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Policy

CONCEPTS AND ROLES

A. Board of Education

The Board develops policies and authorizes procedures that give students substantial opportunity to participate in making decisions which affect them and that are calculated to develop motivation which will result in self-disciplined behavior. The Board encourages cooperation between home and school in furthering development of the individual child.

B. Superintendent of Schools

The Superintendent of Schools:

1. Directs the guidance and discipline of all pupils;
2. Provides leadership and guidance to establish the pattern of education to be offered to pupils;
3. Has general charge of the enforcement of the compulsory attendance law;
4. Has immediate authority in case of emergencies involving the health and safety of pupils;
5. Shall provide instructional leadership for the entire district.

C. Working Relationship between Board and Superintendent

Pupil welfare and guidance is primarily the responsibility of the Superintendent with the exception of the expulsion of pupils, which the Board may not delegate. Note: The expulsion process begins with a recommendation from the Superintendent.

Personal Goals and Objectives for Pupils

The Camden City Public Schools shall assist its students to:

- A. Develop a desire for learning now and in the future;
- B. Develop positive attitudes toward the need for discipline, responsible behavior and respect for legitimate authority;
- C. Practice and understand the principles of good mental, physical, emotional health and safety;
- D. Develop good character and self-respect;
- E. Develop pride in work and a feeling of self-worth;
- F. Learn how to respect and get along with people of different sex, origins and cultures with whom they live and work;
- G. Learn how to be a good citizen and to practice democratic ideas and ideals;
- H. Develop a process of thinking because thinking is a requisite for beneficial social and political behavior;
- I. Develop their full potential to become citizens capable of participating wisely and justly within the framework of a democratic culture.

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Readopted: August 14, 2007
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Key Words

Concepts, Roles, Goals, Objectives

Possible

Cross References: *1220 Ad hoc advisory committees
*5113 Absences and excuses
*5114 Suspension and expulsion
*5120 Assessment of individual needs
*5124 Reporting to parents/guardians
*5125 Pupil records
*5131.5 Vandalism/violence
*5131.6 Drugs, alcohol, tobacco (substance abuse)
*6142.2 English as a second language; bilingual/bicultural
*6146 Graduation requirements
*6146.2 Promotion/retention
*6147.1 Evaluation of individual student performance
*6162.4 Community resources
*6171.1 Remedial instruction
*6171.3 At-risk and Title 1
*6171.4 Special education

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

Policy

ROLE OF PARENTS/GUARDIANS

The Board believes that the education of children is a joint responsibility, one it shares with the parents/guardians and the school community. To ensure that the best interests of the child are served in this process, a strong program of communication between home and school must be maintained and parental involvement in district concerns encouraged.

The Board recognizes the vital role of parents/guardians in the welfare and education of their children and the pivotal part they play in shaping character and values. Because parents/guardians are familiar with the needs, problems, gifts and abilities of their children, staff should seek to involve parents/guardians as much as possible in the planning of the individual program. Parents/guardians must, by law, be included in the development of certain educational programs for their children.

Parents/guardians are requested to keep the school apprised of changes in factors in the home situation which may affect pupil conduct or performance. Parents/guardians are specifically requested to inform the school of any changes in legal custody of the child.

Parents/guardians are responsible for their child's punctuality, attendance, cleanliness and propriety of dress.

The Superintendent shall develop procedures and regulations to implement this policy. These regulations shall include use of the parent/guardian's native language when necessary.

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Revised: April 29, 1996
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Key Words

Role of Parents/Guardians, Parents/Guardians

Legal References: <u>N.J.S.A.</u> 18A:35-4.9	Pupil promotion and remediation; policies and procedures
<u>N.J.S.A.</u> 18A:35-22	Notice to parents that child identified as eligible for enrollment; option of declining enrollment; involvement of parents in program
<u>N.J.A.C.</u> 6A:8-4.3	Accountability
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
<u>N.J.A.C.</u> 6A:10A-1.1 <u>et seq.</u>	Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
See particularly: <u>N.J.A.C.</u> 6A:10A-5.3 through 5.5	
<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:32-12.1	Reporting requirements
<u>N.J.A.C.</u> 6A:32-12.2	School-level planning

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

Manual for the Evaluation of Local School Districts

Possible

<u>Cross References:</u>	*1220	<u>Ad hoc</u> advisory committees
	*1230	School-connected organizations
	*1250	Visitors
	*5113	Absences and excuses
	*5114	Suspension and expulsion
	*5120	Assessment of individual needs
	*5124	Reporting to parents/guardians
	*5125	Pupil records
	*5131.5	Vandalism/violence
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*6142.2	English as a second language; bilingual/bicultural
	*6146	Graduation requirements
	*6146.2	Promotion/retention
	*6147.1	Evaluation of individual student performance
	*6162.4	Community resources
	*6171.1	Remedial instruction
	*6171.3	At-risk and Title 1
	*6171.4	Special education

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

Policy

ADMISSION

Eligibility

The 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.

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.

Affidavit Pupils

When there is any doubt as to whether a child is entitled to free public education in the district schools, 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.

The Board shall make this policy available to parents and the public.

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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: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
	<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:10A-2.1 <u>et seq</u>	Preschool program general provision
	<u>N.J.A.C.</u> 6A:12-3.1	Choice district application procedures
	<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
	<u>N.J.A.C.</u> 6A:16-2.2	Required student 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 <u>et seq.</u>	Students at Risk of Not Receiving a Public Education
	<u>N.J.A.C.</u> 6A:22-1.1 <u>et seq.</u>	Entitlement to Attend School Based on Domicile or Student Residency
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:22-3.1, 3.2, 3.3, 3.4	
	<u>N.J.A.C.</u> 6A:23-5.2, -5.3	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
<u>See particularly:</u>	
<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)

P.L. 2005, c. 265 concerning students returning to public schools from county detention centers

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)

“Pupil Residency”: Who is Eligible for a Free Public Education,” by Donna Kaye, Esq. In N.J. School Leader (July-August 2002).

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.

Regulation

ADMISSION

Kindergarten:

Upon initial enrollment in the district, each new student will present:

1. A birth certificate or similar proof of age;
2. Record of acceptable immunization for DPT, Mumps, Polio, Measles and Rubella. All children who received Measles Vaccine BEFORE the first birthday must be vaccinated again before entering school. All children must have immunizations completed before they are admitted to classes;
3. Upon request, evidence of resident or legal domicile in the district.

Pupils who apply for admission to any school who do not reside with their parents or legal guardians will not be admitted except by affidavit.

Adopted: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Policy

ATTENDANCE, ABSENCES, AND EXCUSES

The 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.

Definitions

- A. "Attendance" is a student's presence in school and in the classroom to which he or she is assigned at the times scheduled for instruction or other school activities. A school day shall consist of not less than four hours of actual instruction. An approved kindergarten school day shall consist of one continuous session of 2 1/2 hours may be considered as a full day.

The mere presence of a student at roll call shall not be regarded as sufficient to be considered in attendance for a school day. 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.

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.

- B. "Excused absence" is a student's absence from school for a full day or a portion of a day for one or more of the following reasons:
 - 1. The student's illness;
 - 2. Requirements of a student's individual health care plan;
 - 3. A death or critical illness in the student's immediate family, or others with permission of principal;
 - 4. Quarantine;
 - 5. 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.

C. "Unexcused absence" is a student's absence for all or part of a school day for any reason other than those listed in paragraph "Excused Absences" above. Absence is expressly not excused for any of the following purposes (this list is intended to be illustrative and is not inclusive):

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

D. "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 (6) and sixteen (16) will also be considered truant if he or she:

1. Has accumulated unexcused absences of ten (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. Is present in school but is absent from class without approval. Such truancy 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 four (4) instructional hours during the school day.

A pupil must be in attendance for one hundred sixty-two (162) 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 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.

In recommending the granting of a waiver of this attendance requirement, the review committee shall consider the nature and causes of all absences rather than only those in excess of the one hundred sixty-two (162) days. Documentation of the nature and causes of these absences shall be the responsibility of the pupil and parent/guardian.

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

Unexcused Absences

When a student fails to report to class or school the District shall:

- A. Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence the day of the unexcused absence;
- B. Attempt to contact the parents/guardians by telephone, email and/or cellular phone to determine the cause of the unexcused absence.

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.

If at any time it is suspected that there is a potential of abuse, neglect and/or a student is potentially missing, the District shall implement all procedures required by law including reporting protocols, notification of parents/guardians and cooperation with law enforcement and other authorities and agencies, as appropriate.

Persistent Absences

If a pattern of unexcused absences arises consisting of up to three (3) absences in one semester the district shall schedule a meeting with the parents/guardians. The purpose of this meeting shall be to develop an action plan to assist the student to return to school and maintain regular attendance. The action plan shall be developed in coordination with the parent/guardian and may include the classroom teacher, school nurse, guidance counselor, principal or other relevant staff.

If the 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 the day of the unexcused absence;
- B. Attempt to contact the parents/guardians by telephone, email and/or cellular phone to determine the cause of the unexcused absence;
- C. Conduct a follow-up investigation by contacting the student's parents/guardians in writing to determine the cause of each unexcused absence;
- D. The principal or his or her designee shall schedule a meeting with the parent/guardian and the student.

The purpose of this meeting shall be to evaluate the appropriateness of the action plan to assist the student to return to school and maintain regular attendance. The plan shall be reviewed and revised in

coordination with the parent/guardian and may include the participation of the classroom teacher, school nurse, guidance counselor, principal or other appropriate staff. The plan shall establish outcomes based upon the student's needs and specify the interventions for achieving the outcomes and supporting the student's return to school and regular attendance. That plan may include any or all of the following:

1. Referral or consultation with the building's Intervention and Referral Services team;
2. Testing, assessments or evaluations of the student's academic, behavioral and health needs;
3. The consideration of an alternate educational placement;
4. Referral to a community-based social and health provider agency or other community resource;
5. Referral to the court program designated by the New Jersey Administrative Office of the Courts;
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.

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;
- 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 (6) and sixteen (16) is truant, pursuant to law. The District shall:

- A. Make a mandatory referral to the court program required by the New Jersey Administrative Office of the Courts;
- 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.

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. Procedural protections set forth in N.J.A.C. 6A:14;
- C. Alternate short or long term accommodations for students with disabilities as required by law;
- D. Requirements of a student's individual health care plan.

District Sending and Receiving Relationships

The receiving school shall report attendance problems to the sending district responsible for the student. Following five (5) or more cumulative unexcused absences school officials 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;
- 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 them;
- 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.

Marking Missing Child's School Record

Whenever the chief school administrator 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 chief school administrator 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 chief school administrator 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. Ensure a school session which is in conformity with requirements of the rules of the state board;
- B. Identify potentially missing and/or abused pupils;
- C. Govern the keeping of attendance records in accordance with rules of the State Board at N.J.A.C 6A:16-1.1 et seq., including pupils serving in- or out-of-school suspensions, or excluded for health and cleanliness reasons;
- D. Impose on truant pupils such disciplinary measures as may be appropriate for infractions of school regulations, but no such penalty may have an irredeemable negative effect on the pupil's record of achievement beyond that which naturally follows his/her absence from school activities;
- E. Identify the habitual truant, investigate the causes of his/her behavior, and consider modification of his/her educational program to meet his/her particular needs and interests;

- F. Address tardiness and class cutting in terms of the intent of this policy;
- G. Ensure that pupils absent for any reason have an opportunity to make up work they missed;
- H. Recognize exemplary attendance.

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.

Date: June 24, 1985
 Revised: August 25, 1994
 Revised: December 19, 1994
 Revised: August 23, 1995
 Revised: July 28, 1997
 Revised: August 14, 2007
 Revised: August, 2010

Key Words

Pupil Attendance, Attendance, Absences and Excuses, Student Attendance

Legal References:

N.J.S.A. 18A:11-1 General mandatory powers and duties
 N.J.S.A. 18A:35-4.9 Pupil promotion and remediation; policies and procedures
 N.J.S.A. 18A:36-14, -15 and -16 Religious holidays; absence of pupils on; effect
 N.J.S.A. 18A:36-19a Newly enrolled students; records and identification
 N.J.S.A. 18A:36-24 through -26 Missing children; legislative findings and declarations
 N.J.S.A. 18A:38-25 Attendance required of children between six and 16; exceptions
 N.J.S.A. 18A:38-26 Days when attendance required; exceptions
 N.J.S.A. 18A:38-27 Truancy and juvenile delinquency defined
 N.J.S.A. 18A:38-31 Violations of article by parents or guardians; penalties
 N.J.S.A. 18A:38-32 District and county vocational school attendance officers
 N.J.S.A. 18A:40-7 Exclusion of pupils who are ill
 N.J.S.A. 18A:40-8 Exclusion of pupils whose presence is detrimental to health and cleanliness
 N.J.S.A. 18A:40-9 Failure of parent to remove cause for exclusion; penalty
 N.J.S.A. 18A:40-10 Exclusion of teachers and pupils exposed to disease
 N.J.S.A. 18A:40-11 Exclusion of pupils having communicable tuberculosis
 N.J.S.A. 18A:40-12 Closing schools during epidemic
 N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
 N.J.S.A. 52:17B-9.8a through -9.8c Marking of missing child's school record
 N.J.A.C. 6A:8-5.1 Graduation requirements
 N.J.A.C. 6A:16-1 et seq. Programs to support student development
 N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
 N.J.A.C. 6A:32-8.1 et seq. Student Attendance and Accounting
 N.J.A.C. 6A:32-8.3 Student attendance

Wetherell v. Board of Education of Township of Burlington, 1978 S.L.D. 794

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

Student Attendance Policies and Procedures Compliance Checklist, New Jersey Department of Education

Possible Cross References:

- *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.

Regulation

ABSENCES AND EXCUSES

Schools shall attempt to notify all parents by phone on the day that the child is absent from or late to school. In addition, parents shall be notified in writing by the school after a student has accumulated three, five and ten unexcused absences from school.

1. The homeroom teacher shall fill out a Attendance Officer Form beginning with the third day that a student is absent from school. The teacher will forward the form to the school's designated office. The attendance officer will use this form to communicate attendance information from the home to the school. The Attendance Officer Form is a four-part form that will be processed as follows:
 - a. Yellow copy for the Attendance Department
 - b. Pink copy will be left with the parent/guardian
 - c. White copy is for the school
 - d. Green copy is for the teacher who initiated the complaint
2. After three (3) unexcused absences by the student, the attendance officer will leave a three-day warning letter at the known residence of the child, and the Attendance Department will send a copy of the three-day warning letter to the home by certified mail.
3. After five (5) unexcused absences by the student, the attendance officer will leave a five-day warning letter to the known residence of the child, and the Attendance Department will send a copy of the five-day warning letter to the home by certified mail.
4. After ten (10) unexcused absences by the student:
 - a. If the student is between six (6) and sixteen (16), a complaint will be filed in Municipal or Family Court by the Attendance Department, and a copy of that complaint will be sent to the home by certified mail.
 - b. If the student is sixteen (16) years or older, the school will send by the attendance officer and certified mail a letter which indicates that the child will be dropped from the school's register unless the parent/guardian attends a scheduled meeting with school officials.

Whenever an attendance meeting is held with the parent of a special education child, an administrator from the Special Education Department shall be present.

5. All procedures must be documented at each level before advancing to the next level.
6. No child between ages six and sixteen shall be dropped from the school register for attendance reasons as long as the child is known to reside in the school district.

Adopted:	June 24, 1985
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Revised:	December 19, 1994
Revised:	August 23, 1995
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009

Exhibit

ABSENCES AND EXCUSES

Sample 3 Day Letter to Parent

DISTRICT ATTENDANCE OFFICE

Date:

To the Parent/Guardian of:

(Student's Name)
(Address)
Camden, NJ (Zip)

For the time period from _____ to _____

Dear (Parent's/Guardian's Name):

This is to inform you that as of the date of this letter, _____ has been absent three days from school without a note from you explaining why. These absences are considered unexcused by the school.

As you are aware, good attendance is essential if _____ is to succeed in school. At this point in time, the school is the correct place to contact with attendance questions about your child. Therefore, please call the attendance office of _____'s school and they will try to help you directly, or refer you to one of the district's departments that may be able to help.

Please do not let poor attendance stand in the way of your child's education.

Sincerely,

Chief Attendance Officer

Adopted: July 28, 1997
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Sample 5 Day Letter to Parent

DISTRICT ATTENDANCE OFFICE

Date:

To the Parent/Guardian of:

(Student's Name)
(Address)
Camden, NJ (Zip)

For the time period from _____ to _____

Dear (Parent's/Guardian's Name):

This is to inform you that as of the date of this letter, _____ has been absent five days from school without a note from you; therefore, these absences are considered unexcused.

New Jersey law requires every child between age 6 and 16 to attend school every day that school is open, unless there is a note sent to the school by the parent/guardian telling the reason for the absence. The school will excuse a pupil's absence if the pupil has been absent for such reasons as illness of the child or death in the family. After 3 consecutive days absence, you will need a doctor's note.

If these unexcused absences continue, the school district will file charges against you in a court of law. You must immediately contact your child's school to explain why your child has been absent from school.

