

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 1330

USE OF SCHOOL FACILITIES

The Roselle Park School District acknowledges that district facilities belong to the community, which paid for them for the primary purpose of offering a full educational program for its children. Prudent use and management of school facilities outside of the regular operating schedules--providing that such use does not interfere with the orderly conduct of a thorough and efficient system of education--allows the community to benefit more broadly from the use of its own property.

The board will permit the use of school facilities when such permission has been requested in writing and has been approved by the building principal and the chief school administrator for:

- A. Uses and groups directly related to the school and the operations of the school;
- B. Uses and organizations indirectly related to the school;
- C. Departments or agencies of the municipal government;
- D. Other governmental agencies;
- E. Community organizations formed for charitable, civic or educational purposes.

The use of school facilities shall not be granted for the advantage of any commercial or profit-making organization, private social functions, or any purpose which is prohibited by law.

In the event the superintendent deems it advisable, any application may be submitted to the board of education for action.

The superintendent or board of education may refuse to grant the use of a school building whenever in their judgment there is good reason why permission should be refused.

Smoking is prohibited at all times in any district building or on school grounds. For purposes of this policy, "smoking" means inhaling the burning or vapor of a lighted cigar, cigarette, pipe, electronic smoking devise or any other matter or substance which contains tobacco. Chewing tobacco is also specifically prohibited by this policy. No one may bring alcoholic beverages onto any school property. All facility use shall comply with state and local fire, health, safety and police regulations.

The buildings shall not be available for community use during holidays, vacation periods, or during the time school is not in session over the summer when the programs interfere with cleaning and maintenance schedules.

All groups requesting use of school gymnasiums or athletic fields may submit their application up to 15 days before the following seasonal periods: September 1 – November 30 (application due by August 16 or the next business day); December 1 – March 15 (due by November 16); March 16 – June 30 (due by March 1). Use of school facilities should only be for the hours necessary as indicated on the application. No changes can be made to established schedule after the start date.

Use of school equipment in conjunction with the use of school facilities must be specifically requested in writing and may be granted by the procedure by which permission to use facilities is granted. The user of school equipment must accept liability for any damage to or loss of such equipment that occurs while it is in use. Where rules so specify, no item of equipment may be used except by a qualified operator.

Use of district equipment on the premises by nonschool personnel is limited to the equipment that is an integral part of the facility being used, i.e., the stage lights and piano in the auditorium, the basketball baskets in the gym. No district equipment shall be removed from the premises for use by nondistrict personnel.

The board shall require that all users of school facilities comply with policies of this board and the rules and regulations of this district. Each user shall present evidence of the purchase of organizational liability insurance to the limit prescribed by such rules.

Authorization for use of school facilities shall not be considered as endorsement of or approval of the activity, person, group or organization nor the purposes they represent.

Political Activity

As used in this section, “school property” shall mean a building or buildings used for school operations.

Candidates for elective public office, holders of elected public office or their agent or representative are prohibited from soliciting campaign contributions on school property. No person shall make contributions, directly or indirectly, to or on behalf of any candidate for elective public office, or the candidate committee or joint candidates committee for any such candidate, while on school property.

This shall not apply to persons or groups reserving or renting school property for a nongovernmental purpose as a meeting location.

Any person in violation of this policy may be reported to the Election Law Enforcement Commission and liable to a penalty of not less than \$5000, for each violation.

Adopted: October 18, 2005
Revised: March 16, 2010
Revised: November 1, 2011
NJSBA Review/Update: September 2015
Readopted:

Key Words

Use of School Facilities, Use of School Equipment, District Facilities, Facilities Equipment

Legal References: N.J.S.A. 2C:33-16 Alcoholic beverages; bringing or possession on school property by person of legal age; penalty

N.J.S.A. 18A:11-1 General mandatory powers and duties

N.J.S.A. 18A:20-34 Use of schoolhouse and grounds for various purposes

N.J.S.A. 26:3D-15 through -21 Legislative findings and declarations (smoking in educational institutions)

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

N.J.A.C. 6A:26-12.2(a)4 Policies and procedures for school facility operation

20 U.S.C.A. 4071 – 4074 – Equal Access Act GOALS 2000: Educate America Act (Pro Children Act of 1994), Pub. L. 103-227

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

Resnick v. East Brunswick Twp. Bd. of Ed., 77 N.J. 88 (1978)

Boy Scouts of America v. Dale, 120 S.Ct. 2446 (2000)

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

Possible

Cross References: *1230 School-connected organizations

*3514 Equipment

*3515 Smoking prohibition

*5131.1 Harrassment, intimidation and bullying

*6145 Extracurricular activities

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

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 4112.4/4212.4

EMPLOYEE HEALTH

Examinations

When a candidate has been given a conditional offer of employment, he/she shall be required to submit to a medical evaluation and a physical examination. This physical examination may include testing for controlled dangerous substances as they are defined in the criminal code. Elements of the examination of newly employed staff shall include but not be limited to those physical exam elements listed in administrative code.

Employees may be required to undergo an annual physical examination.

The results of all required employee medical examinations shall be made known to the superintendent on a confidential basis, discussed with the employee, and made a part of his/her confidential medical record. Records and reports of examinations shall be filed with the district medical inspector as confidential information but shall be available to and reported to appropriate health agencies as required by law. In the event an employee of the board shows evidence of deviation from normal physical or mental health, the district may require additional individual psychiatric or physical examinations of the employee. When an additional psychiatric or physical examination is required:

- A. The board shall provide the employee with a written statement of reasons for the required additional examination. The district board of education shall provide the employee with a hearing, if requested;
- B. The determination of the board hearing if requested shall be appealable to the commissioner;
- C. The employee may, without reprisal, refuse to waive his or her right to protect the confidentiality of medical information.

The report of the required psychiatric or physical examination shall include a statement by the examining physician as to any physical or mental condition noted likely to prevent the person examined from performing all duties and responsibilities of the position sought or occupied, or a statement that no such condition exists in order to protect the students and staff in the district schools, all regulations of the State Department of Education, the State Department of Health and the local board of health shall be scrupulously observed, particularly those dealing with contagious/infectious diseases.

In the event an employee of the board has been determined to have a mental abnormality or communicable disease or exhibits symptoms of substance abuse and, if in the opinion of the district medical inspector such condition makes the employee unfit for continued employment, the board may remove the employee from further service as provided by law or grant leave as provided by law during the period of unfitness. An employee determined to be unfit must provide the board with satisfactory proof of recovery before reinstatement will be allowed.

EMPLOYEE HEALTH (continued)

In order to protect the pupils and staff in the district schools, all regulations of the State Department of Education, the State Department of Health and the local board of health shall be scrupulously observed, particularly those dealing with contagious/infectious diseases. Staff who have been identified as having a communicable disease shall not be permitted continued employment unless they qualify under the above agencies' rules pertaining to periods of incubation, communicability, quarantine and reporting.

When required examinations are performed by a physician designated by the board, the board shall bear the expense. Should an employee prefer to see his/her own physician, with board approval, the employee shall bear the expense.

Occupational Containment of Bloodborne Pathogens

The board is committed to provide a safe and healthful work environment for staff. In pursuit of this endeavor, an Exposure Control Plan (ECP) shall be provided to eliminate or minimize occupational exposure to bloodborne pathogens in accordance with federal regulations.

The ECP is a key document to assist the district in implementing and ensuring compliance with the OSHA bloodborne pathogens standard, thereby protecting employees. This ECP includes:

- A. Identification of tasks, procedures and job classifications where occupational exposure to blood occurs;
- B. Procedures for evaluating the circumstances surrounding an exposure incident; and
- C. The schedule and method for implementing the specific sections of the standard, including:
 - 1. Methods of compliance;
 - 2. Hepatitis B vaccination;
 - 3. Post-exposure evaluation and follow-up;
 - 4. Hazard communication requirements;
 - 5. Effective employee training;
 - 6. Recordkeeping.

The ECP shall be reviewed annually to ensure that it reflects use of the most current medical technology.

Implementation and Dissemination

The superintendent in consultation with the district medical inspector shall prepare regulations to implement this policy in compliance with law and code. All employees shall receive this policy and be made aware of all requirements for health examinations.

EMPLOYEE HEALTH (continued)

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

Key Words:

Physical Examinations, Health Examinations, Employee Physicals, Nondiscrimination, Psychological Examinations, Bloodborne Pathogens

- Legal References:**
- | | |
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| <u>N.J.S.A.</u> 2C:35-1 <u>et seq.</u> | Comprehensive Drug Reform Act of 1987 |
| <u>N.J.S.A.</u> 18A:16-2 | Physical examinations; requirement |
| <u>N.J.S.A.</u> 18A:16-3 | Character of examinations |
| <u>N.J.S.A.</u> 18A:16-4 | Sick leave; dismissal |
| <u>N.J.S.A.</u> 18A:16-5 | Records of examinations |
| <u>N.J.S.A.</u> 18A:40-10 | Exclusion of teachers and pupils exposed to disease |
| <u>N.J.S.A.</u> 18A:66-39 | Disability retirement |
| <u>N.J.S.A.</u> 26:4-1 | "Communicable disease" defined |
| <u>N.J.S.A.</u> 26:4-6 | Prohibiting attendance of teachers or pupils |
| <u>N.J.S.A.</u> 26:4-15 | Reporting of communicable diseases by physicians |
| <u>N.J.S.A.</u> 26:5c-1 <u>et seq.</u> | AIDS Assistance Act |
| <u>N.J.S.A.</u> 6a:16-1.4 <u>et seq.</u> | District policies and procedures |
| <u>N.J.A.C.</u> 6a:16-2.1 | Health services policy and procedure requirements |
| <u>N.J.A.C.</u> 6A:32-6.1 <u>et seq.</u> | School Employee Physical Examinations |
| <u>N.J.A.C.</u> 8:61-1.1 <u>et seq.</u> | Participation and Attendance at School by Individuals with HIV Infection |
| <u>N.J.A.C.</u> 12:100-4.2 | Safety and Health Standards for Public Employees |
- 42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)
 29 CFR 1910.1030 - Bloodborne Pathogen Standard
School Board of Nassau County v. Arline, 480 U.S. 273 (1987)
Elizabeth v. Elizabeth Fire Officers Association, 10 NJPER 15022
 HIV Policy and Practice: Regulatory Requirements for New Jersey Public Schools, SDOE Division of Student Services, Sept. 1996, Doc. #P101400-31

- Cross Reference:**
- | | |
|------------------|-----------------------------------|
| *4111 | Recruitment, selection and hiring |
| *4112.6 /4212.6 | Personnel records |
| 4117.50 | Standards for staff discipline |
| 4117.52 | Dismissal/suspension abuse |
| *4119.23/4219.23 | Employee substance abuse |
| 4150 | Leaves |

*Indicates policy is included in the Critical Policy Reference Manual

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 4115

SUPERVISION

The Roselle Park Board of Education acknowledges that the purpose of supervision is to improve teacher performance in the classroom so that all students have an opportunity to achieve the Core Curriculum Content Standards including the Common Core State Standards in mathematics and language arts and literacy.

