:4-6 <u>et seq.</u> <u>N.J.S.A.</u> 18A:7A-10 <u>N.J.S.A.</u> 18A:7A-11</p> <p><u>N.J.S.A.</u> 18A:7A-14 <u>N.J.S.A.</u> 18A:7F-6 <u>N.J.S.A.</u> 18A:7F-46</p> <p><u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u> <u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u> <u>N.J.A.C.</u> 6A:26-2.1 <u>et seq.</u></p> <p><u>N.J.A.C.</u> 6A:32-2.1 <u>N.J.A.C.</u> 6A:32-12.1 <u>et seq.</u></p>	<p><u>Open Public Meetings Act</u> Evaluation of performance of each school Annual report of local school district; contents; annual report of commissioner; report on improvement of basic skills Review of evaluation of district performance Approval of budget by Commissioner Review, update of core curriculum content standards; Educational Adequacy Report Standards and Assessments Evaluation of the Performance of School Districts Long-Range Facilities Plans Evaluation of the Performance of School Districts Definitions Student Behavior</p>
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No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A., 6301 et

seq.

Possible

Cross References:

- *1120 Board of education meetings
- *1220 Ad hoc advisory committees
- *2255 Action planning for NJQSAC
- *3510 Operation and maintenance of plant
- *5020 Role of parents/guardians
- *6142.2 English as a second language; bilingual/bicultural
- *6171.4 Special education
- *7110 Long-range facilities planning
- *9130 Committees

*Indicates policy is included in the Critical Policy Reference Manual

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 2255

ACTION PLANNING FOR STATE MONITORING NJQSAC NEW JERSEY QUALITY SINGLE ACCOUNTABILITY CONTINUUM

The Roselle Park Board of Education recognizes that it has important functions under the New Jersey state monitoring system: Quality Single Accountability Continuum (NJQSAC). The board shall comply with the requirements of the Department of Education's three year monitoring system by completing the District Performance Review (DPR). The district shall be assessed in the following five key areas:

- A. Operations;
- B. Instruction and Program;
- C. Governance;
- D. Fiscal Management;
- E. Personnel.

The superintendent shall take the following steps to oversee the efficient completion of the District Performance Review every three years as required by law:

- A. District Performance Review form shall be completed by the district committee. The superintendent shall determine the total number of people that will serve on the committee. The superintendent shall appoint the following persons to the committee, and, in his or her discretion, may include other persons on the committee with the approval of the board of education:
 - 1. Superintendent;
 - 2. One or more members of the administrative staff;
 - 3. One or more teaching personnel, representative of different grade levels and/or;
 - 4. The business administrator and assistant superintendent for curriculum and instruction, as well as other appropriate personnel;
 - 5. One or more member representatives of the local collective bargaining unit of the educational staff selected by the local collective bargaining unit; which may include the teaching personnel otherwise appointed in "3" above; and
 - 6. One or more members of the board selected by the board.
- B. The superintendent shall:
 - 1. Ensure that the process used by the committee in completing the District Performance Review provides for participation and input by all committee members;
 - 2. Consult with the committee in formulating a response to all weighted quality performance indicators of each component of school district effectiveness;
 - 3. Ensure that the responses in District Performance Review encompass and reflect the circumstances that exist in the school district; and
 - 4. Ensure that all responses to the District Performance Review can be verified by data and supporting documentation or otherwise and provide this verification to the department upon request. (N.J.A.C. 6A:30-3.2 District Performance Review)
 - 5.

Additionally, the superintendent shall ensure the district's compliance with all indicators when it is within his/her power to do so. He/she shall inform the board in a timely fashion of any areas in which board action is required to bring the district into compliance, and suggest to the board feasible plans of action.

Upon completion of the proposed responses to the District Performance Review, the board of education shall fix a date, place and time for the holding of a public meeting, which may be a regularly scheduled meeting of the district board of education. The proposed responses to the District Performance Review and statement of assurance shall be presented to the board for approval by resolution.