Please do not let poor attendance stand in the way of your child's education, and please do not place yourself in jeopardy of having the school district take you to court.

Sincerely,

Chief Attendance Officer

Adopted:	July 28, 1997
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009

Sample 10 Day Letter to Parents

DISTRICT ATTENDANCE OFFICE

Date:

To the Parents/Guardian of:

(Student's Name)
(Address)
Camden, NJ (Zip)

For the time period from _____ to _____

Dear (Parent/Guardian's Name):

This is to inform you that as of today _____ has had ten absences from school without a note from you.

Since you have failed to cooperate with the school district in the education of your child by reason of unexcused absences, the Camden City School District is filing charges against you in the appropriate court. If found guilty, you will be subject to both fine and imprisonment.

You are directed to bring your child to school immediately. No further unexcused absences will be tolerated. Failure to have your child regularly attend school will also result in our notification of all state and federal agencies, including DYFS, that _____ is no longer in school.

Once again, we want to help you if we can, but it is your obligation and responsibility to send your child to school each and every day that school is open. Please call the school office, make an appointment to meet with the Principal, and get this matter cleared up immediately.

Sincerely,

Chief Attendance Officer

Adopted:	July 28, 1997
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009

Policy

SUSPENSION AND EXPULSION

While the Board 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 on 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;
- 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 or bullying.

Any pupil who commits an assault (as defined by N.J.S.A. 2C:12-1) with or without a weapon upon a Board member, teacher, administrator or other employee of the Board of Education shall be suspended from school immediately according to procedural due process, and suspension or expulsion proceedings shall begin no later than thirty (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 knowingly in possession of a firearm on any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The Superintendent may modify this suspension on a case-by-case basis. Each pupil so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the Board. The hearing shall take place no later than thirty (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 when 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.

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 the permission of the Superintendent. Any pupil under suspension who enters the school buildings or grounds without the 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 of Education, 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 readmission, 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 Board employee may be continued beyond 30 days without Board action. A suspended pupil may be reinstated by the Superintendent before Board action.

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 permit. 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 offense involves a weapon or assault with or without the weapon (as described above), the hearing shall take place not later than thirty (30) days after the suspension occurs.

The Board shall make a decision within five days of the close of the hearing. Any appeal of the Board's decision shall be made to the Commissioner of Education within ninety (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 the 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 (see policy #6172).

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.

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.

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Revised:	August 23, 1995
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NJSBA Review/Update:	March 2009
Revised:	July 26, 2011

Legal References:

<u>N.J.S.A.</u> 2C:12-1	Definition of assault
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:37-1 <u>et seq.</u>	Discipline of pupils

See particularly:

<u>N.J.S.A.</u> 18A:37-2.1 through -2.5, 18A:37-7 through -12	
<u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u>	Substance abuse

See particularly:

<u>N.J.S.A.</u> 18A:40A-9, -10, -11, -12	
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:14-2.8	Discipline/suspension/expulsions
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development

See particularly:

<u>N.J.A.C.</u> 6A:16-1.3, -4.3, -5.1, -5.5, -5.6, -5.7	
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-2.1	Definitions
<u>N.J.A.C.</u> 6A:32-12.2	School-level planning

20 U.S.C.A. 1400 et seq. - Section 504 of the Rehabilitation Act of 1973

P.L. 103-382, Improving America's Schools Act of 1994

Goss v. Lopez, 419 U.S. 565, 581 (1975)

Tibbs v. Franklin Township Board of Education, 114 N.J. Super. 287 (App. Div.) aff'd 59 NJ 506 (1971)

R.R. v. Shore Reg. Board of Education, 109 N.J. Super. 337 (Ch. Div. 1970)

H.A. v. Board of Education Warren Hills Regional, 1976 S.L.D. 336

82: July 28, C.F. v. Board of Education of the Upper Freehold Regional School District

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

Somerset County Educational Services Commission v. North Plainfield Board of Education 1999 S.L.D. September 7

State in re G.S. 330 N.J. Super. 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

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

Possible

<u>Cross References:</u>	*5113	Absences and excuses
	*5124	Reporting to parents/guardians
	*5131	Conduct/discipline
	*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

Regulation

SUSPENSION AND EXPULSION

I. Suspension cases shall be given priority in the Principal's time schedule.

A. Referral of Suspension Cases to Principal:

The following regulations shall apply to referral by the faculty of students whose behavior is such that state law and Board policy subjects them to the possibility of suspension as a disciplinary measure.

The staff member shall:

1. Notify the Principal promptly concerning a pupil who is being sent to him/her;
2. Present to the Principal in writing on a form to be provided:
 - a. The time and date of the occurrence;
 - b. The specific nature of the offense;
 - c. Descriptions and dates of other offenses if not previously reported;
 - d. Specific measure taken by the teacher to effect an adjustment, including the specialized help secured before referral such as conferences with other teachers, conferences with parents/ guardians, referrals to counselor, referrals to social worker, etc.
3. Decline to readmit a pupil to the classroom until directed by the Principal to do so;
4. Avoid threatening a pupil with exclusion from the room;
5. Inform the Principal of a pupil whose transfer from one room to another appears desirable for specified reasons;
6. Accept completely the Principal's authority to assign or reassign a pupil as the Principal things is in the best interests of the pupil;
7. Accept the Principal's decision to suspend or not suspend a pupil;
8. Provide adequate instructional materials for pupils during time of suspension.

B. Suspension Procedure:

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

The suspension procedure should include, but not be limited to, the following:

1. An exploration of possible solutions to the problem--conferences with parents/guardians, counseling, pupil services, etc.
2. An interview with the pupil by the Principal, or his/her designated representative, prior to suspension, to:
 - a. Make sure the pupil knows exactly why he/she has been referred;
 - b. Convey to the pupil the seriousness of his/her behavior;
 - c. Afford the pupil the opportunity to present his/her side of the story in its entirety.
 - d. Let the pupil know the judgment of the interviewer-- including the acceptability of the pupil's account and the development with the pupil of the steps necessary to effect improvement;
 - e. Record information pertinent to the case and make the pupil aware of the record to be kept on file;
 - f. Review with the pupil the reason for suspension.

C. Length of Suspension

A Principal may suspend a child for a period not to exceed 10 school days for each suspension. A Principal may never suspend a pupil for disciplinary reasons for an indefinite period of time.

D. Dismissal of Pupil

A suspended elementary pupil (grades K-6) should be retained in the school building under the close supervision of a responsible adult until the close of the session or school day, unless dismissed in the custody of a parent/guardian, or adult representative of the family.

When a secondary pupil (grades 7-12) has been suspended, the Principal should:

1. Notify the parent/guardian of the pupil's suspension prior to the pupil's leaving the school grounds; or
2. When the Principal is unable to contact the parent/guardian, retain the pupil in the school building under close supervision of a responsible adult until the close of the school session.

E. Notification of Parent/Guardian and Superintendent:

By the close of the day of the suspension, written notification that a pupil has been suspended shall be forwarded to the Superintendent, and to other departments that may be involved.

The Principal shall notify the parents/guardians of the suspension in writing or in person. He/she shall advise the parents/guardians of the necessity of the child completing his/her assignments during the suspension, and of the date when the child may return to his/her regular classes.

If there is no response to the initial written notification of suspension, a second written communication shall be forwarded to the parent/guardian of a pupil. The interval between the forwarding of the notification and the second notification, the Principal shall notify the Superintendent in writing. The Principal shall also notify the Superintendent in writing when:

1. Referred suspension under this provision has been adjusted, or

2. No adjustment has been made within five school days after referral under this provision.

F. Reinstatement of Pupil:

A parent/guardian readout conference shall be held after a pupil has returned to school.

II. Expulsion

Pupils who are guilty of continued serious misconduct which interferes with the opportunity for other students to carry on their learning activities may be recommended to the Board of expulsion from school using the following procedure.

Before steps toward expulsion are taken, the student must be seen by the child study team to determine whether the student is classifiable. If the student is classifiable, then program(s) must be developed according to the student's needs. If the student is not classifiable, the expulsion process may begin.

A. The steps to be taken are:

1. The Principal of the school with his/her staff shall exhaust all means of bringing about a correction of the misconduct and shall bring the case before the Superintendent.
2. The parent/guardian of the student, or a student over 18 years of age, shall be interviewed and advised of the reason why expulsion is being considered; of the right of the student to a full hearing which will afford the student procedural due process; and of the right of the parent/guardian to appeal to the Superintendent and the Board. A written statement of charges must be given to the student and the parent/ guardian. The student has the right to have an attorney present at any stage of the procedure.
3. The Principal may suspend the student until the child study team has determined that the student is or is not eligible for a special education program or service, and if the student is not eligible the suspension may be extended until the appeal is completed or until the next Board meeting, at which time the case will be presented by the Superintendent to the Board with the Principal's recommendation for expulsion.
4. If, after receiving the report from the child study team, the Board determines that the charges, if true, warrant expulsion, the Board may at that time set a date for a full hearing which must be held within 21 days.
5. The Board attorney will arrange for the giving of legal notice to all parties concerned for the preparation and presentation of the evidence in support of the charges at the hearing.

B. A full due process hearing shall include the accused student's right to:

1. Notification of charges against him/her;
2. Names of the adverse witnesses;
3. Copies of the statements and affidavits of those adverse witnesses;
4. Opportunity to be heard in his/her own defense;
5. Opportunity to present witnesses and evidence in his/her own defense;
6. Opportunity to cross-examine adverse witnesses; and

7. Opportunity to be represented by counsel.

C. Appeals:

A student may appeal a suspension or expulsion decision of the Camden City Board of Education to the Commissioner of Education. Appeal from a decision of the Commissioner is to the State Board of Education. Decisions of the State Board are reviewable by the courts.

Adopted:	August 23, 1995
Revised:	May 31, 1996
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009

Exhibit

SUSPENSION AND EXPULSION

Student Rights

Please be advised that your child/ward has been recommended for expulsion.

1. You have a right to a hearing before the Board of Education which has been scheduled for.
2. Your child/ward has a right to be notified of the charges against him/her.
3. You and he/she have a right to the names of the adverse witnesses.
4. You and he/she have a right to copies of the statements and affidavits of those adverse witnesses.
5. Your child/ward has a right to be heard in his/her own defense.
6. Your child/ward has a right to the opportunity to present witnesses and evidence in his/her own defense.
7. You and your child/ward have a right to the opportunity to cross-examine adverse witnesses, and
8. You and your child/ward have the right to the opportunity to be represented by counsel.

Read By:

Received By:

Date:

Adopted: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Policy

SCHOOL GUIDES

The Board directs the Superintendent to take an exact census annually of all children between the ages of 5 and 18 years residing in the district. Particular attention shall be paid to early identification of the students with disabilities.

Adopted: June 24, 1985
Revised: August 23, 1995
Revised: May 31, 1996
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Guides, School Guides, Census

Legal Reference: N.J.S.A. 18A:11-2(c) Census

Cross Reference: 6171.4 Identification, evaluation, and education of disabled children

Policy

SCHOOL ATTENDANCE AREAS

Principals shall ensure that all students enrolled in their schools live within the attendance area established for the particular school, with such exceptions as are made for special education students or by the central office for purposes of adjusting class sizes, special transfers, etc.

Children whose parents/guardians move outside the attendance area or outside the district after March 1 may continue in the school in which they are enrolled for the remainder of the school year, provided the child's attendance does not decline. If the child's attendance becomes irregular, the Principal shall have authority to require that the child enroll in the school in his/her new attendance area.

Adopted: June 24, 1985
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Pupil Attendance, Attendance, Absences and Excuses, Student Attendance

Possible

Cross References:

*5020	Role of parents/guardians
*5111	Admission
*5113	Absences and Excuses
*5118	Nonresidents
*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

NONRESIDENTS

The Board shall operate the schools of this District for the benefit of all children resident in the District and such others as may be admitted, pursuant to statute and policy of the Board. The Board reserves the right to verify the residency of any pupil and the validity of any affidavit of guardianship. Documentation required to prove eligibility to attend the schools of this District shall be in accord with Policy 5111 Admission and the administrative code.

Future Residents

A child otherwise eligible for attendance whose parent/guardian has signed a contract to buy, build or rent a residence in this district shall be enrolled for a period not to exceed thirty-days previous to the anticipated date of residency without tuition charges. If the child has not become a resident of the district by the end of the period of free attendance, tuition shall be required for the remainder of the time until residency is established.

Parents/guardians of children who are future residents shall be required to demonstrate proof of the anticipated residency. The Board reserves the right to verify such claims, and to remove from school a nonresident pupil whose claim cannot be verified.

Former Residents

Regularly enrolled children whose parents/guardians have moved out of the school District during the final marking period shall be permitted to finish the school year without payment of tuition. Regularly enrolled children whose parents/guardians move from the district at any other time during the school year may remain enrolled for the remainder of the school year on payment of tuition prorated.

Children of Nonresident Staff Members

Children of nonresident employees of the Board may be enrolled in the schools of this District on payment of tuition and in accordance with policy for other nonresident pupils.

Foreign Exchange Students

The Board may admit foreign exchange students into district schools in order to promote cultural awareness and understanding among students.

The Board may accept exchange students on a J-1 visa who reside within the District as participants in group-sponsored exchange programs approved by the board. Tuition may be waived for students on a J-1 visa.

The Board may accept privately sponsored exchange students on an F-1 visa for attendance only in secondary schools upon payment of tuition at the established district rate. Tuition cannot be waived for students on an F-1 visa, and attendance in District schools shall not exceed 12 months. Students attending the schools of this District on an F-1 visa may not participate in any adult-education programs sponsored by the Board under any circumstances.

All potential organizations or individuals applying for admission shall forward the request to the Superintendent by July 1 preceding the school year of attendance. Foreign exchange students shall comply with all immunization requirements for students of this District. The Superintendent shall be responsible for determining the visa status and eligibility of foreign exchange students applying for admission.

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. The District will designate a "homeless student liaison" to help the homeless student enroll in school, make sure that the homeless student is enrolled and attending school, and see that the district meets federal and state requirements for educating homeless students.

Other Nonresident Pupils

Other nonresident pupils may be admitted to this district on payment of tuition and availability of space.

The Superintendent shall develop procedures for the enrollment of nonresident children that allow admission of such children only on the proper application of parent/guardian; verify claims of residency and submission of affidavits of guardianship; deny admission where the educational program maintained for the children of this District is inadequate to meet the needs of the applicant; do not exclude any child, otherwise eligible, on the basis of such child's race, color, creed, national origin, affectional or sexual orientation, atypical hereditary cellular or blood trait of any individual or ancestry; and make continued enrollment of any nonresident pupil contingent upon maintaining good standards of citizenship and discipline.

When a child must either relocate to or from this District because his/her parent/guardian is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States and has been ordered into active service, the child shall be eligible to attend the schools of this District without paying tuition. The District shall not be responsible for transporting the child.

The Superintendent or his/her designee shall recommend to the board for its approval the admission of qualified applicants.

The Board shall not be responsible for the transportation to or from school of any nonresident pupils, except as may be required by state or federal law.

The Board shall annually determine tuition rates for nonresident pupils.

Date: June 24, 1985
 August 23, 1995
 May 31, 1996
 August 14, 2007
 August 2010

Key Words

Nonresidents, Tuition Pupil, Affidavit Pupil, Homeless Pupil

Legal References:

<u>N.J.S.A.</u> 18A:7F-3	Definitions
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:36B-1 et seq.	Interdistrict Public School Choice Program Act of 1999
<u>N.J.S.A.</u> 18A:38-1 et seq.	Attendance at school free of charge

See particularly:

<u>N.J.S.A.</u> 18A:38-2, 38-3, 38-8, 38-9	
<u>N.J.S.A.</u> 18A:46-20	Receiving pupils from outside district; Establishment of facilities
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:12-1.3 et seq.	Interdistrict Public School Choice
<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	Student residency

See particularly:

<u>N.J.A.C.</u> 6A:22-3	Eligibility to attend school
<u>N.J.A.C.</u> 6A:22-3.1	Students domiciled within the school district
<u>N.J.A.C.</u> 6A:23-5.2	Method of determining the district of residence
<u>N.J.A.C.</u> 6A:23-5.3	Address submission for determining the district of Residence

Illegal Immigrant and Immigration Responsibility Act of 1997, 8 U.S.C. § 1101

Board of Education of the Borough of Englewood Cliffs v. Board of Education of the City of Englewood, 132 N.J. 327; cert. denied, 510 U.S. 991 (1993); subsequent listing 333 N.J. Super. (App. Div. 2000)
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

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

Possible Cross References:

3240	Tuition income
*5111	Admission
*5114	Suspension and expulsion
6142.5	Travel and exchange programs
*6151	Class size

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

Note on the terms "residence" and "domicile":

These terms are often used interchangeably in education law and regulations, for example "residency or domicile" [N.J.A.C.22-4.1(d)], sometimes with an intensifying adjective ("actual domicile or residence," same citation). The most important chapter of N.J. Administrative Code on the topic is entitled "Student residency" while the key section concerning "Eligibility to attend school" (Subchapter 3) is titled "Students domiciled within the school district" [N.J.A.C. 6A:22-3.1].