Each teacher employed in this district as of the effective date specified in code shall be responsible for fulfilling requirements for continuing education and for making annual progress toward the goal of **20 hours** of annually of state-approved professional development annually. Each teacher's individual professional improvement plan (PDP) shall incorporate appropriate steps toward this goal and shall be designed to assist teachers in obtaining and maintaining the knowledge and skills essential to student achievement of the Core Curriculum Content Standards including the Common Core State Standards. The professional development plan shall describe specific activities designed to provide guidance for that teacher in improving his/her performance. Such activities may include, but are not limited to, seminars, course work, day-long workshops, and classes on certain instructional approaches. Although supervisors shall develop professional improvement plans in collaboration with teachers, the superintendent shall maintain final authority in determining their appropriate content. The content of each PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3.3 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3.

Supervisory assistance and support in achieving the **20 hours** of state-approved continuing education shall be offered in the context of the district's evaluation process (see policy 4116 Evaluation for Teaching Staff Members), negotiated agreements, other policies, student safety and well-being, continuity of instruction, and budgetary constraints.

The superintendent shall develop procedures for supervision of the teaching and administrative staff in performance of their duties that shall not be limited to the observations required for evaluation. Such supervision may include, but need not be limited to, review of lesson plans and teacher-made examinations; regularly scheduled curriculum conferences; and brief, informal classroom observations. The supervisor shall note the teacher's satisfactory fulfillment or non-fulfillment of continuing education requirements identified in the professional improvement plan.

This policy shall be distributed to each teaching staff member at the beginning of his/her employment.

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

SUPERVISION (continued)Key Words

Continuing Education, Professional Development Plans, Personnel Supervision, Supervision

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:4-15	General rule-making power
	<u>N.J.S.A.</u> 18A:4-16	Incidental powers conferred
	<u>N.J.S.A.</u> 18A:6-10 <u>et seq.</u>	Dismissal and reduction in compensation of persons under tenure in public school system ...
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:27-3.1 through 3.3	Non-tenured teaching staff; observation and evaluation; conference; purpose ...
	<u>N.J.S.A.</u> 18A:28-5	Tenure of teaching staff members
	<u>N.J.S.A.</u> 18A:29-14	Withholding increments; causes; notice of appeals
	<u>N.J.A.C.</u> 6:30-2.1(a)8	Purpose and program descriptions
	<u>N.J.A.C.</u> 6A:9-15.1 <u>et seq.</u>	Required Professional Development for Teachers
	<u>N.J.A.C.</u> 6A:32-4.4	Evaluation of tenured teaching staff members
	<u>N.J.A.C.</u> 6A:32-4.5	Supervision of instruction: observation and evaluation of nontenured teaching staff members

<u>Cross Reference:</u>	2130	Administrative staff
	*2131	Chief school administrator
	4000	Concepts and roles in personnel
	4010	Goals and objectives
	*4112.6	Personnel records
	*4116	Evaluation
	*4117.41	Nonrenewal
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4215	Supervision
	*4216	Evaluation
	*6143.1	Lesson plans
	*6200	Adult/community education

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

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

Complete Policy Updated by NJSBA

File Code: 4131/4131.1

STAFF DEVELOPMENT; INSERVICE EDUCATION/VISITATIONS/CONFERENCES

The Roselle Park Board of Education recognizes its legal obligation to provide inservice activities that are aligned with student learning and educator development needs, and school, district, and/or State improvement goals. It is the board's priority that continuing education for teaching staff focus on the improvement of teachers' and school leaders' effectiveness in assisting students in the achievement of the Core Curriculum Content Standards (CCCS) including the Common Core State Standards (CCSS) in mathematics and language arts and literacy.

The superintendent shall develop a comprehensive management system for staff professional improvement and shall assist staff members in the area of professional improvement by providing relevant information regarding workshops, professional meetings and course offerings. Professional learning shall incorporate coherent, sustained, and evidence-based strategies that improve educator effectiveness and student achievement, including job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills to their work.

Professional Development for School Leaders

"School Leader" means administrator whose position requires possession of a school administrator, principal, or supervisor endorsement.

All active school leaders serving on a permanent or interim basis shall complete training on issues of school law, ethics, governance, and harassment, intimidation, and bullying (N.J.S.A. 18A:26-8.2); and other statutory requirements related to student safety and well-being. To meet this ongoing requirement, the specific training needs of each school leader will be reviewed annually as part of the professional development planning process.

A. School Leaders

The superintendent, principals, and supervisors shall fulfill the professional development requirement through the creation, implantation, and completion of a professional development plan that:

1. Aligns with Professional Standards for School Leaders and the Standards for Professional Learning;
2. Derives from the results of observations, evidence, and recommendations included in the annual performance evaluation of the superintendent, principals, or supervisors;
3. Identifies professional goals that address specific individual, school, or district goals; and
4. Grounds professional development activities in objectives related to improving teaching, learning, and student achievement, and in support of the school and/or district professional development plan.

STAFF DEVELOPMENT; INSERVICE EDUCATION/
VISITATIONS/CONFERENCES (continued)

B. Professional Development Requirements for the Superintendent

The board of education shall oversee and review the superintendent's professional development. The professional development shall be linked to individual, school, and district professional development goals and to the district's professional development plan.

The board of education shall review the professional development plan. The superintendent shall provide to the board of education annual evidence of progress toward completion of the professional development plan and summative evidence of plan completion every three to five years, depending on the superintendent's contract with the board of education.

In cases where there is disagreement between a superintendent and his or her board of education regarding plan contents or progress toward completion, the superintendent may appeal to the executive county superintendent, who will have final decision-making authority on all such matters.

C. Professional Development Requirements for Principals, Supervisors and Other Administrators

The superintendent shall oversee and review professional development for each principal and supervisor. The professional development shall be linked to individual, school, and district professional development goals and the district's professional development plan.

Leaders whose positions require a principal or supervisor endorsement shall have an annual plan developed in collaboration with the superintendent, or designee holding a superintendent endorsement. Leaders whose position require a superintendent's endorsement but do not serve as a superintendent of the district shall have an annual plan developed in collaboration with the superintendent, or designee holding a superintendent endorsement.

The superintendent, or designee holding a superintendent endorsement, shall meet with the principal, supervisor, or other school administrator at mid-year to assess progress toward completion or modification of the plan. The superintendent, or designee holding a superintendent endorsement, shall review the status of the professional development plan as part of the principal's, supervisor's, or other district administrator's annual performance evaluation.

D. Evidence of Progress

Each active school leader shall be required to provide evidence of progress toward fulfillment of his or her plan including a narrative account detailing plan goals and their achievement; and documentation of professional growth activities such as school-based learning activities; training; university coursework; action research; and study groups. Study groups may include school, district, county, and/or State associations and organizations, school and district collaborative teams, and virtual learning communities.

STAFF DEVELOPMENT; INSERVICE EDUCATION/
VISITATIONS/CONFERENCES (continued)

Professional Development for Teachers

To meet the state professional development requirements, each teacher shall be guided by an individualized professional development plan (PDP), which shall include at least 20 hours per year of qualifying activities. The 20-hour annual requirement shall be reduced by a pro rata share reflecting the use of family or medical leave. It is the individual teacher's responsibility in accordance with district policies, to assure that a teacher meets the professional development requirement. There is no mandated financial obligation on the part of the district.

The content of each PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C.6A:9-3.3 and the Standards for Professional Learning in N.J.A.C.6A:9C-3.3. The PDP shall be effective for one year and shall specify, at a minimum:

- A. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation;
- B. As appropriate, an additional area for development of professional practice aligned to the teacher's role as a member of his or her collaborative professional learning team. The professional learning team consists of teachers, school leaders, and other administrative, instructional, and educational services staff members who commit to working together to accomplish common goals and who are engaging in a continuous cycle of professional improvement focused on:
 - 1. Evaluating student learning needs through ongoing reviews of data on student performance; and
 - 2. Defining a clear set of educator learning goals based on the rigorous analysis of these data
- C. As appropriate, an additional area for development of professional practice aligned with school and/or district improvement plans and goals; and
- D. Any requirements for professional development stipulated elsewhere in statute or regulation.

The progress of each teacher in meeting the goals of the PDP must be determined annually and aligned to the district process for teacher evaluation. Progress on the PDP must be discussed during a minimum of one annual conference between teacher and his or her supervisor. Each teacher shall provide evidence of progress toward meeting the requirements of his or her individual PDP, and this evidence must be reviewed as part of each conference. The PDP shall be revised at a minimum annually but may be adjusted as necessary to support the teacher's progress. All teachers shall have an individual PDP within 30 instructional days of the beginning of their respective teaching assignments.