The board shall ensure that:

- A. The proposed responses to the District Performance Review and statement of assurance shall be posted on its internet site, if one exists, at least five working days prior to the date fixed for the meeting, and shall make it available for examination by the public at the district board offices or another reasonable location;
- B. Notice of the meeting shall be published as required by the Open Public Meetings Act and this notice shall inform the public that the District Performance Review and statement of assurance will be discussed at the meeting and the times and manner in which members of the public may view the proposed responses to the District Performance Review; and
- C. At the public meeting the public shall have the opportunity to comment and be heard with respect to the proposed responses to the District Performance Review. The public shall have the opportunity to submit written comments prior to the meeting, as well (N.J.A.C. 6A:30-3.2 District Performance Review).

If the school district fails to satisfy the evaluation criteria, the board of education shall cooperate in undertaking corrective action plans indicated by the executive county superintendent and pursuant to the New Jersey administrative code.

Certification requirements for teaching staff members shall not be violated.

Statement of Assurance

The district shall complete the Statement of Assurance annually and submit it the Department of Education electronically before the prescribed due date. The superintendent and the board shall determine that all items of the Statement of Assurance have been completed before its submission.

Equivalency and Waiver Procedures

The board may apply to the commissioner for a waiver of a specific rule or an equivalent means of implementing a rule through alternate procedures so long as the following criteria are met:

- A. The spirit and intent of New Jersey statutes, applicable federal laws and regulations, and the administrative code are served by granting the equivalency or waiver;

B. The provision of a thorough and efficient education to the students in the district is not compromised as a result of the equivalency or waiver; and

C. There will be no risk to student health, safety or civil rights by granting the equivalency or waiver.

All applications for equivalency and waivers shall be in accordance with N.J.A.C. 6A:5-1.5 and shall be signed by the superintendent and approved by the board of education.

Adopted: December 6, 2005
Revised: March 16, 2010
Revised: September 21, 2010
NJSBA Review/Update: September 2015
Readopted:

Key Words

Action Planning, NJQSAC, Quality Single Accountability Continuum, Planning, Certification, Equivalency, Waivers

<u>Legal References:</u>	<u>N.J.S.A. 18A:7A-10</u>	Evaluation of performance of each school
	<u>N.J.S.A. 18A:7A-14</u>	Review of evaluation of district performance
	<u>N.J.S.A. 18A:7F-43 et al.</u>	<u>School Funding Reform Act of 2008</u>
	<u>N.J.S.A. 18A:26-2</u>	Certificates required; exception
	<u>N.J.A.C. 6A:5-1.1 et seq.</u>	Regulatory Equivalency and Waiver
	<u>N.J.A.C. 6A:8-1.1 et seq.</u>	Standards and Assessments
	<u>N.J.A.C. 6A:23A-9.5</u>	Commissioner to ensure achievement of the Core Curricular Content Standards
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
	<u>See Particularly:</u>	
	<u>N.J.A.C. 6A:30-2.1, -3.2</u>	NJQSAC components of school district effectiveness and indicators
	<u>N.J.A.C. 6A:32-2.1</u>	Definitions

Possible

<u>Cross References:</u>	*1120	Board of education meetings
	*1220	<u>Ad hoc</u> advisory committees
	*2240	Research, evaluation and planning

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

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 3000/3010

CONCEPTS AND ROLES IN BUSINESS AND NONINSTRUCTIONAL OPERATIONS; GOALS AND OBJECTIVES

Fiscal Management

The Roselle Park Board of Education recognizes that money and money management are a necessary support of the whole school program. To make that support as effective as possible, the board intends:

- A. To encourage financial planning through the best possible budget procedures;
- B. To explore all practical sources of dollar income;
- C. To guide the expenditure of funds so as to extract the greatest educational returns;
- D. To expect top-quality accounting and reporting procedures; to adopt and implement sound fiscal procedures. The School Business Administrator shall prepare a manual of procedures to ensure that all business operations of the district are carried out uniformly, efficiently and in accordance with law and board policy;
- E. To maintain a level of per pupil expenditure sufficient to provide high quality education.