There is a legal adage that “a person can have many residences, but only one domicile.” This distinction of “true, fixed, permanent domicile” versus “temporary residence” (in essence, a legal fiction) is sometimes mentioned but is not consistently maintained in the area of education.

The words themselves do not (and inherently cannot) answer the fundamental question: Is a parent or student fraudulently claiming to live at an address in order to obtain tuition-free enrollment?

For additional insights into using the terms “domicile” and “residence” for determining whether a student can attend school in a district, read “Pupil Residency”: Who is Eligible for a Free Public Education?” in N.J. School Leader (July-August 2002) by Donna Kaye, Esq.

Policy

TRANSFERS

General

All transfers into the schools of the district shall be in accord with file code 5111 Admission. Students 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.

Parents/guardians of pupils or adult pupils transferring from the district shall notify the Principal in a timely manner of their intention to leave the district.

Student records shall be transferred between Superintendents within the time frame prescribed by law.

Intradistrict Transfers in Compliance with No Child Left Behind

When a school in the district fails to achieve adequate yearly progress as defined by the state for two consecutive years, parents/guardians shall be informed of options for students in that school, including the option of transferring to another school in the district. Notices to parents/guardians shall list the possible accepting schools and describe information on their performance. Only schools that have achieved adequate yearly progress shall be included on the list.

The lowest-achieving students from the lowest-income families, as identified through federal free or reduced-price lunch statistics, shall be given priority in transferring.

Transportation shall be provided at no cost to transferring students until the school that they are leaving demonstrates adequate improvement. Funding of transportation shall not exceed the limits described in NCLB. Students may remain in the school into which they have transferred until they have completed the highest grade in that school.

Unsafe School Choice Option

If a school in the district is identified as “persistently dangerous” by the state department of education, all students in that school shall be offered on a space available basis the option of transferring into another school in the district that has not been so designated. Parents/guardians shall be notified within 15 calendar days after the district is notified of the school’s status, and all transfers shall be completed by the beginning of the school year following. To the extent possible, transfers shall be into schools in the district that are making adequate yearly progress. Students may remain in the school into which they have transferred until the school of origin is no longer identified as “persistently dangerous.”

In addition, any student who becomes a victim of a violent criminal offense while in school or on school grounds shall be offered the option of transferring into a safe school within the district. The student shall be given the option within 10 days of the incident, and the transfer shall occur within 30 days of determination that the student was a victim. Applicable definitions and criminal offenses shall be as listed in the statewide policy.

Transportation shall not be provided to students transferring out of “persistently dangerous” schools and student victims of violent criminal offenses.

If the Board cannot offer a safe school alternative within the district to students choosing to transfer out of a “persistently dangerous” school or to a student who has been a victim of a violent criminal offense,

the Superintendent shall attempt to establish an agreement with a neighboring district. The Board shall review and approve any agreement prior to its application.

The Superintendent shall ensure that the district complies with all requirements of federal law and the state department of education. He/she shall prepare regulations to implement this policy.

Adopted: June 24, 1985
Revised: May 23, 1988
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Transfers, Persistently Dangerous Schools, Victims of Violent Crimes

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:7B-12	District of residence; determination
	<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:36B-1 <i>et seq.</i>	Interdistrict Public School Choice Program
	<u>N.J.S.A.</u> 18A:38-8	Duty to receive pupils from other districts
	<u>N.J.A.C.</u> 6A:12-3.2	Criteria to guide the Commissioner's approval of choice program applications
	<u>N.J.A.C.</u> 6A:23-5.2	Method of determining the district of Residence
	<u>N.J.A.C.</u> 6A:32-8.2	School enrollment

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

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

Possible

<u>Cross References:</u>	*5111	Admission
	*5125	Pupil records
	*5131	Conduct/discipline
	*5131.5	Vandalism/violence
	*5141.3	Health examinations and immunizations

Policy

ASSESSMENT OF INDIVIDUAL NEEDS

Each pupil shall be assessed upon entrance into the district's schools and beginning in grade three shall be assessed annually thereafter, to identify pupils not meeting district proficiency levels.

The Superintendent shall develop procedures to implement a program of individual pupil needs assessment that shall include but not be limited to:

- A. Identifying district needs as the basis for development of mandated goals; development of staff inservice programs; selecting and approving instructional materials; staffing;
- B. Identifying and determining the needs of:
 - 1. Gifted and talented pupils;
 - 2. Disruptive pupils;
 - 3. Disaffected pupils;
 - 4. Potential dropouts;
 - 5. Pupils who require basic skills improvement programs;
 - 6. Pupils with limited English proficiency;
 - 7. Pupils who may require formal referral to the child study team for classification.

Policies addressing these specific groups and appropriate educational programs for them are listed in the cross references to this policy.

- C. Disseminating results of such assessments to parents/guardians and to appropriate staff and state and federal agencies as required without invading the privacy of the individual pupil.

The Superintendent/designee shall review all individual assessment procedures annually to ensure that they serve the purposes for which they are intended. At all times, these procedures shall be in full conformity with federal and state law.

Adopted: June 24, 1985
Revised: August 23, 1995
Revised: May 31, 1996
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Pupil Assessment; Assessment of Individual Needs

Legal References:	<u>N.J.S.A.</u> 18A:7A-10	Evaluation of performance of each school
	<u>N.J.A.C.</u> 6A:8-3.1 <u>et seq.</u>	Implementation of the Core Curriculum Content Standard
	<u>N.J.A.C.</u> 6A:8-4.1 <u>et seq.</u>	Implementation of the Statewide Assessment System
	<u>See particularly:</u> <u>N.J.A.C.</u> 6A:8-4.1(d), -4.3(c)(d), -4.4	
	<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
	<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
	<u>See particularly:</u> <u>N.J.A.C.</u> 6A:14-3.3, 3.4, 3.8, 4.11, 4.12	
	<u>N.J.A.C.</u> 6A:15-1.1 <u>et seq.</u>	Bilingual Education
	<u>See particularly:</u> <u>N.J.A.C.</u> 6A:15-1.3, -1.10, -1.11	
	<u>N.J.A.C.</u> 6A:16-8.1	Establishment of intervention and referral services
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C.</u> 6A:32-2.1	Definitions
	<u>N.J.A.C.</u> 6A:32-4.3(g)4	Evaluation of tenured and nontenured Superintendents
	<u>N.J.A.C.</u> 6A:32-4.4(f)4	Evaluation of tenured teaching staff members
	<u>N.J.A.C.</u> 6A:32-14.1	Review of mandated programs and services
	<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>	
	<u>Manual for the Evaluation of Local School Districts</u> (September 2002)	

Possible

Cross References:	*1100	Communicating with the public
	*1120	Board of education meetings
	*2240	Research, evaluation and planning
	4010	Goals and objectives
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*5111	Admission
	5119	Transfers
	*5124	Reporting to parents/guardians
	*5125	Pupil records
	*6010	Goals and objectives
	*6141	Curriculum design/development
	*6142.2	English as a second language; bilingual/bicultural
	*6146	Graduation requirements
	*6146.2	Promotion/retention
	*6147	Standards of proficiency
	*6147.1	Evaluation of individual student performance
	*6160	Instructional services and resources
	6161	Equipment, books and materials
	*6161.1	Guidelines for evaluation and selection of instructional materials
	*6164.2	Guidance services
	*6164.4	Child study team
	*6171.1	Remedial instruction
	*6171.2	Gifted and talented
	*6171.3	At-risk and Title 1
	*6171.4	Special education
	*6172	Alternative educational programs

Regulation

ASSESSMENT OF INDIVIDUAL NEEDS

Grade Placement Procedures for Students Entering District without Appropriate Documentation

High School: (for students able to function well in English)

Guidance counselor shall:

- A. Attempt to verify student's grade placement with previous school district via the telephone;
- B. If unsuccessful, explain to parent/guardian and student that a written request for the student's transcript will be sent to the former school;
- C. Until receipt of the transcript, assign student to grade level at which parent/guardian and student say that he/she belongs;*
- D. Following receipt and evaluation of transcript, assign student to correct grade level if change proves necessary;
- E. Administer grade and evaluate results of the C.T.B.S. Form U in reading and math. (A B.S.I.P. component).

*Note: At time of enrollment, parent/guardian and student will be asked to sign the following:

Parent Release Form

"I fully understand that my child's grade placement will be based on the evaluation of his/her former school. Evaluation by his/her current teacher may also be considered when desirable and/or applicable."

For a student whose transcript will never be available due to:

- A. Unpaid financial obligations at former school which will never be paid, or
- B. Nonexistence of former school/district (e.g., schools in Vietnam, Nicaragua, etc.)

The guidance counselor shall:

- A. Administer, grade and evaluate results of the C.T.B.S. Form U in reading and math; (using test appropriate for approximated grade level)
- B. Based upon results of test, assign new student to most appropriate grade level.

High School: (for students who primarily speak a language other than English)

Regardless of whether or not new student provides documentation, the guidance counselor shall:

- A. Administer, grade and evaluate results of the New York Language Assessment Battery;
- B. For student scoring below the 20th percentile place him/her in the appropriate ESL class;
- C. For student scoring at the 20th percentile and above, administer, grade and evaluate results of the C.T.B.S. Form U in reading and math;
- D. Based upon student's performance on test, assign him/her to most appropriate grade level.

NOTE: If documentation is not provided at time of enrollment, parent/guardian and student are to sign the "Parent Release Form." (See above)

If for any reason, the New York Language Assessment Battery cannot be administered, the guidance counselor shall place the new student in a grade commensurate with his/her age, utilizing such support services as:

- A. Individualized tutoring by an aide;
- B. Peer teaching;
- C. Possible centralized alternate program if a sufficient number of students (i.e., 8-10) warrant this.

Middle School: (for both native speakers of English and ESL students)

Implement the same procedures as those recommended for the high school level for either classification of students.

Elementary School: (for both native speakers of English and ESL students)

Note: (Principal or designee will perform the same functions as the guidance counselors at the middle and high school levels.)

Implement the same general procedures as those recommended for the middle and high school levels for either classification of students. Such procedures will include estimation of student's grade level when necessary.

Grade placement procedures for students who have been taught by parents/guardians at home using a Board-approved curriculum and who subsequently wish to enroll in the standard public school program.*

High School: (for students able to function well in English)

The guidance counselor shall:

- A. Administer the C.T.B.S. Form U in reading and math to the entering student;
- B. Grade the test and evaluate the results;
- C. Based upon the above indicator, assign the student to the most appropriate grade level.

High School: (for students who primarily speak a language other than English)

Implement the same procedures as those recommended for students entering district without appropriate documentation.

Middle School: (for both native speakers of English and ESL students)

Implement the same procedures as those recommended for the high school level for either classification of students entering district without appropriate documentation.

Elementary School: (for both native speakers of English and ESL students)

Note: (Principal or designee will perform the same functions as the guidance counselors at the middle and high school levels.)

Implement the same general procedures as those recommended for either classification of students for the middle and high school levels. Such procedures may include the estimation of student's grade level and the assignment of the student to a grade level commensurate with his/her age. Further assistance will be given to the student as the need becomes apparent.

*Prior to being granted permission to place student in a Home School Program, parent/guardian must sign a release form which gives the Board of Education (or duly authorized representatives) the right to determine the student's grade placement upon his/her return to the standard public school program.

Adopted:	September 30, 1986
Revised:	April 12, 1988
Revised:	August 23, 1995
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009

<u>N.J.S.A.</u> 18A:40A-12	Reporting of pupils under influence or believed to be using anabolic steroids; examination report, return home; treatment; evaluation of possible need and referral
<u>N.J.S.A.</u> 18A:54-20	Powers of Board (county vocational schools)
<u>N.J.A.C.</u> 6A:8-4.3	Accountability
<u>N.J.A.C.</u> 6A:8-4.5	Public reporting
<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:14-1.1, -2.3, -2.4, -2.5, -2.6, -3.5, -7.9	
<u>N.J.A.C.</u> 6A:15-1.1 <u>et seq.</u>	Bilingual Education
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:15-1.13, -1.15	
<u>N.J.A.C.</u> 6A:16-1.4	District policies and procedures
<u>N.J.A.C.</u> 6A:10A-1.1 <u>et seq.</u>	Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:10A-2.2, -5.1(a)3, -5.3	
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-7.1(d, k)	General considerations
<u>N.J.A.C.</u> 6A:32-12.1	Reporting requirements

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

Manual for the Evaluation of Local School Districts

Possible

Cross References:

*1000/1010	Concepts and roles in community relations; goals and objectives
*1120	Board of education meetings
*1250	Visitors
*2224	Nondiscrimination/affirmative action
*3542.31	Free or reduced-price lunches/milk
*5020	Role of parents/guardians
*5113	Absences and excuses
*5114	Suspension and expulsion
*5120	Assessment of individual needs
*5125	Pupil records
*5126	Awards for achievement
*5131	Conduct/discipline
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141	Health
*5141.3	Health examinations and immunizations
*5142	Pupil safety
*5145.12	Search and seizure
*5200	Nonpublic school pupils
*6010	Goals and objectives
*6142.1	Family life education
*6142.2	English as a second language; bilingual/bicultural
*6145	Extracurricular activities
*6145.1/6145.2	Intramural competition; interscholastic competition
*6146	Graduation requirements
*6164.2	Guidance services

*6164.4	Child study team
*6171.1	Remedial instruction
*6171.3	At-risk and Title 1
*6171.4	Special education
*6173	Home instruction
6174	Summer school
6178	Early childhood education/preschool

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

Policy

STUDENT RECORDS

The Camden City Board of Education shall conform in all respects to the requirements of state and federal law regarding gathering, maintaining, securing, disclosing, allowing access to and destruction of student records.

The Superintendent shall be responsible for the security of student records maintained in the school district. He/she shall formulate and the Board shall review administrative procedures to guarantee the safety and security of all student records, and to provide authorized persons and organizations access to these records at a convenient place and time within the limits stipulated by law, i.e., within 10 days of the request but prior to any review or hearing conducted in accordance with state Board of Education regulations.

Student records shall include all those mandated by the New Jersey administrative code or state statutes, or authorized by administrative directives, and such permitted records as the Board of Education shall authorize by resolution at a regular public meeting in order to promote the educational welfare of the student. Records so authorized must comply with code standards as to relevance and objectivity.

The Board of Education shall report annually at a public meeting a description of the types of student records it has authorized certified school personnel to collect and maintain.

Student records shall contain only such information as is relevant to the education of the student, and is objectively based on the personal observations or knowledge of the originator of the record.

All anecdotal information and assessment reports collected on a student shall be dated and signed by the individual who originated the data.

Parents/guardians and adult students shall be notified annually in writing of their rights in regard to student records. Such rights include:

- A. Notification of rights in writing, in dominant language of parent/adult student, if possible. When the parent or adult student's dominant language is not English, or the parent/adult student is deaf, the district shall provide interpretation of the record in the dominant spoken or sign language;
- B. Copies of applicable state and federal laws and local policies made available on request;
- C. Should the parental rights of one or the other parent/guardian be terminated by a court of appropriate jurisdiction, it is the responsibility of the person/agency having legal custody to notify the district that the right to review student records should be denied the person whose rights have been terminated;
- D. Parents/guardians or adult students have the right to seek to include in the records material they think pertinent or to seek exclusion from the records of material that is untrue, irrelevant to the student's present educational situation or otherwise improperly contained in the student's record. Parents/adult students have the right to request an immediate stay of disclosure pending final determination of the challenge procedure. They also have the right to challenge the district's granting or denial of access to the student's records.

The Superintendent shall devise procedures to review such requests. These procedures shall include an appeal process as required by New Jersey administrative code.

Student Information Directories

The district shall compile, publicize and make available a "student information directory" as defined in the administrative code. Such directory information and school facilities shall be available to educational, occupational and military recruiters as required by law.

The district must notify parents/guardians and adult students annually in writing of their rights in regard to student participation in educational, occupational and military recruitment programs.

Such rights include:

- A. Notification of these rights in writing, in dominant language of parents/guardians or adult student.
- B. A 10-day period in which to submit a written statement to the Superintendent prohibiting the district from including any or all types of information about the student in any student information directory before allowing access to such directory and school facilities to educational, occupational and military recruiters pursuant to statute.
- C. A 10-day period to submit a written statement to the Superintendent excluding information from any school directory for official use.
- D. Copies of applicable state and federal laws and local policies will be made available on request.

District Review of Student Records

The Superintendent shall require all permitted student records of students currently enrolled in the regular educational program to be reviewed annually by certified school personnel to determine the educational relevance of the material contained therein. The reviewer shall cause to be deleted from the records data no longer descriptive of the student or educational situation.

Such information shall be destroyed and shall not be recorded elsewhere nor shall a record of such deletion be made.

Such data may not be removed from the record of a disabled student without prior parental notice.

Records of Classified Students

All records of disabled students shall be maintained in accordance with administrative code and established procedures that will ensure proper accessibility and confidentiality.