A teacher's individual PDP goals may necessitate more than the recommended minimum requirements. The PDP shall accommodate additional professional development as necessary. Additional hours of qualifying activities may be required for teachers in low-performing schools, as determined by the Commissioner.

STAFF DEVELOPMENT; INSERVICE EDUCATION/
VISITATIONS/CONFERENCES (continued)

The board of education shall ensure that all teachers receive the necessary opportunities, support, and resources to engage in ongoing professional learning and to complete the requirements of their respective PDP's.

School-Level Professional Development Plans

The principal shall oversee the development and implementation of a plan for school-level professional development. The school-level professional development plan shall include a description of school-level and team-based professional learning aligned with identified school goals, and teacher and student learning needs. The school-level plans shall become part of the district professional development plan reviewed by the board of education.

The principal shall ensure that all teachers receive the necessary opportunities, support, and resources to complete professional development requirements.

District-Level Professional Development Plans

The superintendent or his or her designees shall oversee the development and implantation of plans to address the districts' professional development needs. (School districts sending to the same middle and/or high school may form a regional consortium to develop one district-wide plan based on the sending schools' plans.)

The superintendent shall (N.J.A.C. 6A:9C-3.6):

- A. Review school-level professional development plans;
- B. Assess the learning needs of students, teachers, and school leaders based on educator evaluation data, school-level plans, and data from school and district-level performances;
- C. Plan, support, and implement professional development activities that address the CCSS and the CCCS, and that align with the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3 and the Professional Standards for Teachers and School Leaders in N.J.A.C. 6A:9C-3.3 and 3.34; and
- D. Develop and update, as necessary, the district mentoring plan for new teachers (board policy 4112.2 Certification and N.J.A.C. 6A:9B-8.4).

The superintendent shall review the district plan annually to assess its effectiveness and revise it as necessary to meet the district's learning goals for students, teachers, and school leaders. The district plan shall provide information on school-level and district-wide professional development opportunities, the resources being allocated toward their support, and a justification for the expenditures. The district plan shall also include any professional development required by statute or regulation.

The superintendent shall be responsible for the content and implantation of the district professional development plan. The superintendent shall present the plan to the board of education to review for fiscal impact.

STAFF DEVELOPMENT; INSERVICE EDUCATION/
VISITATIONS/CONFERENCES (continued)

The board of education reserves the right to deny any plan that fails to advanced district goals and objectives; is not conducive to student achievement of the Core Curriculum Content Standards including the Common Core State Standards; or contravenes current negotiated agreements, other board policies, student safety and well-being, continuity of the instructional program, or budgetary constraints.

Staff participation that may require release time and/or financial reimbursement from the board will be determined by the board of education after recommendation by the superintendent.

Staff members who participate in out-of-district programs at board expense shall submit a written report highlighting the main thrust and ideas observed by the participant.

Mandated Inservice Programs

The superintendent shall arrange development of appropriate inservice presentations, seminars and/or workshops on equity issues, special education, child abuse and neglect, drug/alcohol abuse awareness, handling blood and body fluids, possible hazardous substances in the workplace, crises response, school violence and other topics specifically required by federal or New Jersey law. These required presentations, seminars and/or workshops shall not count automatically toward the required 20 hours of continuing education annually.

Date: September 18, 2007
Revised: October 21, 2008
Revised: March 16, 2010
NJSBA Review/Update: October 2015
Readopted:

Key Words

Staff Development, Professional Inservice, Visitations, Conferences, Continuing Education

Legal References:	<u>N.J.S.A.</u> 18A:6-111 et seq.	Instruction in Suicide Prevention
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 18A:6-112	Instruction in suicide prevention for public school teaching staff
	<u>N.J.S.A.</u> 18A:7A-11	Reports be school districts, commissioner; interim review
	<u>N.J.S.A.</u> 18A:17-46	Act of violence; report by school employee; notice of action taken; annual report
	<u>N.J.S.A.</u> 18A:26-8.2	School leader training on ethics and governance;
		Collaborative training model
	<u>N.J.S.A.</u> 18A:27-4	Power of boards of education to make rules governing employment of teacher, etc.;
		employment there under

STAFF DEVELOPMENT; INSERVICE EDUCATION/ VISITATIONS/CONFERENCES (continued)

Legal References (continued)

<u>N.J.S.A.</u> 18A:30-7	Power of boards of education to pay salaries	
	<u>N.J.S.A.</u> 18A:31-2	Attendance at conventions of New Jersey Education Association
	<u>N.J.S.A.</u> 18A:40A-3	Initial inservice training programs; curriculum; availability
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 18A:40A-3a, -18c	
	<u>N.J.S.A.</u> 34:5A-10	Retention of workplace surveys
	<u>N.J.S.A.</u> 34:5A-13	Employee education and training program; certification of instructors
	<u>N.J.A.C.</u> 6A:7-1.6	Professional development
	<u>N.J.A.C.</u> 6A:9-1 <u>et seq.</u>	Professional standards
	<u>N.J.A.C.</u> 6A:9B-8.4	Requirements for a district mentoring program
	<u>N.J.A.C.</u> 6A:9C-2.1 <u>et seq.</u>	Requiring professional development for teachers and school leaders
	<u>N.J.A.C.</u> 6A:10-2.4	Evaluation of all teaching staff
	<u>N.J.A.C.</u> 6A:10-2.5	Corrective action plans for all teaching staff
	<u>N.J.A.C.</u> 6A:10-4.1 <u>et seq.</u>	Components of teacher evaluation
	<u>N.J.A.C.</u> 6A:14-1.2(b)13	District eligibility for assistance under IDEA

Part B

		(regarding highly qualified teachers)
	<u>N.J.A.C.</u> 6A:15-1.8	Inservice training
	<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:16-3.1(a)4, -5.1(d), 6.2(b)12	Inservice training, alcohol, tobacco, drug prevention: safety and security, cooperation with law enforcement
	<u>N.J.A.C.</u> 6A:16-10.1	Reporting Allegations of Child Abuse and Neglect
Neglect		
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
Districts		
	<u>N.J.A.C.</u> 6A:32-4.1	Employment of teaching staff
	<u>No Child Left Behind Act of 2001</u> , Pub. L. 107-110, <u>20 U.S.C.A.</u> 6301 <u>et seq.</u>	

The Comprehensive Equity Plan, New Jersey State Department of Education

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

STAFF DEVELOPMENT; INSERVICE EDUCATION/
VISITATIONS/CONFERENCES (continued)

<u>Cross References:</u>	*4115	Supervision
	*4116	Evaluation
	*4231/4231.1	Staff development; inservice education/visitations/conferences
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5141	Health
	*5141.4	Child abuse & neglect
	*6142.2	English as a second language; bilingual/biculture
	*6171.3	At-risk and Title 1
	*6171.4	Special Education

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 4211

RECRUITMENT, SELECTION AND HIRING

The Roselle Park Board of Education shall appoint all staff members only from nominations made by the superintendent. All appointments shall be by recorded roll call majority vote of the full membership of the board. The superintendent shall adhere to the following in recruiting and interviewing candidates:

- A. There will be no discrimination in the employment process in regard to race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, familial status, pregnancy, pregnancy related disability, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, nationality, disability, or because of genetic information or refusal to submit to or make available the results of a genetic test, or other conditions not related to the duties and responsibilities of the job.
- B. All candidates must have training and/or actual work experience in the vacant position, and an acceptable level of proficiency; and
- A. It shall be the duty of the superintendent to see that persons nominated for employment shall meet all qualifications established by state or federal law, including the completion of a criminal history check and proof of citizenship or eligible alien status.

Residency Requirements

Every employee hired by the board shall have their principal residence with the State of New Jersey. For the purposes of this policy an employee may have only one principal residence which shall be defined as:

- A. Where the employee spends the majority of their nonworking time;
- B. Is most clearly the center of the employee's domestic life; and
- C. The employee's designated legal address and legal residence for voting.

The fact that an employee is either domiciled or owns a home or property in the State of New Jersey shall not by itself satisfy the requirement of principal residence.

Exemptions

- A. An employee hired on or after September 1, 2011 who is not a resident when hired shall receive one year to establish residency in New Jersey. If the employee fails to establish residency within that year, he/she shall be deemed unqualified for employment and shall be removed pursuant to N.J.S.A. 52:14-7(d);

RECRUITMENT, SELECTION AND HIRING (continued)

- B. An existing employee who was not a resident of New Jersey on or prior to September 1, 2011 is exempted from this policy, if he/she has not had a break in public service for a period of time greater than seven days;
- C. An employee hired by the district who was a non-resident public employee prior to September 1, 2011 is exempted from this policy, unless he/she has not had a break in public service for a period of time greater than seven days;
- D. A break in public service shall be defined as an actual separation from employment for more than seven calendar days due to such causes as resignation, retirement, layoff, or disciplinary removal. But a leave of absence shall not be considered a break in public service.
- E. An employee may request an exemption to the State committee formed under N.J.S.A. 52:14-7 on a basis of critical need or hardship. The decision on whether to approve an application of the employee shall be made by a majority vote of this committee. If this committee fails to act within 30 days after receipt of the employee's application, no exemption shall be granted and the residency requirements set forth in this policy shall be in effect.

Reporting of Arrests, Charges and Indictments

All 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 report requirement pertains to both in-state and out-of-state offenses and crimes. 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 report arrests, charges and indictment may result in disciplinary action up to and including termination of employment.