Internal Controls/Standard Operating Procedures

The board of education is committed to financial integrity and directs the superintendent to establish specific regulations and standard operating procedures for business functions which are designed to provide district administrators with reasonable assurance that the district's goals and objectives will be met and that meet the requirements of N.J.A.C. 6A:23A-6.5 through 6.13. Internal controls shall promote operational efficiency and effectiveness, provide reliable financial information, safeguard assets and records, encourage adherence to prescribed policies and comply with law and regulation.

The district may submit a written request to the Commissioner to approve an alternative system, approach or process for implementing the internal controls required in this subchapter. The application must include documented evidence that includes but is not limited to, an independent, third-party written assessment that the alternative system, approach or process will achieve the same safeguards, efficiency and other purposes as the specified internal control requirement(s).

Personnel Tracking and Accounting

The district shall maintain an accurate, complete, and up-to-date automated position control roster to track the actual number and category of employees and the detailed information for each in accordance with N.J.A.C. 6A:23A-6.8.

Financial and Human Resources Management

The district shall maintain an enterprise resource planning (ERP) system which integrates all data and processes of the district into a unified system in compliance with N.J.A.C. 6A:23A-6.7.

Support Services

The board of education expects operation and maintenance of the school plant and equipment to set high standards of safety, to maintain the health of pupils and staff, to reflect the aspirations of the community, to support environmentally the efforts of the staff to provide a good education and to preserve the community's major investment.

In order to provide services that sufficiently support the educational program, the board establishes as broad goals:

- A. To provide a physical environment for teaching and learning that is safe and pleasant for pupils, staff, and public;
- B. To provide safe transportation for eligible pupils;
- C. To make nutritious meals available to pupils;
- D. To provide resources, facilities and assistance to meet the needs of the educational program as they develop.

Long-Range Plans

In compliance with law, the superintendent will develop a five-year comprehensive maintenance plan. The board will review this plan and the district's long-range facilities plan annually, and will revise them as necessary with the advice of the superintendent.

Adopted: January 17, 2006

Revised: March 16, 2010

NJSBA Review/Update: September 2015

Readopted:

Key Words

Concepts and Roles in Business, Noninstructional Operations, Goals and Objectives in Business and Noninstructional Operations, Planning, Business

CONCEPTS AND ROLES IN BUSINESS AND NONINSTRUCTIONAL OPERATIONS;
GOALS AND OBJECTIVES (continued)

3000/3010p

Legal References:	<u>N.J.S.A.</u> 2C:30-4	Disbursement of public moneys, incurrence of obligations in excess of appropriation
	<u>N.J.S.A.</u> 18A:4-14	Uniform system of bookkeeping for school districts
	<u>N.J.S.A.</u> 18A:17-14.1 through -14.3	Appointment of school business administrator; duties; subcontracting; tenure acquisition
administrator;	<u>N.J.S.A.</u> 18A:17-24.1	Sharing of superintendent, school business procedure
	<u>N.J.S.A.</u> 18A:18A-1 <u>et seq.</u>	Public School Contracts Law
	<u>N.J.S.A.</u> 18A:20-1 <u>et seq.</u>	Title in board of education
	<u>N.J.S.A.</u> 18A:33-1 <u>et seq.</u>	Facilities in general
	<u>N.J.S.A.</u> 18A:39-1 <u>et seq.</u>	Transportation to and from schools
	<u>N.J.S.A.</u> 40A:65-1 <u>et seq.</u>	<u>Uniform Shared Service and Consolidation Act</u>
	<u>N.J.A.C.</u> 2:36-1.1 <u>et seq.</u>	Child Nutrition Programs
	<u>N.J.A.C.</u> 6A:9B-11.1 <u>et seq.</u>	Requirements for administrative certification
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:9B-11.1, -11.2, -12.3(d), -11.7	
	<u>N.J.A.C.</u> 6A:23A-1.1 <u>et seq.</u>	Fiscal accountability, efficiency and budgeting procedures
	<u>N.J.A.C.</u> 6A:23A-6.5 through 6.13	Segregation of duties; organization structure
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:23A-6.7, -6.8	
	<u>N.J.A.C.</u> 6A:26-1.1 <u>et seq.</u>	Educational Facilities
	<u>N.J.A.C.</u> 6A:27-1.1 <u>et seq.</u>	Student Transportation