A special confidential file shall be maintained listing the code numbers assigned to disabled students on whose behalf the Board of Education must take public action. Motions concerning disabled students shall be anonymous and refer to this confidential file. This shall be maintained in accordance with N.J.A.C. 6A:32-7.

Parents/adult students or designees shall be permitted to inspect and review the contents of the student's record maintained by the district without unnecessary delay and before any meeting regarding the student's IEP. Any consent required for disabled students under N.J.A.C. 6A:32-7 shall be obtained according to N.J.A.C. 6A:14-1.3 "Consent" and N.J.A.C. 6A:14-2.3.

Transfer of Student Records

- A. The Superintendent shall request records of a newly enrolled student from the district of previous attendance as soon as possible after enrollment, but in any case within the time limit prescribed by the administrative code.

- B. The Superintendent shall forward mandated student records as soon as possible upon receipt of the request from the Superintendent of the district to which the student has transferred, but in any case within the time limit prescribed by the administrative code. Permitted records shall be forwarded in the same manner at the same time if parental permission was given at the time the student's parents/guardians informed the district of the transfer.

Permitted Access to Student Records

A nonadult student may assert rights of access only through his/her parent/guardian. However, certified school personnel may, in their discretion, disclose student records to nonadult students or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the student or other persons.

A parent/guardian or adult student shall either have access to or be specifically informed about only that portion of another student's record that contains information about his/her own child or himself/herself.

A student record may be withheld from a parent of a student under 18 or from an adult student only when the district obtains a court order or is provided with evidence that there is a court order revoking the right to access. Only that portion of the record designated by the court may be withheld.

The Board shall limit access to, disclosure of and communication regarding student records and health records to authorized organizations, agencies or persons as defined by code.

Particular attention shall be paid to the development of procedures whereby student records are made accessible to assigned secretarial and clerical staff in the performance of their duties, and to compliance with requirements for the security of computerized student records that will limit access to authorized persons. Limited access shall be granted to secretarial and clerical personnel under the direct supervision of certified school personnel to those portions of the record and to the extent necessary to record data and conduct routine clerical tasks.

The district will make a charge for copies. The charge shall not prevent parents from exercising their rights.

School personnel are not prohibited from disclosing information in the student health record to students or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the student or other persons.

In complying with this policy all individuals shall adhere to N.J.S.A. 47:1A-10, the Open Public Records Act (OPRA) and 20 U.S.C. 1232g; 34 CFR Part 99, the Family Educational Rights and Privacy Act (FERPA).

Conditions of Access

No student record shall be altered or destroyed during the time period between a request to review the record and the actual review of the record. Those from outside the school whose access requires consent of parents/adult students must submit the request in writing, together with any required authorization, to the Superintendent/designee. District regulation shall be developed in accordance with code to ensure that records are not altered, damaged or lost during inspection, and that records of access granted are complete.

Retention and Destruction of Records

The Superintendent shall develop regulations in accordance with the administrative code concerning retention and destruction of student records. No additions may be made to the record after the graduation or permanent departure of a student without the prior written consent of the parent/adult student.

New Jersey district of last enrollment must keep in perpetuity: name, date of birth, gender, citizenship, address, phone number, health history and immunization, standardized assessment and test answer sheet

(protocol), grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

Liability

Liability shall not be attached to any member, officer or employee of the Board of Education permitting access or furnishing student records in accordance with these rules and regulations. It shall be the responsibility of the Superintendent to keep abreast of all changes in state and federal law and regulation concerning student records.

Adopted: June 24, 1985
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Student Records, Student Records, Records, Special Education Student Records

Legal References: <u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A. 18A:36-19</u>	Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
<u>N.J.S.A. 18A:36-19a</u>	Newly enrolled students; records and identification
<u>N.J.S.A. 18A:36-19.1</u>	Military recruiters; access to schools and student information directories
<u>N.J.S.A. 18A:36-35</u>	Disclosure of certain student information on Internet prohibited without parental consent
<u>N.J.S.A. 18A:40-4</u>	Examination for physical defects and screening of hearing of students; health records
<u>N.J.S.A. 18A:40-19</u>	Records and reports of tuberculosis testing; disposition; inspection
<u>N.J.S.A. 26:5C-7 through -14</u>	Acquired Immune Deficiency Syndrome
<u>N.J.S.A. 47:1A-1 et seq.</u>	Examination and copies of public records ("Open Public Records Act")
<u>N.J.S.A. 47:3-15 et seq.</u>	Destruction of Public Records Law
<u>N.J.S.A. 52:17B-9.8a through -9.8c</u>	Marking of missing child's school record
<u>N.J.A.C. 6A:8-4.2</u>	Documentation of student achievement
<u>N.J.A.C. 6A:14-1.1 et seq.</u>	Special Education
See particularly: <u>N.J.A.C. 6A:14-1.3, -2.3, -2.9, -7.9</u>	
<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:16-1.4, -2.2, -2.4 -3.2, -5.4, -6.5, -10.2</u>	
<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C. 6A:32-2.1</u>	Definitions
<u>N.J.A.C. 6A:32-7.1 et seq.</u>	Student records
<u>N.J.A.C. 6A:32-8.1</u>	School register
<u>N.J.A.C. 6A:32-14.1</u>	Review of mandated programs and services
<u>N.J.A.C. 8:61-1.1</u>	Attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV)
<u>N.J.A.C. 15:3-2</u>	State records manual

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

42 U.S.C.A. 4541 et seq. - Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act of 1980

42 CFR Part II

Owasso Independent School District No. I-001 v. Falvo, 534 U.S. (2002)

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

Manual for the Evaluation of Local School Districts

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

Possible

<u>Cross References:</u>	*1110	Media
	*1120	Board of education meetings
	3543	Office services
	*3570	District records and reports
	*5113	Absences and excuses
	*5124	Reporting to parents/guardians
	*5131	Conduct/discipline
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5141.2	Illness
	*5141.3	Health examinations and immunizations
	*5142	Student safety
	*6145.1/6145.2	Intramural competition; interscholastic competition
	*6147.1	Evaluation of individual student performance
	*6164.2	Guidance services
	*6171.4	Special education
	*9322	Public and executive sessions

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

Regulation

STUDENT RECORDS

In accordance with the policy of the Board of Education and conformance with the requirements of state and federal legislation, the following district rules are promulgated for the handling of individual pupil records.

For purposes of this regulation, "parent" shall mean either or both natural parents of the pupil or the legal guardian(s) of the pupil. In cases where parental rights of either of both natural or adoptive parents have been terminated by a court of appropriate jurisdiction, the person holding the custody papers is responsible for informing the district that such individuals are to be denied access.

A. Permitted Records

1. Discipline records
2. Reading record, math record
3. Profile charts
4. Guidance records
5. ESL and bilingual records
6. Signature card of parent/guardian
7. Graduation honors
8. College Board scores
9. Community agency reports
10. Attendance officer reports
11. Lunch program records
12. Bus transportation lists
13. Class record books
14. Honor roll lists
15. Trip permission slips
16. Retention and promotion

B. Form of Records

All anecdotal information collected on a pupil, whether part of the "mandated" or "permitted" pupil record, shall be authenticated information which has been dated and signed by the individual who originated the data. Hearsay information is not considered to be authenticated by this definition.

C. Maintenance of Records

The Principal or designee shall be responsible for the physical security of pupil records maintained in the school and shall devise procedures for ensuring that access to such records is limited to authorized persons only.

All pupil records shall be reviewed annually by the Principal or designee in order to evaluate the educational relevance of the material contained therein. Each reviewer shall delete from the records data detrimental to the pupil and no longer descriptive of the pupil of educational situation. Such data shall be destroyed and not be recorded elsewhere nor shall a record of such deletion be made.

Records of students who have completed secondary school or otherwise terminated their schooling shall be preserved permanently and shall include only those records required by law.

No additions shall be made to the records after graduation or permanent pupil departure without the prior consent of the parent/guardian or adult pupil.

All records for each individual pupil shall be maintained together in the pupil's central file as to which records are maintained by the district and where all records may be found.

D. Access to Records

Only authorized individuals, organizations or agencies shall be granted access to individual pupil records under any conditions. Where authorized individuals are other than the pupil, his/her parent/guardian, the adult pupil or professional staff members of the district, or are authorized and the limiting conditions are:

1. The parent/guardian of a pupil and the pupil who has the written permission of such parent/guardian, or the pupil granted access to his/her records at the discretion of school authorities, or the pupil who has reached the age of 16 and will terminate his/her education by discontinuance or by secondary school graduation. Transcripts of pupil records to accompany college applications shall include only the official grade and attendance record;
2. The adult pupil and the parent/guardian of such pupil who has his/her written permission, except that the parent/guardian shall have access without the consent of the adult pupil if the pupil is financially dependent on the parent/guardian and enrolled in the public school;
3. Professional staff members who have assigned responsibility for the educational program of the pupil;
4. Appropriate persons in case of emergency if such knowledge is necessary to protect the health or safety of the pupil or other person;
5. Accrediting organizations in order to carry out their accrediting functions;
6. The parents/guardians of a child about whom information is contained on another child's record, but only that portion which pertains to their child;
7. Officials of other public school districts in which the pupil intends to enroll, except that the parent/guardian or the adult pupil shall be notified of the release of mandated records and shall give written consent to the release of permitted records, except where a formal sending-receiving relationship exists. Copies of records shall be forwarded to the administrative officials of the school to which the pupil has been transferred within 19 days after the transfer has been verified by the present school districts;
8. Organizations, agencies or persons outside the school provided they have the written consent of the parent/guardian or the adult pupil, except that these organizations shall not transfer pupil information to a third party without written consent of the parent/guardian or adult pupil;
9. Organizations, agencies or persons outside the school upon the presentation of a court order provided that the parent/guardian or the adult pupil has been given at least three days notice (in writing, if practicable) of the court order shall be disclosed;
10. Authorized representatives of the Comptroller General of the United States or other cabinet-rank official authorized by law;
11. The Commissioner of Education and members of the New Jersey Department of Education staff who have assigned responsibility necessitating the review of such records;
12. Researchers from state and federal government agencies, educational institutions, and the like who have received permission from the Superintendent or designee and who will be using the records

under strict conditions of anonymity and confidentiality;

13. Officers and employees of a state agency responsible for protective services to children engaged in investigations pursuant to N.J.S.A. 9:6-8.40 as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency. Whenever appropriate, local school districts shall ask such state agency for its cooperation in sharing the findings of the investigation.

E. Viewing or Records

Authorized individuals, organizations and agencies as defined in D shall have access to the records of a pupil, subject to the following procedures:

1. Authorized individuals, organizations and agencies and persons from outside the school must have prior approval from the Principal to view the records. Access must be granted to eligible persons within 25 days from the date of the request.
2. No pupil record shall be altered or destroyed during the time period between a request to review the record and the actual review of the record.
3. The Principal or designee shall be present during the period of inspection in order to be available for the interpretation of the records and to prevent the alteration, damage or loss of the record itself.
4. All individuals, organizations or agencies desiring access to the records of a pupil shall be required to sign a form which shall be kept permanently with the records and which shall specify the name(s) of the person(s) granted access, the reason access was granted, the date of inspection and the records studied.
5. Upon request, the Principal shall provide for the interpretation of the pupil records in the dominant language of the authorized viewer.
6. A record may be withheld from a parent/guardian or from an adult pupil only when the person who originated the record demonstrates with clear and convincing proof to the Superintendent (or Principal) that such disclosure would create a substantial risk of harm to the pupil or the person with whom the record deals.
7. If the Superintendent is convinced that the risk of disclosure noted in 6 above is of such high degree, the parent/guardian or adult pupil shall be notified within five days that access to the record has been denied, and that the requestor has the right to a review by the Commissioner of Education in accordance with state rules.

F. Reproduction of Records

Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer charged the following fees based upon the total number of pages or parts thereof to be purchased without regard to the number of records being copied:

1. First page to tenth page \$0.50 per page
2. Eleventh page to twentieth page 0.25 per page
3. All pages over twenty 0.10 per page

More may be charged in each case if the actual cost to the district exceeds this amount.

The first three student transcripts will be reproduced at no cost. Starting with the fourth copy, the cost of reproducing the transcript will be 50 cents per page.

G. Right to Know

1. Parents/guardians shall be notified annually in their dominant language at the start of the school year by individual notice of their rights under these regulations.
2. Copies of this policy and regulations along with applicable state and federal regulations regarding student records shall be made available to parents/guardians on request.
3. Upon the graduation or permanent departure of a pupil from the school system, the parent/guardian or adult pupil shall be notified that a copy of the entire pupil record will be provided to them upon request.

Adopted: June 24, 1985
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Cross Reference: 5141.3 Health examinations and immunizations

Policy

AWARDS FOR ACHIEVEMENT

General

The Board of Education believes that pupil achievement should be recognized at all levels in a manner appropriate to the pupil's accomplishment.

The Board directs the Superintendent/designee to develop criteria and procedures for presenting awards to pupils for scholarship and outstanding accomplishments in the arts, athletics and citizenship.

The Superintendent shall review and advise the Board on acceptance of proposed trophies, prizes, scholarships or other awards from nonschool donors. Any such proposed award shall be free from bias as outlined in the district's affirmative action policies.

Criteria regarding eligibility and selection for awards shall be disseminated annually to all pupils and parents/guardians.

Academic Recognition

The Board directs the Superintendent/designee to establish criteria and procedures for placing pupils in grades nine through twelve on academic honor rolls.

Athletic Participation

The Board wishes to recognize the achievements of pupils who give many hours of their time to represent the school in interscholastic athletics. Requirements for awards in each sport shall be decided by a committee composed of coaches, athletic director and Principal.

Service Participation

School service groups shall be recognized for participation in order to emphasize the importance of good citizenship in school life as outlined in the course of study.

Adopted: June 24, 1985
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Awards, Pupil Achievement Awards, Academic Awards, Athletic Awards, Honor Roll

Legal References: N.J.S.A. 18A:36-20 Discrimination; prohibition
N.J.S.A. 18A:71-27 Higher education; scholarship funds; establishment; administration

Possible

<u>Cross References:</u>	*1322	Contests for pupils
	*3280	Gifts, grants and bequests
	*5120	Assessment of individual needs
	*5125	Pupil records
	*5127	Commencement activities
	*5131	Conduct/discipline
	*6145.1/6145.2	Intramural competition; interscholastic competition
	*6147	Standards of proficiency

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

Policy

COMMENCEMENT ACTIVITIES

The Board endorses graduation activities and ceremonies. The date of graduation shall annually be recommended by the Superintendent and approved by the Board.

Graduation shall not occur prior to completion of the required 180 days of pupil instruction.

Guidelines for Graduation Year Activities

Pupil participation in special graduation year activities will require conduct of the highest caliber in all school situations.

Criteria for exclusion from these activities concern consistent behavioral patterns and shall include, but not be limited to:

- A. Consistent involvement in disciplinary action(s);
- B. Suspension;

The final decision shall be made by the Superintendent.

Pupils and parents/guardians shall be given advance notification of these criteria.

Graduation Procedures and Ceremonies

No pupil shall be barred from participation in graduation ceremonies for arbitrary or discriminatory reasons. A pupil who may be prevented from participation and his/her parents/guardians shall be so notified in advance and no later than ten days prior to the close of the school year.

When a pupil or his/her parents/guardians experiences financial hardship and is unable to pay the costs of participation in graduation ceremonies, the Board shall assume the costs of the following items:

- A. Rental or purchase of cap and gown;
- B. One year book;
- C. Other, as may be determined by the Board.

Financial hardship shall be defined by eligibility standards for free and reduced price meals under the state school lunch program.

The Board reserves the right to deny participation in graduation activities when extreme circumstances warrant it. Such denial shall be treated in the same manner as a suspension and the pupil so affected shall be afforded the rights of review provided in policies of this Board.

The Board reserves the right to withhold a diploma and transcripts until all fines are paid.

Awarding of Diplomas

A Board member shall present a copy of the Declaration of Independence, the Constitution of the United States and the amendments thereto, and the Constitution of the State of New Jersey and the amendments thereto to each eighth grade pupil upon graduation from elementary school.

The president of the Board of Education and/or another designated member of the Board shall award the diplomas. Board members and former Board members shall be afforded the opportunity to award diplomas to their own children.