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

Adopted: February 12, 2008
Revised: March 16, 2010
NJSBA Review/Update: October 2015
Readopted:

Key Words

Recruitment, Selection and Hiring; Hiring; Nondiscrimination; Affirmative Action, Background Check. Personnel Background Check, Domestic Partnership Act, Residency Requirements

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:3-15.2 Fraudulently issued, obtained, forged or altered degree or certification; use in connection with business or occupation

RECRUITMENT, SELECTION AND HIRING (continued)

<u>N.J.S.A.</u> 18A:6.5	Inquiry as to religion and religious tests prohibited
<u>N.J.S.A.</u> 18A:6-6	No sex discrimination
<u>N.J.S.A.</u> 18A:6-7.1, -7.5	Criminal history record; employee in regular contact with pupils; grounds for disqualification from employment; exception
<u>N.J.S.A.</u> 18A:6-76.1	Deadline for notification to students of requirements of provisional certificate and induction program
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:13-40	General powers and duties of board of newly created regional districts
<u>N.J.S.A.</u> 18A:16-1	Officers and employees in general
<u>N.J.S.A.</u> 18A:26-1,-1.1,-2	Citizenship of teachers, etc.
<u>N.J.S.A.</u> 18A:27-1 <u>et seq.</u>	Employment and Contracts
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:27-4.1	
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 26:8A-1 <u>et seq.</u>	Domestic Partnership Act
<u>N.J.S.A.</u> 52:14-7	Residency Requirements
<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>	Managing for Equality and Equity in

Education

<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:7-1.4,-1.8	
<u>N.J.A.C.</u> 6A:9B-6.1 <u>et seq.</u>	Types of Certificates
<u>N.J.A.C.</u> 6A:9B-8.1 <u>et seq.</u>	Requirements for Instructional Certification
<u>N.J.A.C.</u> 6A:9B-10.1 <u>et seq.</u>	Exceptions for the Requirements for the Instructional Certification
<u>N.J.A.C.</u> 6A:9B-11.1 <u>et seq.</u>	Requirements for Administrative Certification
<u>N.J.A.C.</u> 6A:10:1.1 <u>et seq.</u>	Educator effectiveness
<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	Employment of teaching staff
<u>N.J.A.C.</u> 6A:32-5.1	Standards for determining seniority

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

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

8 U.S.C.A. 1100 et seq. - Immigration Reform and Control Act of 1986

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

RECRUITMENT, SELECTION AND HIRING (continued)

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

Old Bridge Education Association v. Old Bridge Township Bd. Of Ed., 1986 S.L.D. 1917

Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1547 (3d Cir. 1996)

The Comprehensive Equity Plan, New Jersey Department of Education

<u>Possible</u>			
<u>Cross References:</u>	2130	Administrative Staff	
	*2131	Superintendent	
	4000	Concepts and roles in personnel	
	*4111.1/4211.1		
Nondiscrimination/affirmative action			
	*4112.2	Certification	
	*4112.4/4212.4		Employee
health			
	*4112.5/4212.5		Criminal
history check			
	*4112.6/4212.6		Personnel
records			
	*4112.8/4212.8		Nepotism
	*4121	Substitute teachers	
	*4222	Noninstructional aides	
	*5120	Assessment of individual needs	
	*6010	Goals and objectives	

*Indicates policy is included in the Critical Policy Reference Manual

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 5111

ADMISSION

Eligibility

The Roselle Park Board of Education shall admit to its schools free of charge the following persons over five and under 20 years of age:

- A. Any student domiciled within the district;
- B. Any student kept in the home of a person other than the student's parent/guardian, where the person is domiciled in the school district and is supporting the student without remuneration as if the student were his/her own child;
- C. Any student kept in the home of a person domiciled in the district, other than the parent/guardian, where the parent/guardian is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency;
- D. Any student whose parent/guardian temporarily resides within the district, notwithstanding the existence of a domicile elsewhere;
- E. Any student whose parent/guardian moves to another district as the result of being homeless, subject to the provisions of administrative code;
- F. Any student placed in the home of a district resident by court order pursuant to statute;
- G. Any student previously residing in the district if the parent/guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency pursuant to statute; and
- H. Any student residing on federal property within the state pursuant to statute.

Proof of Eligibility

The board shall accept any of the forms of documentation that are listed in the administrative code when they are presented by persons attempting to demonstrate a student's eligibility for enrollment in the district. The Board shall consider the totality of information and documentation offered by an applicant and may accept other forms of documentation or information presented by a person seeking to enroll a student.

ADMISSION (continued)

The Board shall not require or request any information or document protected from disclosure by law or pertaining to criteria that are not legitimate bases for determining eligibility to attend school.

Kindergarten

Any child residing in the district shall be admitted to the kindergarten provided:

- A. The child will have attained the age of five years on or before **October 1** of that school year;
- B. Proof shall be furnished of immunization against the communicable diseases at the time of enrollment or such immunization shall be completed within 30 days from date of entry into the school;
- C. The child shall have been examined by either the school or a private physician, and the results shall be furnished to the school on the form provided.

Grade One

Any child residing in the district shall be admitted to grade one provided:

- A. The child will have attained the age of six years on or before **October 1** of that school year;
- B. He/she has been in the first grade in another public school;
- C. Proof has been furnished of immunization against communicable diseases.

Transfers Into Grades Two through 12

Pupils transferring into the district are expected to present copies of records from the previously attended school (or district) to aid in placement. Also required are proof of immunizations and proof of identity.

Within the time prescribed by law, the superintendent shall request in writing from the school or district of previous attendance, the pupil's records.

Initial placement shall be made on the basis of the records, but adjustment may be made at the discretion of the administration when the state-mandated assessment indicates that such adjustments would be beneficial to the child. Parents/guardians shall be informed of this policy on registration.

Joint Custody

When divorced parents/guardians have joint custody of (a) minor child(ren), admission shall be based on the present address of the parent/guardian with whom the child(ren) resided as of the date required by administrative code.

ADMISSION (continued)Affidavit Pupils

When there is any doubt as to whether a child is entitled to free public education in the school district, all procedures of law and code shall be followed.

Nonresidents

The district is obliged to educate children of appropriate age residing in the district. The mere owning of any property whatsoever, does not qualify a parent/guardian to send children to school in this school district. See policy 5118 Nonresidents.

Students Returning from County Detention

The district shall accept all days of attendance and courses studied by a student at a county juvenile detention center and apply them toward district requirements for elementary, middle or high school graduation.

Homeless Pupils

The district will determine the educational placement of homeless students in each child's best interest and respond to appeals concerning them made by parents/guardians or other parties in accordance with New Jersey statutes and administrative code, as well as, pertinent federal law.

Adopted: March 16, 2010

NJSBA Review/Update: September 27, 2015

Readopted:

Key Words

Admission, Resident, Pupil Records, Affidavit Pupil, Homeless Pupil, Student Records, Affidavit Student, Homeless Student

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:7B-12	District of residence; determination
	<u>N.J.S.A.</u> 18A:7B-12.1	Homeless child; responsibility for education; determination of placement; payment of costs
	<u>N.J.S.A.</u> 18A:7C	High School Graduation Standards
	<u>N.J.S.A.</u> 18A:7C-12	Juvenile detention centers, transfer of credit
	<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and identification
	<u>N.J.S.A.</u> 18A:36-25.1	Proof of child's identity required for enrollment; transfer of record between districts
	<u>N.J.S.A.</u> 18A:38-1	Attendance at school free of charge

ADMISSION (continued)

<u>N.J.S.A.</u> 18A:38-2	Free attendance at school by nonresidents placed in district under court order
<u>N.J.S.A.</u> 18A:38-3	Attendance at school by nonresidents
<u>N.J.S.A.</u> 18A:38-4	Free attendance to persons over age
<u>N.J.S.A.</u> 18A:38-5	Admission of pupils under age
<u>N.J.S.A.</u> 18A:38-5.1	No child to be excluded from school because of race, etc.
<u>N.J.S.A.</u> 18A:38-6	Time of admission of pupils; first school year
<u>N.J.S.A.</u> 18A:38-7.7	Legislative findings and declarations
<u>N.J.S.A.</u> 18A:38-8	Duty to receive pupils from other districts
<u>N.J.S.A.</u> 18A:38-25	Attendance required of children between six and 16; exceptions
<u>N.J.S.A.</u> 18A:40-20	Immunization at public expense
<u>N.J.S.A.</u> 18A:44-1	Establishment of nursery schools or departments; eligibility for admission
<u>N.J.S.A.</u> 18A:44-2	Establishment of kindergarten; eligibility for admission
<u>N.J.S.A.</u> 26:1A-9.1	Exemption of pupils from mandatory immunization
<u>N.J.S.A.</u> 26:4-6	Prohibiting attendance of teachers or pupils
<u>N.J.A.C.</u> 6A:12-3.1	Choice district application procedures
<u>N.J.A.C.</u> 6A:14-1.1 et seq.	Special Education
<u>N.J.A.C.</u> 6A:16-2.2	Required health services
<u>N.J.A.C.</u> 6A:16-2.4	Required student health records
<u>N.J.A.C.</u> 6A:17-1.1 et seq.	Students at Risk of Not Receiving a Public Education
<u>N.J.A.C.</u> 6A:22-1.1 et seq.	Entitlement to Attend School Based on Domicile
See particularly:	Student Residency
<u>N.J.A.C.</u> 6A:22-3.1, 3.2, 3.3, 3.4	
<u>N.J.A.C.</u> 6A:23A-19.2-19.3	Method of determining the district of residence
<u>N.J.A.C.</u> 6A:32-8.2	School enrollment
<u>N.J.A.C.</u> 8:57	Communicable diseases
See particularly:	
<u>N.J.A.C.</u> 8:57-2	
<u>N.J.A.C.</u> 8:61-1.1	Attendance at school by pupils or adults infected by Human Immuno-Deficiency Virus (HIV)

ADMISSION (continued)

Tepper v. Board of Education of the Township Hackensack, Bergen County, 1971 S.L.D. 549

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

Plyler v. Doe, 457 U.S. 202 (1982)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

J.A. v. Board of Education of South Orange/Maplewood, 318 N.J. Super. 512 (App.Div.1999)

Possible**Cross References:**

3240	Tuition income
*5118	Nonresidents
5119	Transfers
*5120	Assessment of individual needs
*5141	Health
*5141.2	Illness
*5141.3	Health examinations and immunizations
6142.5	Travel and exchange programs
*6164.4	Child study team
*6171.4	Special education
6174	Summer school
6178	Early childhood education/preschool

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

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 5113

ATTENDANCE, ABSENCES, AND EXCUSES

The Roselle Park Board of Education believes that the regular attendance of students in each class and in school in general is critical to its educational mission. The district shall endeavor to achieve the ninety percent (90%) attendance rate required by the New Jersey Quality Single Accountability Continuum (NJQSAC). Continuity of instruction is an essential element in student performance and allows students the greatest opportunity to succeed at meeting the state learning standards in the Core Curriculum Content Standards. The superintendent shall oversee the development of effective strategies that maximize student attendance at all scheduled periods of actual instruction or supervised study activities and strive to:

- A. Encourage good attendance;
- B. Discourage unexcused absences;
- C. Identify patterns of absence, tardiness and early departures from school; and
- D. Intervene to prevent and correct problems with attendance.