Possible

Cross References:	*3100	Budget planning, preparation and adoption
	3200	Income
	3300	Expenditures/expending authority
	3400	Accounts
	3500	Noninstructional operations
	*3510	Operation and maintenance of plant
	3530	Insurance management
	3541	Transportation
	3542	Food service
	3452.1	Local Wellness
	3543	Office services
	3570	District records and reports
	3600	Evaluation of business and noninstructional operations
	*7110	Long-range facilities planning
	9123/9124	Appointment of board secretary; appointment of business official

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

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 3280

**Removed-allotting employees 10% of any grant they produce for the district*

GIFTS, GRANTS AND BEQUESTS

Only the board of education may accept for the school district any bequest or gift of money, property or goods, except that the superintendent may accept on behalf of the board any such gift of less than \$200.00 in value.

The board reserves the right to refuse to accept any gift that does not contribute to the achievement of district goals or could deplete the resources of the district.

Any gift accepted by the board or the superintendent shall become the property of the board, may not be returned without the approval of the board, and is subject to the same controls and regulations as are other properties of the board. The board shall be responsible for the maintenance of any gift it accepts.

The board will make every effort to honor the intent of the donor in its use of the gift, but reserves the right to use any gift it accepts in the best interest of the educational program of the district. In no case shall acceptance of a gift be considered to be an endorsement by the board of a commercial product or business enterprise or institution of learning.

Grants

Staff members are encouraged to seek out sources of grants and gifts, and bring them to the attention of the superintendent, who shall investigate the conditions of such grants and make recommendations to the board regarding the advisability of seeking them.

Educational Foundation

An educational foundation may be created for the purpose of soliciting and raising monetary gifts and donations for the school district. This foundation shall be governed by a board of directors that shall recommend expenditures of funds in educational areas not ordinarily covered by the school budget and in accordance with criteria in its bylaws. Members of the board of education and/or the administration shall not serve on the board of directors of the educational foundation. Policies and regulations on gifts to the district shall apply to funds raised by the foundation.

Adopted: November 7, 2006
Revised: March 16, 2010
NJSBA Review/Update: September 2015
Readopted:

Key Words

Gifts, Grants, Bequests

Legal References:	<p><u>N.J.S.A.</u> 18A:6-33.1 through -33.12 <u>N.J.S.A.</u> 18A:18A-15.1</p> <p><u>N.J.S.A.</u> 18A:20-4 <u>N.J.S.A.</u> 18A:20-11 through -16 <u>N.J.S.A.</u> 18A:29A-1 through -7 <u>N.J.S.A.</u> 18A:71A-1 <u>et seq.</u> <u>N.J.S.A.</u> 18A:71B-1 <u>et seq.</u> <u>N.J.S.A.</u> 18A:71C-1 <u>et seq.</u> <u>N.J.A.C.</u> 6A:26-7.4</p>	<p>Incentive Grants Payment for goods or services; funds received from a bequest, legacy or gift Acceptance and use of gifts</p> <p>Property devised in trust</p> <p><u>Governor's Annual Teacher Recognition Act</u> Authority Structure and General Provisions Student Financial Aid Student Loans Approval of land acquisition</p>
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Possible

Cross References:	<p>*1230 School-connected organizations 3200 Income *3220/3230 State funds; federal funds *3453 School activity funds *5126 Awards for achievement *6163.1 Media center/library</p>
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*Indicates policy is included in the Critical Policy Reference Manual.