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

Adopted: June 24, 1985
Revised: April 12, 1988
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Commencement Activities, Graduation Ceremonies

Legal References: N.J.S.A. 18A:7C-5.1 Boards of education prohibited from excluding students from graduation ceremony or from obtaining yearbook for inability to pay fees
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36-18 Books containing organic laws at graduation
N.J.S.A. 18A:37-2 Causes for suspension or expulsion of pupils
N.J.S.A. 18A:54-20 Powers of Board (county vocational schools)
N.J.A.C. 6A:8-5.1 et seq. Implementation of Graduation Requirements
N.J.A.C. 6A:16-7.1 et seq. Student Conduct
Ballato v. Long Branch Board of Education, 1990 S.L.D. (August 20)
Lee v. Weisman, 112 S.Ct. 2649 (1992)
R.L. v. Kingsway Regional Board of Education, 95 NJAR2d (EDU) 296
D.C. v. Parsippany Troy Hills Board of Education, 96 NJAR2d (EDU) 697
DO'G v. Ridgefield Park Board of Education, 96 NJAR2d (EDU) 820
R.F. v. Park Ridge Board of Education, 97 NJAR2d (EDU) 1
American Civil Liberties Union v. Blackhorse Pike Regional Board of Education, 84 F.3d 1471 (3d Cir. 1996)

Possible

Cross References: *5113 Absences and excuses
*5114 Suspension and expulsion
*5126 Awards for achievement
*5131 Conduct/discipline

- *6111 School calendar
- *6115 Ceremonies and observances
- *6141.2 Recognition of religious beliefs and customs
- *6146 Graduation requirements

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

Policy

CONDUCT/DISCIPLINE

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

The Board of Education expects pupils to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other pupils, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment.

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

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

In developing the standards, policies and procedures to implement this policy, the Superintendent shall ensure that the code of student conduct:

- A. Is based on parent, student and community involvement which represents, where possible, the composition of the schools and community;
- B. Is based on locally determined and accepted core ethical values;
- C. Is Board approved.

The Superintendent shall develop regulations that:

- A. Require pupils 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;
- B. Establish the degree of order necessary to the educational program in which pupils are engaged.

The Board will annually review and update the code of student conduct and this process shall include:

- A. Parent, student and community involvement which represents, where possible, the composition of the 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 of a education at 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.

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

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

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

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. Infractions shall be reported to the local law enforcement agency in accordance with the district's memorandum of agreement. Confidentiality shall be protected in accordance with federal and state law.

Weapons Offenses

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

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

Disabled

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

- A. The pupil's behavior is not primarily caused by his/her educational disability;

B. The program that is being provided meets the pupil's needs.

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

Implementation

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 all related policies on a regular basis.

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Key Words

Conduct, Discipline, Pupil Conduct, Student Conduct, Weapons, Vandalism

Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 2C:12-1 Definition of assault
N.J.S.A. 2C:33-19 Paging devices, possession by students
N.J.S.A. 2C:39-5 Unlawful possession of weapons
N.J.S.A. 18A:6-1 Corporal punishment of pupils
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:25-2 Authority over pupils
N.J.S.A. 18A:36-19a Newly enrolled students; records and identification
N.J.S.A. 18A:37-1 et seq. Discipline of Pupils
See particularly:
N.J.S.A. 18A:37-15
N.J.S.A. 18A:40A-1 et seq. Substance Abuse
N.J.S.A. 18A:54-20 Powers of Board (county vocational schools)
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
See particularly:
N.J.A.C. 6A:16-1.4, -2.4
-4.1, -5.1, -6.1, -6.2,
-7.1 through -7.6
N.J.A.C. 6A:32-12.1 Reporting requirements
N.J.A.C. 6A:32-12.2 School-level planning

20 U.S.C.A. 1415(k) Individual with Disabilities Education Act Amendments of 1997

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

Hazelwood v. Kuhlmeier 484 U.S. 260 (1988)

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

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

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

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.A.S. 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 Districts

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

Possible

<u>Cross References:</u>	*1220	Ad hoc advisory committees
	*1410	Local units
	3517	Security
	*3541.33	Transportation safety
	*4131/4131.1	Staff development; inservice education/visitation conferences
	4148	Employee protection
	*4231/ 4231.1	Staff development; inservice education/visitation conferences
	4248	Employee protection
	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
	*5131.5	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
	*5145.11	Questioning and apprehension
	*5145.12	Search and seizure
	*6145	Extracurricular activities
	*6164.4	Child study team
	*6171.4	Special education
	*6172	Alternative educational programs

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

Regulation

CONDUCT/DISCIPLINE

Goal:

It is the Camden City Board of Education's goal to maintain an orderly learning environment by alerting students to unacceptable behaviors and provide a framework of consequences for inappropriate conduct.

Expectations:

- A. Students are expected to adhere to the attendance and discipline regulations of the school system.
- B. Parents and members of the community are expected to support the school in its efforts to implement this policy, while providing assistance to their children toward self-discipline. The parent and child are expected to review the discipline policy together, sign and return "THE DISCIPLINE POLICY REVIEW FORM." The parent is the first line of discipline.
- C. Teachers and administrators are expected to review with the student and implement the policy aggressively and fairly with the intent of assisting the student to develop and maintain self-discipline. The teacher is responsible for discipline in the classroom.
- D. The Board accepts the responsibility of operating schools as per law and regulations. Thus, there is an impelling responsibility upon the parents and students to attend and be on time as scheduled. The Board of Education will not condone unauthorized absence from school or lateness to school and will make every effort to eliminate the cause of these problems. Success cannot be achieved unless students are present and on time for all regularly scheduled classroom learning activities.

District Suspension School

Due to space limitations and efficiencies district will maintain a district suspension school on a year to year basis. Principals shall refer to exhibits for procedures for sending students.

Recommended Disciplinary Steps:

The Camden Board of Education has recommended the following steps to be followed by the teacher to insure due process, as it relates to discipline problems within the classroom. These procedures are listed and one action would follow another to resolve discipline problems.

- 1. Teacher and student conference
- 2. Teacher employs behavior modification (see Appendix)
- 3. Teacher telephone or note to parent
- 4. Teacher conference with parent

In cases of serious behavioral problems (see Exhibits) the following actions can be taken:

- 5. Administrator/teacher/parent/student conference and distribute Daily Progress Report
- 6. Administrator call proper authorities and refers student to support services
- 7. Administrative detention

8. Suspension/in-house
9. Suspension school
10. Alternative placement
11. Out of school suspension to the care of the parent
12. Expulsion

When filling out the district discipline report form for involvement of administrative personnel, please use the first two lines of "Action Taken", to list which of the above steps have been followed prior to office referral. This information shall come from the Teacher/Classroom Management Form. The administrator will then take the subsequent steps.

Alternative placement includes, but is not limited to:

- A. Change homeroom
- B. Alter schedule
- C. Move to another regular school
- D. Move to Fetters, South Camden Alternative, Challenge Square, Juvenile Resource Center
- E. Home instruction to the care of the parent, as determined by the Superintendent
- F. Out of district placement
- G. Residential placement
- H. Out of school suspension

Police Involvement:

The following offenses could constitute juvenile or adult offenses:

- A. Possession or distribution of controlled dangerous substance(s)
- B. Possession of a weapon
- C. Destruction or defacing of property
- D. Extortion/Shakedown
- E. Stealing/Theft
- F. Forgery
- G. Threatening school personnel/students
- H. Attacking school personnel/students
- I. Malicious damage to property of school, personnel or students
- J. Assault with a weapon
- K. Chronic fighting and/or gang related school offenses
- L. Sexual Assault
- M. Truancy
- N. Lewdness/Criminal Sexual Contact
- O. Trespassing
- P. Gambling
- Q. Starting/Causing fires
- R. False Alarm/Bomb Scare
- S. Sexual Harassment

District Exit Form:

District Exit Form(s) must be completed for all students leaving the building with anyone other than a parent or legal guardian.

Students' Rights and Responsibilities:

The laws that define student rights and responsibilities reflect the interplay of the multiple roles of a student in the community. These roles acknowledge that:

1. A student is entitled to due process, to the equal protection of the law and to free speech and expression as guaranteed by the First Amendment of the United States Constitution;
2. A student is also a member of a family and, in most cases is still a minor. As minors, most students are still subject to the control of their parents/guardians with respect to many aspects of their lives since, under the law, parents have a general right and responsibility to direct the upbringing of their children; and, a student is a member of a school community.
3. The school has an obligation to the larger society to educate young people to assume the responsibilities of adult life. In order to fulfill its tasks, the school has a general power to make reasonable rules designed to promote an atmosphere where learning can take place effectively and to discipline students in a reasonable manner when those rules are violated. The school is said to act "in loco parentis", that is, in the place of the parent with respect to the supervision of students' education and conduct while they are in school. The authority extends to school-sponsored functions and functions at other schools involving approved activities.

Some conflicts that arise in the area of student behavior occur when the different aspects of a student's status come into conflict in the school setting. For example, incidents may arise that may directly pit the student's First Amendment rights against the right and duty of the school to maintain the order and discipline necessary to maintain an effective learning environment. Parents and school personnel may disagree on the content of the information maintained in a student's personnel record, on the question of whether a student is appropriately dressed for school, or on the reasonableness of a punishment to which a student has been subjected. Other issues in school law arise out of relationships and legal obligations that schools may have to external agencies such as law enforcement or health and social services agencies which also have responsibilities for young people.

School personnel and local administrators should be aware that a substantial body of state and federal law addresses the rights and responsibilities of students, parents and schools with respect to student conduct. In drafting codes of conduct, this law should be consulted and understood to ensure that the code which is developed comports with applicable law and with state educational policy objectives.

A. STUDENT'S SUBSTANTIVE AND PROCEDURAL RIGHTS

It is important to understand that students basically have two kinds of rights. These rights are, first, substantive rights and secondly, procedural rights.

Substantive rights define the specific types of conduct or behavior in which students have a right to engage. Students substantive rights may not be abrogated. For example, students have a substantive right to free speech and free expression, and also have a substantive right to be free from illegal discrimination based on race, religion or ethnic origin. In New Jersey, students have a substantive right to attend school until the age of 20, or for special needs students, age 21.

Procedural rights in the school setting specify the procedures or particular steps that must be followed before certain actions can be taken against a student. It must be noted that the due process clause of the Fourteenth Amendment to the United States Constitution requires that before any person can be deprived of an important right or punished for having violated rule or law, three factors must be present: (1) the individual must have notice of what is about to happen; (2) he or she must be given an opportunity to be heard; and, (3) the hearing that takes place must be conducted fairly.

Students must be afforded due process rights before disciplinary measures can be imposed.

In an effort to maintain public safety in our schools and minimize interference with an investigation when a crime against a person is committed it may become necessary to place both the victim and the accused on homebound instruction.

B. DISCIPLINARY ACTION

1. Pupils with educational disabilities are subject to the same district Board of Education disciplinary policies and procedures as nondisabled pupils, unless the pupil's individualized education program includes exemptions to those policies or procedures. The individualized education program shall be implemented, with the following exception:

Prior to effecting any discipline which would result in a significant change in placement, the child study team shall conduct a reevaluation according to law.

2. The following standards shall be used in determining if a proposed discipline constitutes a significant change in placement.
 - a. If the proposed discipline involves expulsion or suspension for an indefinite period of time or more than ten (10) consecutive school days, the expulsion or suspension constitutes a significant change in placement.
 - b. If the proposed discipline involves suspension of more than ten (10) non-consecutive school days, the suspension shall be reviewed to determine if it creates a pattern of exclusion which constitutes a significant change in placement.
3. When a pupil with an educational disability is suspended, the Principal shall forward, at the time of suspension, written notification and descriptions of the reasons for such action to the parent(s) with a copy to the case manager. Such notification shall occur prior to the suspension if this action would result in the pupil being suspended for more than ten (10) days in the school year. The case manager shall review the status of the pupil in order to:
 - a. Determine if the suspension results in a significant change in placement;
 - b. Document the review and the determination made; and
 - c. If the suspensions would result in a significant change in placement:
 1. Immediately advise the Principal that reevaluation shall be conducted prior to the suspension; and
 2. Initiate a reevaluation.
4. On completion of the reevaluation, the child study team shall determine if the pupil's behavior was primarily caused by his/her educational disability and if so, whether the pupil's current educational placement is appropriate.
 - a. If the pupil's behavior is determined to be primarily caused by the pupil's educational disability, the district may not discipline the pupil.
 - b. If it is determined that the pupil's behavior is not related to his/her educational disability, the district Board of Education may discipline the pupil. However, at no time shall the district Board of Education cease educational services to that pupil.
5. Upon making each of the determinations specified in part 1, part 2 and part 3 above, the child study team shall prepare and forward to the Principal and the parent(s) or adult pupil written statement setting forth their conclusions and their recommendations, if any, and a statement that mediation or a due process hearing may be requested according to law.
6. If there is ongoing peril of physical harm to self or others or of substantial disruption of the educational process, and the suspension would result in a significant change in placement, the pupil may be temporarily suspended while the district immediately seeks emergency relief.

7. Before a noneducationally disabled pupil can be considered for expulsion by a district Board of Education, the district Board of Education shall obtain consent from the parent or adult pupil for evaluation and the child study team shall conduct an initial evaluation according to law to determine eligibility.

C. PUPIL RECORDS

1. All pupil records shall be maintained according to law.
2. The parent(s), adult pupil or their designated representative shall be permitted to inspect and review the contents of the pupil's records maintained by the district Board of Education under law without unnecessary delay and before any meeting regarding the individualized education program.
3. Any consent required for pupils with educational disabilities under law shall be obtained. Unauthorized student signing of report cards, absence notes, letters, passes, etc.

Adopted:	June 24, 1985
Revised:	August 23, 1995
Revised:	October 23, 1996
Revised:	July 28, 1997
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009

Policy

CLASSROOM, HALL AND GROUNDS CONDUCT

Teachers are responsible for the conduct of their classes at all times except when another member of the professional staff assumes direct control in accordance with current administrative procedures.

Students shall conduct themselves in classrooms, halls and on school grounds with due regard for safety, property and the rights of others.

Adopted: June 24, 1985
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Conduct

Legal References: N.J.S.A. 18A:25-2 Authority over Pupils
 N.J.S.A. 18A:37-1 et seq. Discipline of Pupils

Cross References: 5114 Suspension and expulsion
 5142 Safety
 5144 Discipline

Policy

STUDENT VEHICLES

Students who drive to school are not permitted to use the parking lot or the athletic field parking areas. Cars will be ticketed or towed away.

Adopted: June 24, 1985
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Vehicles, Student Vehicles

Possible

Cross References: *1330 Use of school facilities
*3515 Smoking prohibition

Policy

CAMPUS DISTURBANCES

Any disturbance by students that interferes with the normal course of school activities shall be deemed a student disorder. All such disorders shall be met with disciplinary action commensurate with the gravity of the disorder.

Staff members in their everyday duties learn a great deal about the students, their feelings, and their hostilities. It shall be the responsibility of all staff members to report to the Principal or assistant Principal any incident that could eventually lead to a student disorder.

The administration shall maintain an 'open door' policy to be followed by all members of the professional staff. Through this kind of communication with the students, many problems can be solved at their earliest level.

The Superintendent or designee shall give support, guidance, direction and assistance to each building to protect the safety of students and staff members and to prevent destruction of public property in the event of a campus disorder.

Adopted: June 24, 1985
Revised: September 24, 1990
Revised: January 27, 1993
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Campus Disturbance, Riot

Legal References: N.J.S.A. 18A:25-2 Authority over Pupils
N.J.S.A. 18A:37-4 Suspension of Pupils

Cross Reference: 5145.6 Student grievance procedures

Policy

VANDALISM/VIOLENCE

Vandalism

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

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

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

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

Violence

Physical violence including assault with or without a weapon, against another pupil, a staff member or Board member is prohibited and will result in the disciplinary sanctions included in policies on suspension and expulsion and conduct/discipline. Disruptive behavior that is characterized by verbal or physical violence, even though not directed toward another person, should be reported by the classroom teacher

to the Principal, so that possible program adjustments may be identified.

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

Any school employee observing or having direct knowledge from a participant or victim of an act of violence in the Camden City Public Schools should complete the standard report form and submit it to the school Principal who is responsible for preparing the official report to the Superintendent.

The Superintendent shall annually:

- A. Report to the Board of Education at a public meeting in October, all acts of violence and vandalism in the district that occurred during the previous school year;
- B. Ensure that a transcript of the annual report of violence and vandalism is kept on file at the Board office and made available to the public;
- C. Forward the transcript of the public hearing on violence and vandalism to the Department of Education by November 1;
- D. Notify the county Superintendent of action taken regarding incidents of violence.

Threats of Violence

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

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

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

Unsafe School Choice Option

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

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

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

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

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

School Violence Awareness Week

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

Local law enforcement personnel will be invited to participate.

Violence and Vandalism Reporting

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

Implementation

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

Adopted: June 24, 1985
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009/Adopted: June 23, 2009

Key Words

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

Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 2A:53A-15 Liability of parent or guardian for willful destruction of property by infant under 18
N.J.S.A. 2C:39-5 Unlawful possession of weapons
N.J.S.A. 18A:17-46 Act of violence; report by school employee; notice of action taken; annual report
N.J.S.A. 18A:25-2 Authority over pupils
N.J.S.A. 18A:36-5.1 School Violence Awareness Week
N.J.S.A. 18A:37-1 et seq. Discipline of Pupils
See particularly:
N.J.S.A. 18A:37-2, -2.1
through -2.5, -3, -7
through -12
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsion
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
See particularly:
N.J.A.C. 6A:16-1.4, -5.1,
-5.2, -5.3, -5.5, -5.6, -5.7,
-6.1

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

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

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

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

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

Possible

<u>Cross References:</u>	*1120	Board of education meetings
	*3250	Income from fees, fines, charges
	3517	Security
	4148	Employee protection
	4248	Employee protection
	*5114	Suspension and expulsion
	*5119	Transfers
	*5124	Reporting to parents/guardians
	*5131	Conduct/discipline
	5131.4	Campus disturbances
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	*6114	Emergencies and disaster preparedness
	*6172	Alternative educational programs

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

Policy

DRUGS, ALCOHOL, STEROIDS, TOBACCO
(Substance Abuse)

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

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

Drugs, Alcohol, Steroids

A. Students

For the purpose of this policy, "drug" includes all controlled dangerous substances set forth in N.J.S.A. 24:21-1 et seq. and all chemicals that release toxic vapors set forth in N.J.S.A. 2C:35-10.4 et seq.