Attendance

A day in session for purposes of attendances shall be a day on which the school is open and students are under the guidance and direction of a teacher engaged in the teaching process. Days on which school is closed for such reasons as holidays, teachers' institutes and inclement weather shall not be considered as days in session.

A school day shall consist of not less than four hours of actual instruction. One continuous session of two and one-half hours may be considered a full day in kindergarten.

A day of attendance shall be one in which a student is present for the full day under the guidance and direction of a teacher while school is in session. Where there are two sessions in a day due to overcrowding, either session of four hours or more, exclusive of lunch or recess, shall be equivalent of a full day's attendance.

A student shall be recorded as absent in the school register when not in attendance at a session, except students excused due to religious holidays who shall be recorded as excused. An excused absence for any reason other than due to religious holidays shall not be counted as a day of attendance in the school register.

The mere presence of a student at roll call shall not be regarded as sufficient attendance for compliance with law (N.J.A.C. 6A:32-8.3 – School Attendance). In a school which is in session during both the forenoon and the afternoon, a student shall be present at least one hour during both the forenoon and the afternoon in order to be recorded as present for the full day. In a school which is in session during either the forenoon or the afternoon, a student shall be present at least two hours in the session in order to be recorded as present for the full day.

ATTENDANCE, ABSENCES AND EXCUSES (continued)

A student not present in school because of his or her participation in an approved school activity, such as a field trip, meeting, cooperative education assignment, or athletic competition will be considered to be in attendance.

Excused and Unexcused Absence

An absence shall be considered an "excused absence" for the purpose of determining promotion, retention, truancy, grades, course credit, eligibility to make up missed assignments and tests for full credit, and violations of the school code of conduct for attendance, for the following reasons:

- A. The student's illness;
1. Requirements of a student's individual health care plan;
 2. A death or critical illness in the student's immediate family, or others with permission of principal;
 3. Quarantine;
 4. Observance of the student's religion on a day approved for that purpose by the State Board of Education;
 5. The student's suspension from school;
 6. Requirements of the student's Individualized Education Program (IEP);
 7. Alternate short or long term accommodations for students with disabilities;
 8. The student's required attendance in court;
 9. Interviews with an admissions officer of an educational institution;
 10. Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day;
 11. Such good cause as may be acceptable to the principal.

Attendance need not always be within the school facilities. A pupil will be considered to be in attendance if he/she is present at any place where school is in session by authority of the board. The board shall consider each pupil assigned to a program of independent study, with parent/guardian permission, to be in regular attendance for that program, provided that he/she is under the guidance of a staff member so assigned, reports daily or weekly, as prescribed, to such staff member the place in which he/she is conducting his/her study, and regularly demonstrates progress toward the objectives of his/her course of study.

B. An "unexcused absence" is a student's absence for all or part of a school day for any reason other than those listed as excused absences in "A" above. An excused absence may be counted toward retention, truancy, loss of course credit, ineligibility to make up missed assignments and tests for full credit, and violations of the school code of conduct for attendance. Absence is expressly not excused for any of the following reasons (this list is intended to be illustrative and is not inclusive):

1. Family travel;
2. Performance of household or babysitting duties;
3. Other daytime activities unrelated to the school program.

ATTENDANCE, ABSENCES AND EXCUSES (continued)

- C. "Truancy" is a student's absence from all or a part of the school day without the knowledge of the student's parent. A student between the ages of six and sixteen will also be considered truant if he or she:
1. Has accumulated unexcused absences of 10 or more;
 2. Leaves school without permission when school is still in session;
 3. Leaves class because of illness and does not report to the school nurse as directed; or
 4. Being present in school but is absent from class without approval. Such absence from class is a "class cut."

Tardiness

The orderly conduct of class activity depends upon the prompt and precise beginning of the program. Tardiness hinders the proper conduct of school activity. Students are expected to arrive to school and class on time. A student who is tardy to any class will be subject to disciplinary action as outlined in board policy 5131 Conduct and Discipline and the student code of conduct. Consequences for accumulated occurrences of tardiness may include detention, loss of credit and an unexcused school day absence.

Attendance

In order for the board of education to fulfill its responsibility for providing a thorough and efficient education for each student, the complete cooperation of parents/guardians and students is required to maintain a high level of school attendance.

The frequent absence of students from classroom learning experiences disrupts the continuity of the instructional process and limits the ability of students to complete the prescribed curriculum requirements successfully. The following rules shall apply for student absences:

- A. A student shall be considered absent from class for tardiness in excess of one half of the total class period.
- B. A student shall be considered absent from school for participation in less than 4 instructional hours during the school day.

A pupil must be in attendance for 164 or more school days in order to be considered to have successfully completed the instructional program requirements of the grade/course to which he/she is assigned. A semester course requires 82 days and a marking period course requires 41 days.

A waiver of these attendance requirements may be granted for good cause by the school principal upon recommendation of a review committee, appointed by him/her, and consisting of representative staff, including pupil service personnel and classroom teachers.

ATTENDANCE, ABSENCES AND EXCUSES (continued)

In recommending the granting of a waiver of this attendance requirement, the review committee shall consider the nature and causes of all absences. Documentation of the nature and causes of these absences shall be the responsibility of the pupil and parent/guardian. The absence of documented parent/guardian notes, doctor's notes, and other records that verify that an absence was excused according to board policy, shall be considered unexcused. Unexcused absences shall count toward truancy and may be subject to loss of grade or course credit toward promotion or graduation and disciplinary actions according to the code of student conduct. Notes from parents/guardians shall be considered but the district may require additional documentation such as a doctor's notes or other official records to verify the note.

Parents/guardians are responsible for notifying the school early in the day when a child will be absent and for informing the school in writing of the reason for the absence.

Procedures for Unexcused Absences

When a student fails to report to class or school **accumulating up to four unexcused absences**, the district shall:

- A. Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence prior to the start of the following school day;
- B. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents;
- C. Identify in consultation with the student's parents needed action designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance.
- D. Follow all procedures according to law and board policy 5142 Safety and 5141.4 Child Abuse and Neglect if a potential missing or abused child situation is detected;
- E. Cooperate with law enforcement and other authorities and agencies, as appropriate.

If contact through these means is unsuccessful the district may follow-up with another attempt to contact the parents/guardians or send a letter reporting the unexcused absence and requesting the parent/guardian to contact the school.

Procedures for Persistent Absences

If a pattern of unexcused absences continues and five to nine unexcused absences are accumulated the district shall:

- A. Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence prior to the start of the following school day;
- B.

ATTENDANCE, ABSENCES AND EXCUSES (continued)

- C. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents to address patterns of unexcused absences previously;
- D. Evaluate the appropriateness of action taken as identify in consultation with the student's parents;
- E. Develop an action plan to establish outcomes based upon the student's patterns of unexcused absence and to specify the interventions for supporting the student's return to school and regular attendance, which may include any or all of the following:
 - 1. Referral or consult with the building's intervention and referral services team;
 - 2. Conduct testing, assessments or evaluations of the student's academic, behavioral and health needs;
 - 3. Consider an alternate educational placement;
 - 4. Make a referral to or coordinate with a community-based social and health provider agency or other community resource;
 - 5. Refer to the court or a court program as follows:
 - a. When the unexcused absences are determined to be violations of the compulsory education law and board policy;
 - b. When there is evidence of a juvenile-family crisis the student may be referred to Superior Court, Chancery Division, Family Part." Juvenile-family crisis" pursuant to N.J.S.A. 2A:4A-22(g) means behavior, conduct or a condition of a juvenile, parent or other family member which presents or results in a threat to wellbeing and safety of the juvenile, serious conflict regarding the juvenile's conduct, unauthorized absence from home, pattern of unauthorized absence from school, or human trafficking;
 - 6. The implementation of all required procedures for potential abuse, neglect or missing child including cooperation with law enforcement and other authorities and agencies, as appropriate;
 - 7. Engage the student's family.

Discipline

All discipline regarding the attendance of students shall be consistent with the board policy 5131 Conduct and Discipline and the code of student conduct. Consequences for absences may include:

- A. Students may be denied participation in co-curricular activities if their attendance fails to meet the standards set forth herein;

ATTENDANCE, ABSENCES AND EXCUSES (continued)

- B. Students may be denied participation in athletic competition if their attendance fails to meet the standards set forth herein;
- C. Loss of partial or total course credit;
- D. Detention or suspension.