POLICY

**Removed: language re: regarding purchasing procedures
as being overly legalistic*

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 3320

PURCHASING PROCEDURES

The Roselle Park Board of Education wishes to establish and carry out a careful system of purchasing and accounting to help provide an effective program of education while guarding against loss due to carelessness, inefficiency, theft, or improper maintenance of records.

The duties of purchasing are to be centralized under the School Business Administrator, who shall be familiar with and perform all his/her activities within the limitations prescribed by law, board policy and legal opinions.

The board of education encourages the administration to seek advantages in savings through joint agreements for the purchase of work, materials or supplies with the governing body(ies) of other contracting units within this county or adjoining counties or by other cooperative pricing arrangements. The administration shall also evaluate any savings which may result from the purchase of any materials, supplies or equipment under contracts entered into by the state treasury department, division of purchase and property.

The board may use competitive contracting instead of public bidding for purchasing specialized goods and services, the price of which exceeds the bid threshold, for the purposes and with the conditions specified in law.

No purchase orders may be placed until the School Business Administrator has determined whether the proposed purchase is subject to bid, whether sufficient funds exist in the line item, and whether the goods are available elsewhere in the district.

Nothing is to be ordered independently by school personnel.

The board of education shall not knowingly enter into contract with any company that does not subscribe to and implement a policy of non-discrimination. The board secretary shall be responsible for so informing all prospective suppliers of work or materials.

Adopted:
NJSBA Review/Update:
Readopted:

Key Words

Purchasing Procedures, "Set Aside" Contracts, Nondiscrimination, Affirmative Action, Vendor

Legal References:	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	See particularly:	
	<u>N.J.S.A. 10:5-31</u>	
	through -35	
	<u>N.J.S.A. 18A:18A-1 et seq.</u>	Public School Contracts Law
	<u>N.J.S.A. 18A:19-1 et seq.</u>	Expenditure of Funds; Audit and Payment of Claims
	<u>N.J.S.A. 52:32-44</u>	Business registration for providers of goods and services (definitions)
	<u>N.J.A.C. 6A:7-1.8</u>	Equity in employment and contract practices
	<u>N.J.A.C. 6A:23A-1.2</u>	Definitions
	<u>N.J.A.C. 6A:23A-16.5</u>	Supplies and equipment
	<u>N.J.A.C. 6A:23A-20.4</u>	Ownership and storage of textbooks
	<u>N.J.A.C. 6A:23A-21.1 et seq.</u>	Management of Public School Contracts
	<u>N.J.A.C. 6A:27-9.1 et seq.</u>	Contracting for Transportation Services
	<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:32-14.1</u>	Review of mandated programs and services
	20 <u>U.S.C.A. 1681 et seq.</u>	- Title IX of the Education Amendments of 1972
	42 <u>U.S.C.A. 2000e et seq.</u>	- Title VII of the <u>Civil Rights Act of 1964</u> as amended by the <u>Equal Employment Opportunities Act of 1972</u>
	29 <u>U.S.C.A. 794 et seq.</u>	- Section 504 of the <u>Rehabilitation Act of 1973</u>

Possible

Cross References:	*2224	Nondiscrimination/affirmative action
	3300	Expenditures/expending authority
	*3326	Payment for goods and services
	*3327	Relations with vendors
	*3570	District records and reports
	3571	Financial reports

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

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 4112.2

CERTIFICATION

The certification of teachers and other personnel in the public schools of New Jersey is a protective measure for the children, the community, and the staff members themselves. All personnel hired shall have proper certification as required by the state board of education. The superintendent will take appropriate steps to avoid the employment of teachers with revoked or suspended certificates.