1. The Board prohibits the use, possession and/or distribution of any drug, alcohol, or steroids on school premises, and at any event away from the school provided by the board. Compliance with a drug-free standard of conduct at all school functions is mandatory for all students. Pupils suspected of being under the influence of drugs, alcohol, or steroids will be identified, evaluated, and reported in accordance with the law. Assessment will be provided by individuals who are certified by the New Jersey State Board of Examiners as substance awareness coordinators or by individuals who are appropriately certified by the New Jersey Board of Examiners and trained in alcohol and other drug abuse prevention. A pupil who uses, possesses, or distributes drugs, alcohol, or steroids on school premises or while attending a school-sponsored activity will be subject to discipline that may include suspension or expulsion, and may be reported to appropriate law enforcement personnel. Pupils suspected of involvement with alcohol, drugs or steroids away from school premises will be advised of appropriate treatment and remediation (N.J.S.A. 18A:40A-10). Treatment services for students who are affected by alcohol or other drug use will be provided by individuals who are certified as student assistance coordinators or who are otherwise appropriately trained in drug and alcohol prevention, intervention, and follow-up. Treatment will not be at the board's expense.
2. The Board directs the establishment of a program designed to provide short-term counseling and support services for pupils who are in care or returning from care for alcohol and other drug dependencies. Pursuant to N.J.S.A. 18A:40A-16 the district shall establish a parent/guardian substance abuse program offered at times and places convenient to the parents/guardians of the

district on school premises or other facilities.

B. Law Enforcement for Drugs and Alcohol

1. Enforcement of Drug-Free School Zones

The Board recognizes its responsibility to ensure continuing cooperation between school staff and law enforcement authorities in all matters relating to the use, possession, and distribution of controlled dangerous substances and drug paraphernalia on school property. The Board further recognizes its responsibility to cooperate with law enforcement authorities in planning and conducting law enforcement activities and operations on school property. The Board shall, therefore, establish a formal Memorandum of Agreement with the appropriate law enforcement authorities and set forth the following policies and procedures after consultation with the county prosecutor and approval by the executive county superintendent of schools. The Memorandum of Agreement shall be consistent with the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

2. Law Enforcement Liaison

In order to ensure that such cooperation continues, the Board directs the Superintendent to designate a school district liaison(s) to law enforcement agencies and to prescribe the roles and responsibilities of the school liaison(s). Such assignment shall be in accordance with the district's collective bargaining agreement, if applicable.

3. Undercover Operations

The Board hereby recognizes that the Superintendent may request that law enforcement authorities conduct an undercover operation in the school if he/she has reason to believe that drug use and/or drug trafficking is occurring in the school and that a less intrusive means of law enforcement intervention would be ineffective. The Board hereby authorizes the Superintendent to request such intervention under these circumstances. The board recognizes that the Superintendent is not permitted to ask the board's approval for his/her action and is not permitted to discuss any aspect of the undercover operation until authorized to do so by law enforcement authorities.

The Board recognizes that law enforcement authorities may contact the Superintendent to request that an undercover operation be established in a district school. The Board recognizes that the Superintendent is prohibited from discussing the request with the board. The board hereby authorizes the Superintendent to act upon any such request in the manner that he/she determines is in conformity with the law and the Attorney General's Executive Directive 1988-1 and that is in the best interests of the students and the school district.

The Board directs the Superintendent and school principal to cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The Superintendent, principal, or any other school staff or district board member who may have been informed about the undercover operation is required to immediately communicate information to the county prosecutor or designee if the integrity of the undercover school operation has been compromised in any way.

At the completion of an undercover operation in a school, and with the consent of the appropriate law enforcement authority, the Superintendent shall report to the board regarding the nature of the operation, the result of the operation, and any serious problems encountered during the operation.

4. Summoning Law Enforcement Authorities onto School Property for the Purpose of Conducting Investigations, Searches, Seizures, and Arrests

Any school employee who has reason to believe a student(s) or a staff member(s) is using or distributing controlled dangerous substances, including anabolic steroids, or drug paraphernalia on school premises shall bring that information to the school principal who, in turn, shall report same to the Superintendent. The Superintendent shall immediately report that information to the appropriate law enforcement agency. If, after consultation with the law enforcement official, it is determined that further investigation is necessary, the Superintendent will cooperate with the law enforcement authorities in accordance with the law and administrative code. He/she will provide the officials with a room in an area away from the general student population in which to conduct their law enforcement duties. If law enforcement officials do not choose to investigate the incident, the Superintendent may continue the investigation to determine if any school rules have been broken and whether any school discipline is appropriate.

If an arrest is necessary, and no exigent circumstances exist, the Superintendent and staff will cooperate with the law enforcement officials and provide them access to the office of a school administrator or some other area away from the general student population. Every effort shall be made to enable law enforcement personnel to carry out the arrest in a manner that is least disruptive to the educational environment. The Superintendent or the principal shall immediately notify the student's parent/guardian whenever a pupil is arrested for violating any laws prohibiting the possession, use, sale, or distribution of any controlled substance or drug paraphernalia.

Whenever the police have been summoned to a school building by the Superintendent, the Superintendent shall report the reason the police were summoned and any pertinent information to the board at its next regular meeting. If confidentiality is required, the report shall be made in executive session.

5. Student Searches and Securing Physical Evidence

The principal or his/her designee may conduct a search of a student's person or belongings if the search is necessary to maintain discipline and order in the school, and the school official has a reasonable suspicion that the student is concealing contraband. All searches and seizures conducted by designated school staff shall comply with the standards prescribed by the United States Supreme Court in State in re T.L.O. 94 N.J. 331 (1983), reversed on other grounds, New Jersey v. T.L.O. 569 U.S. 325 (1985) and the New Jersey School Search Policy Manual.

If, as a result of the search, a controlled dangerous substance or drug paraphernalia is found, or if a controlled dangerous substance or drug paraphernalia is by any means found on school property, the individual discovering the item or substance shall immediately notify the building principal; the principal shall immediately notify the Superintendent who shall immediately, in turn, notify the appropriate law enforcement agency. The principal shall ensure that the controlled or dangerous substance and/or drug paraphernalia is labeled and secured in a locked cabinet or desk until law enforcement officials pick it up. The principal shall then contact the student's parents/guardians to inform them of the occurrence.

Whenever law enforcement officials have been called into the school, and a search of a student's person or belongings is necessary, or an interrogation is to be conducted, the Superintendent shall request that the law enforcement officials conduct the search, seizure, or interrogation.

6. Police Presence at Extracurricular Activities

The Superintendent is hereby authorized to contact the appropriate law enforcement agency and arrange for the presence of an officer(s) in the event of an emergency or when the Superintendent believes that uniformed police presence is necessary to deter illegal drug use or trafficking or to maintain order or crowd or traffic control at a school function.

7. Resolving Disputes Concerning Law Enforcement Activities

The Board authorizes the Superintendent to contact the chief executive officer of the law enforcement agency involved with any dispute or objection to any proposed or ongoing law enforcement operation or activity on school property. If for any reason the dispute or objection is not satisfactorily resolved with the chief executive officer of the agency, the Superintendent shall work in conjunction with the county prosecutor and, where appropriate, the division of criminal justice to take appropriate steps to resolve the matter. Any dispute that cannot be resolved at the county level shall be reported to the board and shall be resolved by the attorney general whose decision will be binding.

8. Confidentiality of Pupil Involvement in Intervention and Treatment Programs

Nothing in this policy shall be construed in any way to authorize or require the transmittal of any information or records that are in the possession of a substance-abuse counseling or treatment program including, but not limited to, the school district's own substance abuse programs. All information concerning a pupil's or staff member's involvement in a school intervention or treatment program shall be kept confidential. See 42 CFR 2 and N.J.A.C. 6A:16-6.5.

Tobacco

Tobacco use is now recognized as a chronic disease and public health hazard. Tobacco use is associated with conditions such as heart disease, emphysema, asthma, high blood pressure, diabetes, and many other chronic diseases. The most effective strategy for discouraging tobacco use by young people is a wellness strategy that supports prevention, intervention, and cessation.

A. Tobacco Use and Possession

1. No student, faculty/staff member or school visitor is permitted to use any tobacco product:
 - a. In any building, facility, or vehicle owned, leased, rented or chartered by the district;
 - b. On any school grounds and property—including athletic fields and parking lots—owned, leased, rented, utilized (e.g., adjacent parking lots) or chartered by the board of education;
 - c. At any school-sponsored or school-related event on-campus or off-campus (e.g., field trips, proms, sporting events off campus, etc).
2. In addition, school district employees, school volunteers, contractors or other persons performing services on behalf of the school district (e.g., bus drivers) also are prohibited from using tobacco products at any time while on duty in accordance with their contracts or in the presence of students, either on or off school grounds.
3. Further, no student is permitted to possess a tobacco product while in any school building, while on school grounds or property or at any school-sponsored or school-related event, or at any other time that students are under the authority of school personnel.

B. Definition of Tobacco Products and Tobacco Use

For the purposes of this policy, "tobacco product" is defined to include but not limited to cigarettes, cigars, blunts, bidis, pipes, chewing tobacco and all other forms of smokeless tobacco, rolling papers and any other items containing or reasonably resembling tobacco or tobacco products (excluding quit products). "Tobacco use" includes smoking, chewing, dipping, or any other use of tobacco products.

C. Signage

Signs will be posted in a manner and location that adequately notify students, faculty/staff and visitors about the Comprehensive Tobacco-Free School Policy.

D. Compliance for Students

In recognition that tobacco use is a public health issue and that tobacco is a gateway drug and highly addictive, the Board recognizes that intervention rather than punishment is the most effective way to address violations of this policy. Students who violate the school district's tobacco-use policy will be referred to the student assistance counselor (SAC), guidance counselor, a school nurse, or other health or counseling services for all offenses for health information, counseling, and referral. Administration will consult with appropriate health organizations in order to provide student violators with access to an Alternative-to-Suspension (ATS) program. The ATS program will provide up-to-date information on the many consequences of tobacco use, offer techniques that students can use to stop tobacco use at school, and provide referrals to local youth tobacco cessation programs.

Parents/guardians will be notified of all violations and actions taken by the school. Schools may also use community service as part of the consequences. Ordinarily, and consistent with a wellness strategy, suspension will only be used after a student has three or more prior violations or refused to participate in other outlined measures.

E. Compliance for Faculty, Staff, and Visitors

As with students, intervention rather than punishment is the most effective way to address adult violations of this policy. Faculty or staff who violate the school district's tobacco-use policy will be referred to the Employee Assistance Program (EAP) or a tobacco cessation program. Employees who repeatedly violate the policy or do not comply with intervention or cessation referrals may be subject to consequences in accordance with district policy and their contract. Visitors using tobacco products will be informed about the policy and asked to refrain while on school property. Visitors who continue to violate the policy will then be asked to leave the premises. Law enforcement officers may be contacted to escort the person off the premises or cite the person for trespassing if the person refuses to leave the school property.

F. Opportunities for Cessation

The administration will consult with the county health department and other appropriate health organizations (e.g., American Lung Association, American Cancer Society, etc.) to provide students and employees with information and access to support systems, programs and services (e.g., NJDHSS Quitline 1 866 NJSTOPS (657-8677) and njquitline.org) to encourage them to abstain from the use of tobacco products.

G. Prevention Education

The administration will consult with appropriate health organizations to identify and provide programs or opportunities for students to gain a greater understanding of the health hazards of tobacco use and the impact of tobacco use as it relates to providing a safe, orderly, clean and inviting school environment.

H. Procedures for Implementation

The administration will develop a plan for communicating the policy that may include information in student and employee handbooks, announcements at school-sponsored or school-related events, and appropriate signage in buildings and around campus. A process that identifies intervention and referrals for students, faculty/staff, and visitors who violate the policy will be created and communicated to all students, faculty/staff and parents.

Ongoing Implementation of this Policy

A. Prevention Education for Students

The Board will enforce the laws of New Jersey requiring a program of drug, alcohol, steroid, and tobacco education. The Superintendent shall prepare and submit to the board for its approval a comprehensive curriculum for such instruction in grades seven through 12 offering a minimum of 10 clock hours per school year of alcohol and other drug education in accordance with department of education chemical health guidelines, pursuant to N.J.S.A. 18A:40A-1 *et seq.* Drug, alcohol, steroid, and tobacco education shall be integrated with the health curriculum

B. Faculty Education and Inservice Training

All district personnel shall be alert to signs of alcohol, drug, steroid, and tobacco use by pupils and shall respond to those signs in accordance with procedures established by the Superintendent of schools. The Board will provide inservice training to assist teaching staff members in identifying the pupil who uses drugs, alcohol, steroids, and/or tobacco and in helping pupils with drug-, alcohol-, steroid-, and tobacco-related problems in a program of rehabilitation. The Superintendent will ensure that all district employees receive annual inservice training to make them aware of their responsibilities in accordance with board policies and N.J.A.C. 6A:16-3.1.

C. Annual Review and Distribution of Policy

The board will review annually the effectiveness of these policies and the Memorandum of Agreement entered into with the appropriate law enforcement agency. As part of this review, the board will consult with the executive county superintendent, local community members, and the county prosecutor's office.

In accordance with N.J.S.A. 18A:40A-10, copies of the policy statement shall be distributed to pupils and their parents/guardians at the beginning of each school year.

D. Administrative Regulations

The Superintendent may develop administrative regulations for:

1. A comprehensive program of drug, alcohol, steroid, and tobacco education;
2. The identification and remediation of pupils involved with drugs, alcohol, steroids, and tobacco;
3. The examination and treatment of pupils suspected of being under the influence of drugs, alcohol, steroids, or tobacco to determine the extent of the pupil's use or dependency;
4. The treatment of pupils who use, possess or distribute drugs, alcohol, steroids, and tobacco in violation of law or this policy through referral to an appropriate drug/alcohol/tobacco abuse program as recommended by the department of health; and
5. The readmission to school and treatment of pupils who have been convicted of drug, alcohol, steroid, or tobacco offenses.

E. Reporting and Liability

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

prior employment record.

At an annual hearing the Superintendent shall report to the Board all acts of violence and vandalism and incidents of alcohol and other drug abuse that occurred during the previous school year.

Any staff member who reports a pupil to the principal or his/her designee in compliance with the provisions of this policy shall not be liable in civil damages as a result of making such a report as provided for under N.J.S.A. 18A:40A-1 et seq.

F. Confidentiality Requirements

All policies and procedures must comply with the confidentiality requirements established in federal regulation found at 42 CFR Part II.

G. Parental Compliance

Substance abuse in the district is considered a health risk. It is the expressed position of the district that when school rules have been violated, and when a student's health is at risk, we must notify the student's parents/guardians and attempt to involve the family in the rehabilitation plan subject to the confidentiality restrictions of 42 CFR Part II.

Optional Random Drug Testing of High School Students

Camden City Public Schools have the option to conduct random testing of high school students who possess a school parking permit or who participate in extracurricular activities, including sports, for alcohol or other drug use. Testing, if conducted, will comply with the requirements of N.J.A.C. 6A:16-4.4, "voluntary policy for random testing of student alcohol or other drug use." Before instituting testing, a public hearing will be held concerning the district's policy and procedures. Collection and testing of specimens will be only by the individuals authorized by the regulations. The district's procedures will include a procedure whereby students or their parents may challenge a positive result from alcohol or other drug tests.

Adopted: June 24, 1985
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Revised: August 23, 1995
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Key Words

Drugs, Alcohol, Steroids, Tobacco, Substance Abuse, Smoking, Drinking, Drug Testing

<u>Legal References:</u>	<u>N.J.S.A. 2A:62A-4</u>	Reports by educational personnel on dependency upon or illegal use of controlled dangerous substances or use of intoxicating vapor releasing chemicals; immunity from liability
	<u>N.J.S.A. 2C:29-3a</u>	Hindering apprehension or prosecution
	<u>N.J.S.A. 2C:33-15</u>	Possession or consumption of alcoholic beverage by person under legal age, penalty
	<u>N.J.S.A. 2C:33-16</u>	Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
	<u>N.J.S.A. 2C:33-17</u>	Offer or service of alcoholic beverage to underage person; disorderly persons; exceptions
	<u>N.J.S.A. 2C:33-19</u>	Paging devices, possession by students
	<u>N.J.S.A. 2C:35-1 et seq.</u>	<u>New Jersey Comprehensive Drug Reform Act of 1987</u>

See particularly:

N.J.S.A. 2C:35-7, -10

N.J.S.A. 2C:35-2

Definitions

N.J.S.A. 9:6-1 et seq.