No student who is absent from school for observance of a religious holiday or other excused absence shall be disciplined and/or deprived of any award or of eligibility for or opportunity to compete for any award because of the absence.

Students, parents and guardians shall be notified of disciplinary actions for attendance including loss of credit and may appeal this determination through the procedure as set forth in board policy 5145.6 Student Grievance Procedure.

Truancy

For cumulative unexcused absences of 10 or more, the student between the ages of six and 16 is truant, pursuant to law. The district shall:

- A. Make a determination regarding the need for a court referral for the truancy;
- B. Make a reasonable attempt to notify the student's parents of the mandatory referral;
- C. Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;
- D. Cooperate with law enforcement and other authorities and agencies, as appropriate;
- E. Follow all procedures required by N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School and other applicable state and federal statutes.
 1. An attendance officer who finds a truant child, shall take the child and deliver him/her to the parent/guardian or other person having charge and control of the child, or to the teacher of the school which such child is lawfully required to attend'
 2. The attendance officer shall examine into all violations and shall warn the child, the parent/guardian or other person having charge and control of the child of the consequences of the violation if persisted in;
 3. The attendance officer shall notify the parent/guardian or other person having charge and control of the child in writing, to cause the child to attend school within five days from the date on which notice is served, and regularly thereafter;
 4. The attendance officer shall have full police power to enforce the provisions of this article and may arrest without warrant any vagrant child or habitual truant or any child who is habitually incorrigible or who is vicious or immoral in conduct or illegally absent from school;
 5. The sheriff and his officers and all police officers and constables shall assist the attendance officer in the performance of their duties;

ATTENDANCE, ABSENCES AND EXCUSES (continued)

6. A parent, guardian or other person having charge and control of a child between the ages of 6 and 16 years, who shall fail to comply with any of the provisions of this article relating to his duties, shall be deemed to be disorderly person and shall be subject to a fine of not more than \$25.00 for a first offense and not more than \$10.00 for each subsequent offense, in the discretion of the court. In any such proceeding, the summons issuing therein, or in special circumstances a warrant, shall be directed to the alleged disorderly person and the child.

Unexcused Absences for Students in Special Education

The attendance guidelines, discipline and remedial measures set forth in this policy shall apply to classified students where appropriate and in accordance with the student's:

- A. Individualized Education Program (IEP);
- B. The Individuals with Disabilities Act (IDEA)
- C. Procedural protections set forth in N.J.A.C. 6A:14;
- D. Alternate short or long term accommodations for students with disabilities as required by law;
- E. Requirements of a student's individual health care plan and individualized emergency healthcare.

District Sending and Receiving Relationships

The receiving school shall report attendance problems to the sending district responsible for the student. Following five or more cumulative unexcused absences school officials from the sending district shall proceed in accordance with the sending district's board attendance policy and procedure.

Regular Release of Pupils Before the End of the Normal School Day

There are varying situations which may justify release of certain pupils from school before the normal time for closing. Such situations are justifiable only if the release does not jeopardize the pupil's educational program and the reasons for such release can be shown to have positive benefits for the pupil.

Late Arrival and Early Dismissal

The board recognizes that from time to time compelling circumstances will require that a pupil be late to school or dismissed before the end of the school day.

As agent responsible for the education of the children of this district, the board shall require that the school be notified in advance of such absences by written request of the pupil's parent/guardian, which shall state the reason for the tardiness or early dismissal. Justifiable reasons may include:

- A. Medical or dental appointments which cannot be scheduled outside of school hours;
- B. Requirements of a student's individual health care plan and individualized emergency healthcare plan;

ATTENDANCE, ABSENCES AND EXCUSES (continued)

- C. Requirements of the student's Individualized Education Program (IEP);
- D. Alternate short or long term accommodations for students with disabilities;
- E. Medical disability;
- F. Motor vehicle driver's test;
- G. Interview for college entrance or employment;
- H. Family emergency;
- I. Court appearance;
- J. Such good cause as may be acceptable to the administration.

No pupil in grades kindergarten through eight shall be permitted to leave the school before the close of the school day unless he/she is met in the school office by his/her parent/guardian or a person authorized by the parent/guardian to act in his/her behalf.

Tardiness not covered by the causes listed shall be cumulative, and may affect course credit.

Legal Custody

A record shall be kept indicating the legal custodian of each pupil. Such custodian shall be responsible for informing the board of any change in the pupil's custodian. The principal may take such steps as seem necessary to ensure that the child is released only to the proper legal custodian.

Potentially Missing Children

- A. If daily attendance records indicate a child is absent, and the parent/guardian has not called, a designated person shall attempt to contact the parent/guardian;
- B. If no telephone contact can be made, the attendance officer shall investigate;
- C. If the attendance officer cannot locate the child, he/she shall inform the principal, who shall inform the appropriate local authorities;
- D. If a child who was present in the morning is absent after lunch, the same procedure shall be followed.

ATTENDANCE, ABSENCES AND EXCUSES (continued)Marking Missing Child's School Record

Whenever the superintendent receives notice from the Missing Persons Unit that a child has been reported missing, he/she shall mark the child's records in such a way that whenever a copy of or information regarding the record is requested, district personnel will be aware that the record is that of a missing child. If a copy of a marked school record is requested, the superintendent shall supply the record to the requestor without alerting him/her to the fact that the record has been marked, according to provisions in code and statute on accessing pupil records (see policy 5125 Pupil Records). After the superintendent has complied with the request for copies of records or information, he/she shall immediately report the inquiry or any knowledge as to the whereabouts of the missing child to the Missing Persons Unit.

Regulations

The superintendent shall develop procedures for the attendance of pupils which:

- A. The expectations and consequences regarding students' timely arrival of students to school and classes;
- B. The expectations and consequences regarding attendance at school and classes;
- C. A definition of unexcused absence that counts toward truancy that is consistent with the definition of a school day;
- D. School staff responses for unexcused absences for:
 1. Cumulative absences up to four;
 2. Cumulative absences
 3. Cumulative unexcused absences of ten or more; and
 4. Referral to court.

Dissemination and Implementation

The superintendent shall take all necessary steps to publicize this policy and may include these rules in district handbooks and/or on the district website. Parents/guardians and students shall be notified annually of the attendance policy.

The superintendent shall ensure that the rules for this policy are applied consistently and uniformly, and that all disciplinary sanctions are carried out with necessary due process.

The board shall review the attendance policy on a regular basis.

Adopted: August 1, 2006

Revised: March 16, 2010

Revised: November 2, 2010

NJSBA Review/Updated: September 27, 2015

Readopted:

Key Words

Pupil Attendance, Attendance, Absences and Excuses, Student Attendance

ATTENDANCE, ABSENCES AND EXCUSES (continued)

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:35-4.9	Pupil promotion and remediation; policies and procedures
	<u>N.J.S.A.</u> 18A:36-14,-15,-16	Religious holidays; absence of pupils on; effect
	<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and identification
	<u>N.J.S.A.</u> 18A:36-24 through -26	Missing children; legislative findings and declarations
	<u>N.J.S.A.</u> 18A:38-25	Attendance required of children between six and 16; exceptions
	<u>N.J.S.A.</u> 18A:38-26	Days when attendance required; exceptions
	<u>N.J.S.A.</u> 18A:38-27	Truancy and juvenile delinquency defined
	<u>N.J.S.A.</u> 18A:38-31	Violations of article by parents or guardians; penalties
	<u>N.J.S.A.</u> 18A:38-32	District and county vocational school attendance officers
	<u>N.J.S.A.</u> 18A:40-7	Exclusion of pupils who are ill
	<u>N.J.S.A.</u> 18A:40-8	Exclusion of pupils whose presence is detrimental to health and cleanliness
	<u>N.J.S.A.</u> 18A:40-9	Failure of parent to remove cause for exclusion; penalty
	<u>N.J.S.A.</u> 18A:40-10	Exclusion of teachers and pupils exposed to disease
	<u>N.J.S.A.</u> 18A:40-11	Exclusion of pupils having communicable tuberculosis
	<u>N.J.S.A.</u> 18A:40-12	Closing schools during epidemic
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 52:17B-9.8a	
	Through -9.8c	Marking of missing child's record
	<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
	<u>N.J.A.C.</u> 6A:16-1 <u>et seq.</u>	Programs to support student development
	<u>See particular:</u>	
	<u>N.J.A.C.</u> 6A:16-7.6	Attendance
	<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:32-8.1 <u>et seq.</u>	Student Attendance and Accounting
	<u>N.J.A.C.</u> 6A:32-8.3	Student Attendance
	<u>N.J.A.C.</u> 8:61-2.1	Attendance at school by students or adults with HIV

ATTENDANCE, ABSENCES AND EXCUSES (continued)

Infection

Wetherell v. Board of Education of Township of Burlington, 1978 S.L.D. 792 (Board may impose penalties for unjustifiable tardiness, improper absences from classes, truancy, and other unexcused absences)

Wheatley v. Board of Education of City of Burlington, 1974 S.L.D. 851 (Board may adopt policy to deny students course credit after a student was late or absent a specified number of times.)

C.R. on behalf of J.R. v. Board of Education of the Scotch Plains-Fanwood Regional School District, 1988 S.L.D. (June 22) (board acted unreasonably in applying its attendance policy to student with excessive absences due to chronic medical illness)

Student Attendance Policies and Procedures Compliance Checklist, New Jersey Department of Education
www.nj.gov/education/students/safety/behavior/attendance/checklist.pdf

2014-2015 List of Religious Holidays Permitting Pupil Absence From School
<http://www.state.nj.us/education/genfo/holidays1415.htm>

Jerkins v. Anderson, 191, N.J. (2007)

Possible

<u>Cross Reference:</u>	*5020	Role of parents/guardians
	*5111	Admission
	*5114	Suspension and expulsion
	*5124	Reporting to parents/guardians
	*5125	Pupil records
	*5141.2	Illness
	*5141.4	Child abuse and neglect
	*5142	Pupil safety
	*6146	Graduation requirements
	*6146.2	Promotion/retention
	*6147	Standards of proficiency
	*6147.1	Evaluation of individual student performance
	*6154	Homework/makeup work
	*6171.4	Special education
	*6173	Home instruction

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

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 5114

SUSPENSION AND EXPULSION

While the Roselle Park Board of Education believes that positive approaches to acceptable behavior are usually more effective, it is sometimes necessary to penalize pupils for violations of school regulations to ensure the good order of the school and to teach pupils the consequences of disruptive behavior.