Validity of certification must be verified with the county office.

The superintendent must receive valid evidence of proper certification or qualifications to pursue the alternative route to certification before presenting a candidate to the board.

Reporting of Arrests, Charges and Indictments

All certificated staff members who are charged, arrested or indicted for a crime or offense must submit a report to the superintendent of the charge, arrest or indictment, including (but not limited to) disorderly persons offenses and drunk driving arrests. This reporting requirement pertains to both in-state and out-of-state offenses and crimes. Pursuant to N.J.A.C. 6A:9B-4.1(c) the employee will make the report within fourteen (14) days. The staff member shall also report the disposition of any charges within seven (7) days of the disposition.

Failure to comply with these reporting requirements may be deemed "just cause" to revoke or suspend the certificate(s) of any certificate holder pursuant to N.J.A.C. 6A:9B-4.5.

The superintendent will make these requirements known to all new employees and to all employees on an annual basis.

District Reporting Requirements

Pursuant to N.J.A.C. 6A:9B-4.4(a), the superintendent shall notify the New Jersey Board of Examiners when:

- A. Tenured teaching staff members who are accused of criminal offenses or unbecoming conduct resign or retire from their positions;
- B. Nontenured teaching staff members who are accused of criminal offenses or unbecoming conduct, resign, retire or are removed from their positions;
- C. A certificate holder fails to maintain any license, certificate or authorization pursuant to N.J.A.C. 6A:9B-4.1(b) that is mandated in order for the holder to serve in a position; or
- D. He or she becomes aware that a certificate holder has been convicted of a crime while in the district's employ;
- E. The superintendent has received a report from the Division of Child Protection and Permanency (DCP&P) substantiating allegations of abuse or neglect or establishing "concerns" regarding a certificated teaching staff member.

In the event the New Jersey State Board of Examiners issues an order to show cause based on the information that the school district provided about the certificate holder, it shall be the responsibility of the school district to cooperate with the Board of Examiners in any proceeding arising from the order to show cause.

Provisionally Certified Teachers

The board of education encourages the employment of provisionally certified teachers for service in their first and second years of employment. The building principal or other appropriately certified administrator shall observe and evaluate all provisionally certified teachers in the first year of employment in conformance with the schedule described in the administrative code.

Mentoring Novice Teachers

In order to enhance student achievement of the Core Curriculum Content Standards including the Common Core State Standards in mathematics and language arts and literacy by enhancing the skills of inexperienced teachers, identifying exemplary teaching skills and practices necessary for excellent teaching and assist novice teachers in adjusting to the challenges of teaching, the board shall ensure the development of a mentoring plan for all novice teachers employed in the district.

The plan shall provide each novice teacher with in-person contact with a mentor teacher (who may be a retired teacher or administrator) who shall provide confidential support and guidance to the novice teacher. The superintendent shall develop and update, as necessary, the district mentoring plan for new teachers and ensure that it is aligned with the professional standards for teachers as set forth in administrative code. Included in the plan shall be criteria for selection and training of mentor teachers. Implementation of the district mentor plan shall be in compliance with the administrative code.

The superintendent shall review the mentoring plan annually and revise it as necessary based on feedback from mentor logs, each school improvement panel, and data on teacher and student performance. The Superintendent shall also submit the mentoring plan to the board of education for review of its fiscal impact upon district finances. The superintendent shall annually certify to the Department of Education through a statement of assurance that the district is meeting the requirements for the district mentoring program in accordance with law (N.J.A.C. 6A:9B-8.4).

Special Education

All personnel serving students with disabilities shall be appropriately certified and licensed, where a license is required.