Abuse abandonment, cruelty, and neglect of child; what constitutes

N.J.S.A. 9:17A-4

Consent by minor to medical care or treatment; venereal disease, sexual assault or drug use or dependency; notice and report of treatment; confidentiality

N.J.S.A. 18A:25-2

Authority over pupils

N.J.S.A. 18A:36-19.2

Student locker or other storage facility; inspections; notice to students

N.J.S.A. 18A:37-1

Submission of pupils to authority

N.J.S.A. 18A:37-2

Causes for suspension or expulsion of pupils

N.J.S.A. 18A:38-25

Attendance required of children between six and sixteen, exceptions

N.J.S.A. 18A:38-31

Violation of article by parents or guardian, penalties

N.J.S.A. 18A:40A-1 et seq.

Substance abuse

See particularly:

N.J.S.A. 18A:40A-1, -2,

-3, -4, -5, and -9 to -25

N.J.S.A. 24:21-2

Definitions (New Jersey controlled dangerous substances)

N.J.S.A. 26:3D-55 et seq.

New Jersey Smoke-Free Air Act

P.L. 2005, c. 209

Random student drug testing

N.J.A.C. 6A:8-3.1

Curriculum and instruction

N.J.A.C. 6A:9-13.2

Substance awareness coordinator

N.J.A.C. 6A:14-2.8

Discipline/suspension/expulsion

N.J.A.C. 6A:16-1.1 et seq.

Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-4.4

Voluntary policy for random testing of student alcohol or other drug use.

See also:

N.J.A.C. 6A:16-1.3, -1.4,

-2.2, -2.4, -3.1, -3.2, -4.1

through -4.3, -5.3, -6.1 -6.5

N.J.A.C. 6A:32-13.1 et seq. Pupil Behavior

Drug Free Workplace Act of 1988 Enacted November, 1988 (Pub. L. 100-690, Title V, Subtitle D) 102 Stat. 4305-4308

Regulations Under Drug Free Workplace Act, C.F.R. 4946 (1/31/89)

42 CFR Part 2--Confidentiality of alcohol and drug abuse patient records

F.G. v. Bd. of Ed. of Hamilton, 1982 S.L.D. 382

G.L.H. v. Bd. of Ed. of Hopewell Valley Regional School District, et al., 1987 S.L.D. April 20, aff'd St. Bd. 1987 S.L.D. Sept. 2

State in the Interest of T.L.O. 94 N.J. 331 (1983), Rev'd, 469 U.S. 325 (1985)

State of New Jersey v. Jeffrey Engerud, 93 N.J. 308 (1983)

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

Vernonia School District v. Acton, 515 U.S. 646 (1995)

In the Matter of the Tenure Hearing of Graceffo, 2000 S.L.D. (September 2002)

Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al., 536 U.S. _____ (2002)

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

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

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (2007 Revisions)

Possible

<u>Cross References:</u>	*1120	Board of Education Meetings
	*1330	Use of school facilities
	*1410	Local units
	*4131.1	Inservice education/visitations/conferences
	*4231.1	Inservice education/visitations/conferences
	*5114	Suspension and expulsion
	*5124	Reporting to parents/guardians
	*5125	Pupil records
	*5131	Conduct/discipline
	*5131.7	Weapons and dangerous instruments
	*5141.3	Health examinations and immunizations
	*5141.21	Administering medication
	*5145.12	Search and seizure
	*6145.1/6145.2	Intramural competition; interscholastic competition
	6145.7	Social events/meetings
	*6154	Homework/makeup work
	*6172	Alternative educational programs
	*6173	Home instruction

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

Regulation

SUBSTANCE ABUSE

Definitions:

A. "Controlled Dangerous Substance (CDS)" shall refer to:

1. Alcoholic beverages.
2. Any chemical or chemical compound that causes:
 - a. Conditions of intoxication;
 - b. Inebriation, stupefaction;
 - c. Dulling of the brain or nervous system.
3. Glue containing a solvent which may release toxic fumes or vapor.

B. "Substance Abuse" shall mean:

Consumption or use of any substance taken for purposes other than the treatment of sickness or injury.

C. "Drug Paraphernalia" shall refer to: hypodermic needles and syringes (used for the purpose of injecting illegal drugs) medical dropper (used as a makeshift hypodermic), kits, scales, balances, dilutants, adulterants, sifters, blenders, grinders, spoons, capsules, balloons, bottle caps, envelopes, gummed cigarette paper, roach clips, ceramic pipes, and chillers.

This list is not all inclusive.

Smoking of any kind is prohibited according to law.

Use of anabolic steroids is prohibited according to law.

Reporting Procedures:

A. Principal/designee

Whenever the Principal/designee is informed that a pupil is suspected of being under the influence of a CDS, he/she shall:

1. Notify the school nurse to do a nursing assessment on a "Pupil Assessment Form."
2. Notify the pupil's parents/guardians.
3. Notify the Superintendent of Schools if results of pupil assessment reveal further physical examination is warranted.
4. Complete "Violence, Vandalism and Substance a Incident Report" for an incident of CDS use.
5. Forward report to Superintendent of Schools.

B. School nurse

Report findings of nursing assessment to Principal/designee.

C. Staff member

Whenever it shall appear to any staff member/school personnel that a pupil is suspected of being under the influence of a CDS, he/she shall:

1. Fill out a "Project S.O.S. Referral Form" reporting only what they have observed.
2. Give form to Project S.O.S. team member
3. Escort the pupil to school nurse

Assessment and Examination Procedures:

A. School nurse

1. A nursing assessment is to be done on a pupil suspected of being under the influence of a CDS at the Principal's request.
2. Nursing assessment is to be done to see if pupil has a medical problem or if further physical examination, by a physician, is needed to determine if he/she is under the influence of a CDS.
3. Results of nursing assessment to be placed on a "Pupil Assessment Form."
4. If the pupil admits to consuming a CDS either during or prior to the school day, then the need for an immediate examination is not necessary unless confirmation is required. In any case, admission of consuming is sufficient cause for the pupil to be in violation of this policy.
5. "Pupil Assessment Form" to be given to Principal/designee for signature.
6. Emergency situation
 - a. Pupil to be transported to nearest hospital by ambulance accompanied by a staff member designated by Principal/designee and parent/guardian, if available.
 - b. Staff member or parent/guardian must take "Pupil Assessment Form" and give to emergency room physician.
7. Nonemergency cases, parent/guardian available
 - a. Pupil to be taken to a physician to determine if he/she is under the influence of a CDS.
 - b. "Pupil Assessment Form" to be given to parent/guardian to be returned within 24 hours after being completed by a physician.
8. Nonemergency, parent/guardian not available
 - a. Pupil to be taken to the emergency room of the nearest hospital for examination.
 - b. Pupil to be accompanied by a staff member designated by Principal/designee.
 - c. "Pupil Assessment Form" to be given to staff member and given to emergency room physician.

- d. School personnel are to accompany pupil and are not to sign authorization papers or consent forms on any pupil.
- e. Division of Youth & Family Services may be contacted if a parent/ guardian is not available.

B. Physician

- 1. Physician is to perform a physical examination on the pupil suspected of being under the influence of a CDS.
- 2. Results of that examination are to be put on a "Pupil Assessment Form."
- 3. "Pupil Assessment Form" to be returned to Principal/designee within 24 hours of the examination.
- 4. If it is not possible to obtain report within the time frame, school nurse may verbally confirm report with stipulation that written report will follow.
- 5. If the medical report indicates that the pupil is not able to function in school, the pupil shall remain at home under the care of the parent/guardian.
- 6. The pupil shall not resume attendance at school until he/she submits a written report from a physician to the Principal/designee certifying that he/she is physically and mentally able to return.
- 7. The report shall be prepared by a personal physician, medical inspector, or the physician who examined the pupil under B1 of the policy.

1st Offense:

- 1. Parent/Guardian conference with Principal/designee;
- 2. Parent/Guardian notified by Principal;
- 3. Possible 5-day suspension;
- 4. Law enforcement officials notified and action taken as stipulated in drug enforcement agreement;
- 5. Confirmed appointment prevention/intervention program*;
- 6. Re-entry conference with parent / administrator / S.O.S. contact person;
- 7. Possible expulsion hearing before the Camden City Board of Education.

2nd Offense:

- 1. Parent/Guardian conference with Principal/designee;
- 2. Possible 10-day suspension;
- 3. Doctor's note attesting to student's ability to function in a school setting;
- 4. Law enforcement officials notified and action taken as stipulated in drug enforcement agreement.**
- 5. Entrance into a treatment program is required;
- 6. Re-entry conference with parent/guardian/administrator/S.O.S. contact person to advise parent/guardian that a third offense may lead to a more severe penalty.

3rd Offense:

- 1. Parent/Guardian notified and informed by Principal/designee;
- 2. Parent/Guardian conference with Principal/designee** ;
- 3. Conference with parent/guardian and substance abuse administrator or review team who will determine***:
 - a. What further action if any, should be taken.
 - b. The possibility of an expulsion hearing before the Board of Education.
- 4. Child study team informed;

5. Confirmed written documentation of student's participation in a treatment program required for re-entry;
6. Doctor's note attesting to pupil's ability to function in a school setting;
7. Parent/Guardian/student conference with substance abuse administrator

*Students and parents/guardians shall be informed that the Board of Education policy requires that the student and parents/guardians participate in the program. Additionally, the student and parents/guardians shall be informed that the case shall be referred to the Camden Courts, should they refuse to participate.

**To identify an educational program for the student pending placement in a residential treatment program.

***Penalty for quantity depends on the written law.

Disciplinary Action for Classified Students:

In addition to the violations previously outlined, the following procedures must be complied with when disciplining a classified student:

- A. Suspension of a handicapped student
- B. If suspension exceeds 10 school days accumulated in a school year
- C. Before expulsion proceeding, the student shall be re-evaluated by the Child Study Team according to law.
- D. The Principal/designee must forward written notification and a description of the offense to the parent/guardian; and
- E. Send a copy to the Child Study Team.

Limitations of Responsibility:

- A. The identify of a student(s) shall be disclosed to law enforcement authorities if:
 1. CDS or drug paraphernalia was turned over in the course of or as a result of diagnosis or treatment.
 2. The student(s) voluntarily and on his/her own initiative turned over the CDS or drug paraphernalia to a school employee.
 3. There is reason to believe that the student(s) was involved with the CDS or drug paraphernalia for the purpose of personal use, not distribution activities.
 4. The student(s) agrees to participate in an appropriate treatment or counseling program for a specified period of time.
- B. A student shall not be deemed to have voluntarily and on his/her own initiative turned over the CDS or drug paraphernalia where:

The act or turning over the CDS or drug paraphernalia was in response to a demand or questioning initiated by Principal or staff member.
- C. Any staff member who reports a student(s) for suspected CDS use shall not be liable in civil damages as a result of making such a report as specified by: N.J.S.A. 2A:62A-4 and as provided for under N.J.S.A. 18A:40-42.
- D. The Principal/designee must:
 1. Complete the Violence, Vandalism and Substance Incident Report.
 2. Forward the report to the Superintendent of Schools.

Returning to School:

A. Suspension

Any student(s) returning to school after suspension for CDS possession, distribution and/or sale must:

1. Have written documentation from a physician giving permission to re-enter school.
2. Be cleared for re-entry by school nurse.

B. Treatment program/referral program

Any student(s) returning to school from treatment or referral program must:

1. Have written documentation from treatment or referral program giving permission to re-enter school.
2. Be cleared for re-entry by school nurse.
3. Have on-going counseling with the Project S.O.S. team.

Referral/Support Services:

Any student(s) who has been referred to a treatment program for CDS abuse will:

- A. Meet with the S.O.S. team along with his/her parents/guardians for best treatment program and counseling.
- B. Be provided with agency referral sources for on-going therapy and treatment as stipulated in referral and treatment agreements.
- C. Be provided, through the Director of Special Services, with home instruction, when necessary.
- D. Be referred to the Child Study Team for evaluation if marked deterioration is noted.

The Board of Education shall establish a Drug and Alcohol Task force to annually review the effectiveness of its alcohol and drug policies and procedures. The policies and procedures will also be annually reviewed at a public meeting. In addition, the CDS Policies and Procedures will be distributed to every pupil and parent/guardian at the beginning of each school year.

The following agencies were contacted and asked for their input during the development of this policy:

1. NJ State Department of Health
2. NJ Division of Youth and Family Services
3. Camden City Police Department of Health
4. William Segaloff Substance Abuse Center, Inc.
5. Camden County Office of Education

Adopted:	June 24, 1985
Revised:	June 29, 1987
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Revised:	August 23, 1995
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NJSBA Review/Update:	March 2009

Policy

WEAPONS AND DANGEROUS INSTRUMENTS

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

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

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

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

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

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

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

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

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

Remotely Activated Paging Devices (Beepers)

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

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

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

Implementation

The Board directs the Superintendent to develop regulations to implement this policy.

Adopted: February 28, 1994
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Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

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

<u>Legal References:</u> <u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A. 2C:12-1</u>	Definition of assault
<u>N.J.S.A. 2C:33-19</u>	Paging devices, possession by students
<u>N.J.S.A. 2C:39-1</u>	Definitions
<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
<u>N.J.S.A. 2C:39-6</u>	Exemptions
<u>N.J.S.A. 18A:6-1</u>	Corporal punishment of pupils
<u>N.J.S.A. 18A:36-19.2</u>	Student locker or other storage facility; inspections; notice to students
<u>N.J.S.A. 18A:37-1</u>	Submission of pupils to authority
<u>N.J.S.A. 18A:37-2</u>	Causes for suspension or expulsion of pupils
<u>N.J.S.A. 18A:37-2.1</u> through -2.5	Assaults by pupil upon teacher, administrator, Board member or employee of Board of Education; suspension; expulsion proceedings ...
<u>N.J.S.A. 18A:37-7</u> through -12	Zero Tolerance for Guns Act
<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsion
<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to Support Student Development
<u>See particularly:</u> <u>N.J.A.C. 6A:16-1.3, -1.4,</u> <u>-5.2, -5.4, -5.5, -5.6, -6.1,</u> <u>-6.2, -6.3(b), -6.4</u>	

P.L. 103-382, Improving America's Schools Act of 1994

Section 1702, Prohibits possession or discharge of a firearm in a school zone,
Pub. L. 101-647

Attorney General's Executive Directive No. 1988-1, Memorandum of Agreement

(revised, amended)

State in Interest of T.L.O., 94 N.J. 331, 346 (1983), rev'd 515 U.S. 646 (1985)

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

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

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

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

Possible

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

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

Policy

GAMBLING

Playing cards, flipping or matching coins, rolling dice for money or any other form of gambling shall not be permitted by any student. Teachers shall refer student involved to the office for follow-up by the Principal. Repeated violations will be cause for suspension.

The Board shall not participate or support a gambling related activity that will benefit students or staff.

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 5131 Conduct and discipline

Policy

HARASSMENT, INTIMIDATION, BULLYING

I. Legal Conformity [N.J.S.A. 18A:37-15(b)(1) and N.J.A.C. 6A:16-7.9(a)(2)(i)]

- A. The Camden Board of Education (hereinafter the "Board") is committed to enforcing federal and state laws and local policies that prohibit the harassment, intimidation and bullying of students and employees. The Board has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe and disciplined environment. The Board is committed to providing all students and staff with a safe and civil school environment in which all members of the school community are treated with dignity and respect. Since students learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect and refusing to tolerate harassment, intimidation or bullying. To that end, the Board enacts policies, regulations and procedures that are designated to reduce and eliminate harassment, intimidation and bullying as well as processes and procedures to deal with incidents of bullying, intimidation and harassment. Bullying and harassment of students by students, school employees, and volunteers who have direct contact with students, will not be tolerated by this Board.

- B. The Board prohibits harassment, intimidation and bullying or any other victimization of students based on any of the following actual or perceived traits or characteristics: age, color, creed, national origin, race, religion, civil union status, marital status, sex, sexual orientation, gender identity and expression, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status. Harassment against employees based upon race, color, creed, civil union status, marital status, domestic partnership status, sex, sexual orientation, gender identity and expression, national origin, religion, age or physical or sensory handicap is also prohibited.

- C. This policy is in effect while students or employees are on school grounds as defined by N.J.A.C. 6A:16-1.3 including but not limited to while on school-owned/leased or school-operated vehicles or while attending or engaged in school-sponsored activities. Further, this policy is in effect while students or employees are not on school grounds if the misconduct directly affects the good order, efficient management and welfare of the school or School District consistent with the Code of Student Conduct.