Pupils who indulge in disruptive behavior may be suspended or expelled, Disruptive behavior includes, but is not limited to:

- A. Continued and willful disobedience;
- B. Open defiance of the authority of any teacher or person having authority over a pupil;
- C. Actions that constitute a continuing danger to the physical well-being of other pupils;
- D. Physical assault upon another pupil, a teacher, or any school employee with or without a firearm or other weapon;
- E. Taking, or attempting to take, personal property or money from another pupil whether by force or fear;
- F. Willfully causing, or attempting to cause, substantial damage to school property;
- G. Taking part in any unauthorized occupancy of a district facility and refusing to leave promptly when directed to do so by a person in authority;
- H. Inciting others to take part in an unauthorized occupancy;
- I. Inciting other pupils to truancy;
- J. Truancy and class cutting; leaving school property without permission;
- K. Poor attendance and lateness;
- L. Use or possession of unsafe or illegal articles;
- M. Use of any tobacco product n school property;
- N. Use, possession or sale of a controlled dangerous substance, drug paraphernalia, anabolic steroids or alcohol;
- O. Use of profanity or abusive language;

SUSPENSION AND EXPULSION (continued)

P. Turning in a false alarm;

Q. Tampering with or damaging property of other pupils or staff members;

R. Selling or buying lottery tickets or any other gambling paraphernalia on school property;

S. Harassment, intimidation and bullying;

Any pupil who commits an assault, (as defined by N.J.S.A. 2C:12-1), with or without a weapon upon board member, teacher, administrator, or other employee of the Board of Education shall be suspended from school immediately according to procedural due process, and suspension or expulsion proceedings shall begin no later than 30 calendar days from the date of the pupil's suspension.

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found in possession of a firearm on any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period less than one 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. The hearing shall take place no later than 30 days following the day the pupil is removed from the regular education program and shall be closed to the public.

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

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

In-school Suspension

The Board directs the administration to arrange facilities for in-school suspension whenever possible. Pupils will be required to occupy themselves with school-related work during such suspensions. No socializing shall be permitted. Pupils shall be counted as present in school but absent (excused) from individual classes.

General

Pupils on home suspension shall be counted absent (excused) unless the duration of the suspension requires home instruction.

Except where special considerations warrant (at the discretion of the administration), every pupil will be given a written warning in the form of a disciplinary notice that subsequent violation of school regulations may result in his/her exclusion or suspension.

SUSPENSION AND EXPULSION (continued)

Pupils under suspension are prohibited from participating in or attending any school-regulated activity during the period of their suspension. They may not enter the school buildings or grounds of this district without permission of the superintendent. Any pupil under suspension who enters the school buildings or grounds without permission of the superintendent may have the period of his/her suspension extended. The right to continue the suspension or to expel is reserved to the Board, acting upon the recommendation of the administration.

Serious violations of school regulations which create a dangerous or unsafe condition for other pupils shall cause a pupil to be suspended upon the first offense.

Making up Missed Work

Pupils who are under suspension will be required to make up all assignments missed during the period of their suspension and will be given adequate opportunity to make up this work.

Upon their remission, failure to complete the makeup assignments will result in a meeting with the parents/guardians. The superintendent will notify parents/guardians by telephone and send a letter regarding the telephone conversation immediately.

Procedures

The administration shall establish, and the Board shall approve, specific procedures for dealing with suspension cases. Regulations ensuring due process to all pupils before a suspension is imposed shall be developed with the advice of the board attorney and shall include at least:

- A. Informing the pupil of the charges against him/her;
- B. Giving the pupil a chance to reply to them.

These regulations shall also include safeguards for the dismissal of pupils suspended from school, procedures for calling an immediate conference with parents/ guardians, limitations on the length of suspensions, and specifics for the reinstatement of pupils.

Every effort shall be made to adjust each suspension promptly so that the pupil can be returned to school with a minimum loss of school time and school work.

When the superintendent imposes a suspension, he/she must report it to the Board. No suspension for reasons other than assault upon a teacher, administrator, board member or other board employee may continue beyond the second regular meeting of the Board following the suspension without Board action. No suspension for assault upon a teacher, administrator, board member or other teacher, administrator, board member or other may be continued beyond 30 days without Board action. A suspended pupil may be reinstated by the superintendent before Board action.

SUSPENSION AND EXPULSION (continued)

Each pupil shall be afforded an informal hearing before the suspension or, if circumstances prohibit, as soon as possible after the suspension except that, when extraordinary circumstances involving the health and safety of the pupil or others in the school require immediate exclusion, the hearing may be delayed to such time as circumstances permits. Pupils suspended for a period of time longer than a short-term suspension shall be afforded a formal hearing before the Board which shall take place not later than the second regular meeting of the Board following the suspension. If the offenses involves a weapon or assault with or without the weapon (as described above), the hearing shall take place not later than 30 days after suspension occurs.

The board shall make a decision within five days of the closing of the hearing. Any appeal of the Board's decision shall be made to the Commissioner of Education within 90 days of the Board's decision.

The Board requires that such hearings shall be closed to the public, but should all parties thereto agree, the hearing may be publicly held. Each suspended pupil who has requested a formal hearing shall be restored to regular educational program pending the outcome of the hearing, except when, in the opinion of the superintendent, the presence of the pupil in school poses such a danger to himself/herself or others as to warrant continued absence.

Each such pupil suspended from the schools of this district shall receive individual instruction commencing not later than five working days after the suspension occurs, except that the Board may, on the recommendation of the superintendent, assign the pupil to an alternate educational program to meet his/her particular needs (policy 6172 Alternative Education).

Expulsion

The Board will consider expulsion only if:

- A. The superintendent with his/her staff have exhausted all means of bringing about a correction of repeated misconduct; or
- B. The nature of a single act presents such a clear possibility of danger to others that immediate definitive action is indicated.

The parents/guardians of the pupil shall be interviewed, if possible, and advised of the reasons why expulsion is being considered, of the rights of the pupil to a full hearing which will afford him/her procedural due process, and the right of parents/guardians to appeal to the superintendent.

The child shall remain out of school until either:

- A. An appeal made to the superintendent is decided in the child's favor; or
- B. The appeal (if made) has been denied and the Board has met to hear the superintendent's recommendation.

SUSPENSION AND EXPULSION (continued)

If the Board determines that the charges, if true, may warrant expulsion, the board will set a date for the hearing. The board attorney will arrange for the giving of legal notice to all parties concerned for the preparation and presentation of evidence in support of the charges at the hearing.

The pupil must receive:

- A. Notification of the charges against him/her;
- B. The names of the adverse witnesses;
- C. Copies of the statements and affidavits of those adverse witnesses;
- D. The opportunity to be heard in his/her own defense;
- E. The opportunity to present witnesses and evidence in his/her own defense;
- F. The opportunity to cross-examine adverse witnesses; and
- G. The opportunity to be represented by counsel.

Juvenile authorities and law enforcement agencies shall be notified or consulted if necessary.

If a pupil younger than 18 years of age is expelled, the Board shall continue to supply an educational program for him/her.

Implementation

The superintendent shall develop detailed written procedures to implement this policy. He/she shall ensure uniform and consistent application of the policy and shall report to the Board as required on its effectiveness.

When an alternative educational program is provided for a pupil identified as disruptive but not disabled, the superintendent shall inform the Board.

Adopted: February 6, 2007
Revised: March 16, 2010
NJSBA Review/Update: September 27, 2015
Readopted:

Key Words

Suspension, Expulsion, Pupil Suspension/Expulsion

SUSPENSION AND EXPULSION (continued)

Legal References:	<u>N.J.S.A. 2C:12-1</u>	Definition of assault
	<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
	<u>N.J.S.A. 18A:37-1 et seq.</u>	Discipline of pupils
	See particularly:	
	<u>N.J.S.A. 18A:37-2.1</u>	
	through -2.5,	
	18A:37-7 through -12	
	<u>N.J.S.A. 18A:40A-1 et seq.</u>	Substance abuse
	See particularly:	
	<u>N.J.S.A. 18A:40A-9, -10, -11, -12</u>	
	<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
	<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to Support Student Development
	See particularly:	
	<u>N.J.A.C. 6A:16-1.3, -4.3, -5.1, -5.5, -5.6, -5.7, 7.1</u>	
	<u>N.J.A.C. 6A:16-7.2</u>	Short-term suspension
	<u>N.J.A.C. 6A:16-7.3</u>	Long-term suspension
	<u>N.J.A.C. 6A:16-7.4</u>	Expulsion
	<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:32-2.1</u>	Definitions
	20 <u>U.S.C.A. 1400 et seq.</u> - Section 504 of the <u>Rehabilitation Act of 1973</u>	
	P.L. 103-382, <u>Improving America's Schools Act of 1994</u>	
	<u>Goss v. Lopez</u> , 419 U.S. 565, 581 (1975)	
	<u>Tibbs v. Franklin Township Board of Education</u> , 114 N.J. Super. 287 (App. Div.) aff'd 59 NJ 506 (1971)	
	<u>R.R. v. Shore Reg. Board of Education</u> , 109 N.J. Super. 337 (Ch. Div. 1970)	
	<u>H.A. v. Board of Education Warren Hills Regional</u> , 1976 S.L.D. 336	
	82: July 28, <u>C.F. v. Board of Education of the Upper Freehold Regional School District</u>	
	<u>Honig v. Doe</u> , 484 U.S. 305 (1988)	
	<u>Somerset County Educational Services Commission v. North Plainfield Board of Education</u> 1999 S.L.D. September 7	

SUSPENSION AND EXPULSION (continued)

State in re G.S. 330 N.J. Super. 383 (Ch. Div. 2000)

P.L. 2010, c. 122 amended N.J.S.A. 18A:37-2 to include harassment, intimidation or bullying as a good cause for suspension or expulsion.