Adopted: April 17, 2007
Revised: March 16, 2010
NJSBA Review/Update: October 2015
Readopted:

Key Words

Certificates, Certification

Legal References:

<u>N.J.S.A.</u> 18A:6-38	Powers and duties of the board; issuance and revocation of certificate; rules and regulations
<u>N.J.S.A.</u> 18A:6-39	Issuance of certificates to non-citizens
<u>N.J.S.A.</u> 18A:6-76.1	Deadlines for notification to students of requirements of provisional certificate and induction program; submission of induction program plan to school districts and Department of Education; coordination of mentor training program
<u>N.J.S.A.</u> 18A:26-1, -2,-8.1,-9	Citizenship of teachers, etc.
<u>N.J.S.A.</u> 18A:26-2.1 <u>et al.</u>	Supervisory certificate required for appointment as director of athletics
<u>N.J.S.A.</u> 18A:27-2	Employment without certificate prohibited
<u>N.J.S.A.</u> 18A:29-1	Uncertified teacher denied salary
<u>N.J.S.A.</u> 18A:40A-4	Preservice training of future teachers; teaching certificate requirements
<u>N.J.A.C.</u> 6:30-2.1(a)8	Purpose and program descriptions (Adult education programs)
<u>N.J.A.C.</u> 6A:9-1.1 <u>et seq.</u>	Professional Standards
<u>N.J.A.C.</u> 6A:9B-2.1 <u>et seq.</u>	State Board of Examiners and certification
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:9B-3.1, 6A:9B-4.1 6A:9B-4.4, 6A:9B-4.5, 6A:9B-8.4	
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
<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:32-4.1(d)	Employment of teaching staff

Old Bridge Education Association v. Old Bridge Township Bd. of Ed., 1986 S.L.D.

1917

Possible

Cross References:

*2131	Superintendent
4010	Goals and objectives
*4111	Recruitment, selection and hiring
6130	Organizational plan
*6141	Curriculum design/development
*6142.1	Family life education
*6156	Instructional planning/scheduling
*6163.1	Media center/library
*6164.2	Guidance services
*6171.4	Special education
*6200	Adult/community education

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

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

Complete Policy Updated by NJSBA

File Code: 3451

PETTY CASH FUNDS

The Roselle Park Board of Education authorizes establishment of imprest petty cash accounts by resolution. The resolution will include:

- A. The amount or amounts authorized for each petty cash fund;
- B. The maximum expenditure that may be made from each fund; and
- C. Individual designated by the board who shall be responsible for the disposition of each fund.

The designated person(s) shall report to the board the amounts disbursed from each account periodically, as directed by the board, and will return all unused petty cash funds to the depository at the end of the fiscal year. All petty cash funds shall be established by board-approved voucher. Petty cash funds and disbursements will be audited as part of the annual financial audit.

Funds are to be used for emergencies and small purchases only and not to subvert the intent of the regular purchasing procedures or for routine expenditures. No single expenditure shall exceed the amount determined by the board in its resolution, and all expenditures must be authorized by the designated individual.

The custodian of a petty cash fund shall submit to the Board Secretary a request for replenishment when the moneys available in the fund have declined to 50 percent or less of the authorized amount of the fund. The Board Secretary shall prepare a voucher for approval by the Board. The voucher will include disbursement slips to support the amount of the replenishment and its allocation to any account.

The petty cash box must be secured daily. All petty cash funds will be closed out for audit at the end of the school year, and unused funds will be returned to the depository. The custodian of each fund will report to the Board on amounts disbursed from the fund not less than once each year.

Adopted: September 18, 2007
Revised: March 16, 2010
NJSBA Review/Update: September 25, 2015
Readopted:

Key Words: Petty Cash

Legal References: N.J.S.A. 18A:19-13 Petty cash funds
N.J.S.A. 18A:23-2 Scope of audit
N.J.A.C. 6A:23A-16.8 Petty cash fund

Possible

Cross References: *3320 Purchasing procedures
*3326 Payment for goods and services
3571 Financial reports
3571.3 Annual financial statement

*Indicates policy is included in the Critical Policy Reference Manual