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

Manual for the Evaluation of Local School Districts

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions)

Possible

Cross References:

- *5113 Absences and excuses
- *5124 Reporting to parents/guardians
- *5131 Conduct/discipline
- *5131.1 Harassment, intimidation and bullying
- *5131.5 Vandalism/violence
- *5131.6 Drugs, alcohol, tobacco (substance abuse)
- *5131.7 Weapons and dangerous instruments
- *6154 Homework/makeup work
- *6164.2 Guidance services
- *6164.4 Child study team
- *6171.4 Special education
- *6172 Alternative educational programs
- *6173 Home instruction

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

POLICY

Roselle Park Board of Education
Roselle Park, New Jersey

File Code: 5131

CONDUCT/DISCIPLINE

The Roselle Park Board believes that an effective instructional program requires an orderly school environment and that the effectiveness of the educational program is, in part, reflected in the behavior of students.

The Board of Education 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. Students are required to conform to reasonable standards of socially acceptable behavior; respect the person; property and rights of others; obey constituted authority and respond to those who hold that authority.

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

Board policy requires each student of this district to adhere to the rules and regulations established by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. The superintendent shall provide to students and their parents/guardians the rules of this district regarding student conduct and the sanctions that may be imposed for breach of those rules. Provisions shall be made for informing parents/guardians whose primary language is other than English.

The superintendent shall establish the degree of order necessary to the educational program in which students are engaged.

Code of Conduct

The superintendent shall oversee the development of and the Board shall approve a 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 code of conduct shall be based on parent/guardian, student and community involvement, and locally determined core ethical values. 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.

CONDUCT/DISCIPLINE (continued)

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 shall direct development of detailed regulations suited to the age level of the students and the physical facilities of the individual schools.

The district code of conduct shall contain:

- C. A description of student responsibilities that includes expectations for academic achievement, behavior and attendance;
- D. A description of behaviors that will result in suspension or expulsion;
- E. A description of the student's rights to:
 1. Advanced notice of behaviors that will result in suspensions or expulsions;
 2. Education that supports student development into productive citizens;
 3. Attendance in safe and secure school environment;
 4. Attendance in school irrespective of marriage, pregnancy or parenthood;
 5. Due process and appeal procedures in accordance with law and board policy;
 6. Parent notifications consistent with board policy and law enforcement interviews (5145.11 Questioning and Apprehension), short-term and long-term suspension (5114 Suspension and Expulsion), due process and appeal procedures, and attendance (5113 Attendance, Absences and Excuses);
 7. Records and privacy protections (5125 Student Records).
- F. A description of behavioral supports that promote positive student development and assist each student in fulfilling the district behavioral expectations established including intervention and referral services, remediation, and intervention and supports services for students with disabilities;
- G. A description of graded responses to violations of the code of conduct that includes remediation, is consistent with law concerning corporal punishment, and is consistent with laws and board policies concerning violence/vandalism (5131.5) and, weapons and dangerous instruments (5131.7);
- H. Cover the board attendance policy (5113) and the harassment, intimidation and bullying policy (5131.1);
- I. Lists community-based health and social service providers, and local legal resources.

Student Behavioral Infractions

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

A student whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be suspended in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.2, N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.4, following due process. However, one incident alone is not sufficient cause for an expulsion.

Any student who commits an assault (as defined by N.J.S.A. 2C:12-1) upon a board member, teacher, administrator or other employee of the Board of Education shall be suspended from school immediately according to procedural due process, and suspension in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.2, N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.4. However, one incident alone is not sufficient cause for an expulsion. Proceedings shall begin no later than 30 calendar days from the date of the pupil's suspension.

Substance Abuse

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

Weapons Offenses

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

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

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

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

CONDUCT/DISCIPLINE (continued)Harassment, Intimidation or Bullying

The Board expects all students to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. This type of behavior interferes with a 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 prohibits acts of harassment, intimidation or bullying against any student in accordance with board policy 5131.1 Harassment, Intimidation and Bullying, and law.

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

- C. A reasonable person should know, under the circumstances, will have the effect of physically or mentally harming a student or damaging the pupil's property, or placing a student in reasonable fear of physical or mental harm to his/her person or damage to his/her property; or
- D. Has the effect of insulting or demeaning any student or group of students; or
- E. Creates a hostile educational environment 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, that takes place on school grounds, at any school-sponsored function or on a school bus.

Students with Disabilities

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

CONDUCT/DISCIPLINE (continued)

Policy and Procedures Development, Review and Dissemination

The standards and procedures developed to implement this policy shall be aligned with the board approved code of student conduct and accepted board approval core ethical values. Policies standards and procedures shall be based on parent, student and community, in accordance with N.J.A.C. 6A:16-7.1.

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

- A. Parent, student and community involvement which represents, where possible, the composition of schools and community;
- B. Consideration of the findings of the annual reports of student conduct, suspensions and expulsions; and incidences reported under the Electronic Violence and Vandalism Reporting System.

The superintendent shall annually:

- A. Disseminate the code of student conduct to all staff, students and parents;
- B. Report on the implementation of the code of student conduct to the Board at a public meeting in accordance with N.J.A.C. 6A:16-7.1(a)5, i-iv;
- C. Report to the New Jersey Department of Education on student Conduct, including all student suspension and expulsion and incidences reported under the Electronic Violence and Vandalism Reporting System.

Implementation

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 and that all disciplinary sanctions are carried out with necessary due process.

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

Adopted: December 2, 2008

Revised: September 1, 2009

Revised: March 16, 2010

NJSBA Review/Updated: September 27, 2015

Readopted:

Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Weapons, Vandalism, Harassment, Intimidation, Bully, Bullying

CONDUCT/DISCIPLINE (continued)

<u>Legal References:</u>	<p><u>N.J.S.A.</u> 2A:4A-60 <u>et al.</u> Disclosure of juvenile information; penalties for disclosure</p> <p><u>N.J.S.A.</u> 2C:12-1 Definition of assault</p> <p><u>N.J.S.A.</u> 2C:33-19 Paging devices, possession by students</p> <p><u>N.J.S.A.</u> 2C:39-5 Unlawful possession of weapons</p> <p><u>N.J.S.A.</u> 18A:6-1 Corporal punishment of pupils</p> <p><u>N.J.S.A.</u> 18A:11-1 General mandatory powers and duties</p> <p><u>N.J.S.A.</u> 18A:25-2 Authority over pupils</p> <p><u>N.J.S.A.</u> 18A:36-19a Newly enrolled students; records and identification</p> <p><u>N.J.S.A.</u> 18A:37-1 <u>et seq.</u> Discipline of Pupils</p> <p><u>See particularly:</u></p> <p><u>N.J.S.A.</u> 18A:37-15 Harassment, intimidation, and bullying</p> <p><u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u> Substance Abuse</p> <p><u>N.J.S.A.</u> 18A:54-20 Powers of board (county vocational schools)</p> <p><u>N.J.A.C.</u> 6A:14-2.8 Discipline/suspension/expulsions</p> <p><u>N.J.A.C.</u> 6A:16-1.1<u>et seq.</u> Programs to Support Student Development</p> <p><u>See particularly:</u></p> <p><u>N.J.A.C.</u> 6A:16-2.4, -4.1, -5.1, -6.1, -6.2, -7.1 through -7.5</p> <p><u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u> Evaluation of the Performance of School Districts</p> <p>P.L. 2007, c.129, amends <u>N.J.S.A.</u> <u>18A:37-15</u> and includes electronic communication in the definition of public school “harassment, intimidation or bullying”</p> <p>20 <u>U.S.C.A.</u> 1415(k) <u>Individual with Disabilities Education Act Amendments of 1997</u></p> <p><u>Bethel School District No. 403, v. Fraser</u>, 478 U.S. 675 (1986)</p> <p><u>Hazelwood v. Kuhlmeier</u> 484 U.S. 260 (1988)</p> <p><u>Honig v. Doe</u>, 484 U.S. 305 (1988)</p> <p><u>See also Commissioners’ Decisions indexed under “Pupils – Punishment of” in Index to N.J. School Law Decisions</u></p> <p><u>No Child Left Behind Act of 2001</u>, Pub. L. 107-110, 20 U.S.C.A. 6301 <u>et seq.</u></p>
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CONDUCT/DISCIPLINE (continued)

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

Manual for the Evaluation of Local School DistrictsA Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials**Possible****Cross References:**

*1220	<u>Ad hoc</u> advisory committees
*1410	Local units
3517	Security
*3541.33	Transportation safety
*4131/4131.1	Staff development; inservice education/visitation conferences
4138/4238	Employee protection
*4231/4231.1	Staff development; inservice education/visitation conferences
5000	Concepts and roles in pupil personnel
5010	Personal goals and objectives for pupils
*5020	Role of parents/guardians
*5113	Absences and excuses
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5127	Commencement activities
*5131.1	Harrassment, intimidation and bullying
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
5132	Dress and grooming
5145	Rights
5145.2	Freedom of speech/expression
*5145.4	Equal educational opportunity
*5145.6	Pupil grievance procedure
*5145.1 1	Questioning and apprehension
*5145.1 2	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