II. Definitions [N.J.S.A. 18A:37-14, N.J.S.A. 18A:37-15(b)(2) and N.J.A.C. 6A:16-7.9(a)(2)(ii)]

- A. "Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or conduct or any use of electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on District property, at any school-/district-sponsored function, on a school bus_or on a District owned/leased or school-operated vehicle, or off school grounds as provided for in section 16 of P.L. 2010, c.122 (C.18A:37-15.3) that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- a) a reasonable person should know, under the circumstances, that the act(s) will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;
 - b) has the effect of insulting or demeaning any student or group of students;
 - c) creates a hostile education environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.
- B. "Electronic Communications" means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means, including but not limited to telephone, electronic mail, internet-based communications, pager service, cellular phones, computer, electronic text messaging, or similar technologies.
 - C. "Bullying" means any gesture or written, verbal, physical act, or conduct or any use of electronic communication inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as: unwanted purposeful written, verbal, nonverbal, or physical behavior, including but not limited to any threatening, insulting, or dehumanizing gesture, by an adult or student, that has the potential to create an intimidating, hostile, offensive, or unreasonably interference with the individual's school performance or participation, and is often characterized by an imbalance of power.
 - D. "Cyberbullying" is defined as any act of harassment, intimidation or bullying, as defined above, of a person(s) through the use of digital technologies, including, but not limited to, email, blogs, social websites (e.g., MySpace, Facebook), chat rooms and instant messaging.
 - E. "Cyberstalking" is defined as engagement in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.
 - F. "Accused" is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student or other person on District property, at school-sponsored events, on school vehicles, and who is reported to have committed an act of bullying, whether formally or informally, verbally or in writing, of bullying.
 - G. "Complainant" is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, parent or other person who formally or informally makes a report of bullying, orally or in writing.
 - H. "Volunteer" is defined as an individual who has regular and significant contact with students, without remuneration and who has been appropriately screened pursuant to school policy and statute.

III. Behavior Expected From Students [N.J.S.A. 18A:37-15(b)(3) and N.J.A.C. 6A:16-7.9(a)(2)(iii)]

- A. The Board expects students to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities, with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment, consistent with the Code of Student Conduct.
- B. The Board believes that standards for student behavior must be set cooperatively through interaction among the parents and other community representatives, school administrators, school employees, school volunteers and students of the school district, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff and community

members.

- C. Students are expected to behave in a way that creates a supportive learning environment. The district board of education believes that the best discipline is self-imposed, and that it is the responsibility of staff to use instances of violations of the code of student conduct as opportunities for helping students learn to assume and accept responsibility for their behavior and the consequences of their behavior.
- D. Staff members who interact with students shall apply best practices designed to prevent student conduct problems and foster students' abilities to grow in self-discipline.
- E. The Board expects that students will act in accordance with the student behavioral expectations described below:
 - a. Student responsibilities (e.g., requirements for students 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);
 - b. Appropriate recognition for positive reinforcement for good conduct, self-discipline, and good citizenship;
 - c. Student rights; and
 - d. Sanctions and due process for violations of the code of student conduct.
- F. Students are encouraged to support other students who walk away from these acts when they see them, constructively attempt to stop them, and are expected to report these acts to school personnel.

IV. Consequences and Remedial Actions For Violations of This Policy [N.J.S.A. 18A:37-15(b)(4) and N.J.A.C. 6A:16-7.9(a)(2)(iii)]

- A. Students found to be in violation of this Policy shall be disciplined by consequences and appropriate remedial actions that may range from positive behavioral interventions up to, and including, suspension and expulsion of students, as set forth in the Board's approved Code of Student Conduct, and pursuant to N.J.A.C. 6A:16-7.1. Appropriate consequences and remedial actions are those that are graded according to the severity of the offenses, consider the developmental ages of the student offenders and students' histories of inappropriate behaviors, per the code of student conduct. Intervention measures shall be designed to correct the problem, prevent another occurrence of the problem, and protect the victim of the act. The Board requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of harassment, intimidation or bullying, consistent with the code of student conduct, and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation or bullying. *See Attached Regulation for Examples of Consequences and Remedial Actions.*
- B. Informal remedies may be utilized when appropriate and with the consent of the complainant and/or parent/guardian if the complainant is a minor. Informal remedies are determined on a case-by-case basis and may include (1) an opportunity for the complainant to explain to the alleged harasser that the conduct is unwelcome, disruptive, or inappropriate, either in writing or a face-to-face conversation which is facilitated by a trained school employee or by a designated harassment complaint officer; (2) a statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated; or (3) a general public statement from an administrator in a building reviewing the district harassment, intimidation, and bullying policy without identifying the complainant. The results of an informal resolution shall be reported by the facilitator, in writing, to the Superintendent and to the School Principal. If the complaining student, the alleged harasser, or the school employee/harassment complaint official chooses not to utilize the informal procedure, or feels that the informal procedure is inadequate or has been unsuccessful, s/he may proceed to the formal procedure.

1. If a voluntary conversation is utilized, both the complaining student and the alleged harasser may be accompanied by a person of their choice for support and guidance. The complaining party retains the right to terminate this informal process at any time and proceed with the formal investigation procedure. If the complaining student and the alleged harasser feel that a resolution has been achieved, then the conversation may remain confidential.
- D. Employees found to be in violation of this policy shall be disciplined by appropriate measures up to, and including termination.
 - E. Volunteers found in violation of this policy shall be subject to appropriate measures up to, and including, exclusion from school grounds.

V. Reporting Acts of Harassment, Intimidation or Bullying [N.J.S.A. 18A:37-15(b)(5) and [N.J.A.C. 6A:16-7.9(a)(2)(vii)]

- A. The Board requires the principal at each school to be responsible for receiving all complaints alleging violations of this policy. All Board members, school employees, and volunteers and contracted service providers who have contact with students, are required to verbally report alleged violations of this policy to the principal or the principal's designee on the same day when the individual witnessed or received reliable information regarding any such incident. All board of education members, school employees, and volunteers and contracted service providers who have contact with students, also shall submit a report in writing to the school principal within two (2) school days of the verbal report. Failure to report will result in action(s) or discipline, up to and including termination of employment, or service.
- B. Students, parents, and visitors are encouraged to report alleged violations of this policy to the principal on the same day when the individual witnessed or received reliable information regarding any such incident.
- C. The principal is required to inform the parents of all students involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services; providing information regarding the incident as it relates to their child/legal charge only.
- D. The Principal of each school in the District shall implement and prominently publicize this Policy including the reporting process to students, staff, volunteers, and parents as provided in Section X and the attached Regulations.
- E. Any student (and/or parent on that complainant's behalf if the complainant is a minor) who believes he/she is a victim of bullying (or any individual, including any student who has knowledge of any incident(s) involving bullying of students) must report the incident(s) to their parent(s)/guardian(s) or to a school official as prescribed in the attached regulations. A complainant (including school employees, volunteers, students, parents/guardians and community members) may file a complaint to the Building Principal. Complaints should be filed as soon as possible and reported to the NJDOE's Electronic Violence and Vandalism Reporting System, pursuant to N.J.S.A. 18A:17- 46 and N.J.A.C. 6A:16- 5.3 as delays in reporting may hinder the school administration's ability to investigate the matter and provide appropriate relief. *See Attached Regulations for further guidance.*
- F. A Board member, or District employee who promptly reports in good faith an act of bullying to the appropriate school official, and who makes this report in compliance with the procedures set forth in this District Policy, is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments within the Camden City School District.

- G. Administrator(s)/Principal(s)/Designee(s) shall document in writing and/or via a specified data system of the District all complaints regarding bullying, as with all infractions of the Code of Student Conduct, to ensure that problems are appropriately addressed in a timely manner, whether the report is made verbally or in writing.
- H. Students, parents, and visitors may report an act of harassment intimidation or bullying anonymously. Formal action for violations of the code of student conduct may not be taken solely on the basis of an anonymous report. Anonymous reports may be made utilizing the District's Anonymous Bullying Report Form. This report form shall be made available on the District's website www.camden.k12.nj.us, at each school's front office, counseling department and library, and the District central offices. Anonymous reports may be hand-delivered or mailed to the Principal's office, the schools reporting box, Affirmative Action Officer or the District's Resolution Center. Anonymous tips may also be provided via phone to the Principal, Affirmative Action Officer, or the District's Solution Center, 966-2507. Formal disciplinary action shall NOT be based solely on the basis of an anonymous report or tip.
- I. The name(s) of the target(s) of harassment or perpetrators and witnesses of harassment shall be held in strict confidence, except if release is necessary to investigate specific incidents.

VI. Investigation Procedures [N.J.S.A. 18A:37-15(b)(6) and N.J.A.C. 6A:16-7.9(a)(2)(viii)]

- A. The Board requires a thorough and complete investigation to be conducted for each report of an alleged incident of harassment, intimidation or bullying. The investigation shall be initiated by the principal or the principal's designee and conducted by the school anti-bullying specialist appointed by the principal. The principal may appoint additional personnel who are not school anti-bullying specialists to assist the school anti-bullying specialist in the investigation. The principal shall submit the name of specialist and other additional personnel appointed to the Superintendent prior to the beginning of each school year. A thorough record of the ensuing investigation will be retained by the Principal in a secure location as a confidential document. Investigators shall respect individual process rights, and other protections as stipulated in federal and state laws, regulations and caselaw, collective bargaining agreements and District policies.
- B. The Superintendent shall report the results of each investigation to the Board.
- C. A school administrator who receives a report of harassment, intimidation, or bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

VII. Range of Responses to Complaints [N.J.S.A. 18A:37-15(b)(7) and N.J.A.C. 6A:16-7.9(a)(2)(ix)]

- A. The Board authorizes the principal of each school to define the range of ways in which school staff will respond once an incident of harassment, intimidation or bullying is confirmed, and the Superintendent shall respond to confirmed harassment, intimidation and bullying, according to the parameters described below and in this policy.
- B. The Board recognizes that some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school/District officials respond appropriately to the individual(s) committing the act. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom, school building or District levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2, Short-term suspensions, N.J.A.C. 6A:16-7.3, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions.

- C. In considering whether a response beyond the individual is appropriate, the administrator shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom, school building, school district) responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based HIB prevention program models, to training for certificated and non-certificated staff, to participation of parents and other community members and organizations, to small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable student and staff member behavior and the consequences of such actions, and to the involvement of law enforcement officers, including safe schools resource officers. *Please refer to the attached Regulations for guidance in developing the appropriate response.*
- D. This policy and the code of student conduct shall apply to instances when a school employee is made aware of alleged harassment, intimidation or bullying occurring off school grounds when:
 - a. The alleged harassment, intimidation or bullying has substantially disrupted or interfered with the orderly operation of the school or the rights of other students; and either
 - b. A reasonable person should know, under the circumstances, that the alleged behavior will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property; or
 - c. The alleged behavior has the effect of insulting or demeaning any student or group of students; or
 - d. The alleged behavior creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.
- E. The Superintendent shall ensure that the appropriate support for victims of harassment, intimidation or bullying as required by N.J.A.C. 6A:16-7.9(a)(ix)(1). *Please refer to the attached Regulations for more information.*
- F. The Superintendent shall ensure that staff is aware of the Memorandum of Agreement Between Education and Law Enforcement Officials (N.J.A.C. 6A:16-6.2(b)(13)) which defines the conditions under which school officials are required to report suspected hate crimes or bias-related acts to law enforcement authorities. *Please refer to said Memorandum of Agreement for more information.*
- G. The Superintendent shall ensure that all incidents of harassment, intimidation or bullying, including related offender and victim information, is reported to the NJDOE's Electronic Violence and Vandalism Reporting System, pursuant to N.J.S.A. 18A:17- 46 and N.J.A.C. 6A:16- 5.3.

VIII. Prohibition Against Retaliation [N.J.S.A. 18A:37-15(b)(8) and N.J.A.C. 6A:16-7.9(a)(2)(x)]

The Board prohibits a Board member, school employee, contracted service provider who has contact with students, school volunteer or student from engaging in reprisal, retaliation or false accusation against a victim, witness, one with reliable information or any other person who has reliable information about an act of harassment, intimidation or bullying or who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity and circumstances of the act, in accordance with case law, Federal and State statutes and regulations and district policies and procedures.

IX. False Accusations [N.J.S.A. 18A:37-15(b)(9) and N.J.A.C. 6A:16-7.9(a)2xi]

- A. The District prohibits any person from falsely accusing another as a means of retaliation or harassment, intimidation or bullying.

1. The consequences and appropriate remedial action for a student found to have falsely accused another may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2, Short-term suspensions, N.J.A.C. 6A:16-7, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions.

2. The consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students that has falsely accused another shall be disciplined in accordance with District policies, regulations and contractual agreements.

3. Consequences and appropriate remedial action for a visitor or volunteer found to have falsely accused another as a means of retaliation or harassment, intimidation or bullying shall be determined by the Principal after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials or other legal actions, removal of building or grounds privileges, or prohibiting contact with students or the provision of student services.

X. Public Dissemination Policy [N.J.S.A. 18A:37-15(b)(10), N.J.S.A. 18A:37-15.2 and N.J.A.C. 6A:16-7.9.2(xii)]

- A. The Superintendent shall ensure the annual and additional dissemination, as needed, of this policy/regulation to all school employees, contracted service providers who have contact with students, school volunteers, students and parents who have children enrolled in a school in the school district, along with a statement explaining that it applies to all applicable acts of harassment, intimidation and bullying, pursuant to N.J.S.A. 18A:37-14, that occur on property within the jurisdiction of the Board; school-owned/leased or school-operated vehicles/buses; school-sponsored activities; and as appropriate, acts that occur off school grounds consistent with the Code of Student Conduct.
- B. The Superintendent shall ensure that this policy/regulation is prominently posted on the District home page of its website and also notify students and parents that it is available on the website. Information concerning this policy shall be periodically publicized on the District's cable T.V. channel.
- C. The Superintendent shall post the name, school phone number, school address and school email address of the district anti-bullying coordinator on the home page of the school district's Website. Each principal shall post the name, school phone number, school address and school email address of both the school anti-bullying specialist and the district anti-bullying coordinator on the home page of each school's Website.
- D. The Superintendent shall ensure that notice of the District's policy appears in the student handbook and all other publications of the school district that set forth the comprehensive rules, procedures and standards for schools within the school district. The Superintendent shall ensure that this policy is available to students and staff at all District facilities. At the very least, copies shall be made available at the Principal's Office, Library and counseling Department.
- E. This policy/regulations and procedures shall be made available in alternative formats for individuals with disabilities and provided, in a meaningful manner, for persons who are not proficient in the English language.
- F. A short summary of the District's anti-harassment policy and complaint procedure, written in easy to understand language, shall be included in regularly printed District publications (e.g. calendar) and posted prominently at each school. The summary shall include the specific contact person(s), phone number(s) for further information and shall set forth the grievance procedures.
- G. This policy, and any subsequent amendments, shall be transmitted to the County Superintendent of

Schools. [N.J.S.A. 8A:37-15.1(a)]

XI. Training Board Members, Administrators, Staff and Volunteers [N.J.A.C. 6A:16-7.9(d)(3)]

- A. The Superintendent and the principals shall provide training on the District's harassment, intimidation, or bullying policies to school employees, contracted service providers and volunteers who have significant contact with students. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A:37-14 and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation or bullying. The school district's employee training program shall include information regarding the school district policy against harassment, intimidation or bullying, which shall be provided to full-time and part-time staff, contracted service providers and school volunteers who have significant contact with students. Training shall be based, in part, on data related to the frequency and types of incidents and any weaknesses identified by staff.
- B. The Superintendent shall develop and implement a process for annually discussing the District policy on harassment, intimidation and bullying with students. The Superintendent and the principals shall annually conduct a re-evaluation, reassessment, and review of the harassment, intimidation and bullying policy, with input from the school anti-bullying specialists, and recommend revisions and additions to the policy as well as to harassment, intimidation and bullying prevention programs and approaches based on the findings from the evaluation, reassessment, and review.

XII. Student Education Efforts [N.J.A.C. 6A:16-7.9(d)(2)]

- A. The Superintendent shall ensure that all schools develop a process for annually discussing the School District's harassment, intimidation, and bullying policy with pupils.
- B. Said discussion shall enable students to identify harassment, intimidation and bullying, understand its causes and effects, learn methods of opposing harassment, intimidation and bullying and feel more comfortable reporting instances of same.

XIII. Harassment, Intimidation and Bullying Prevention Program [N.J.S.A. 8A:37-17 & N.J.A.C. 6A:16-7.9]

- A. The Board is committed to the elimination of harassment, intimidation and bullying in the District. It is clear that anti-harassment policies and regulations by themselves will not prevent this type of behavior. A much broader education based plan is needed to heighten students' and staff's awareness of the dangers of prejudice and harassment, ameliorates antagonisms or fears, counteracts stereotypes, enriches student relations, and prepares students to be positive participants in a diverse adult culture. The Board directs that the District's goal of eliminating harassment, intimidation and bullying is reflected in all appropriate District curriculum, activities and initiatives.
- B. The Board shall annually review the effective implementation of this policy, regulation, procedures, programs and initiatives on the basis of data, information and reports provided by the Superintendent and Affirmative Action Officer.
- C. The result of the annual review shall also be used to annually review and update the Student Code of Conduct.
- D. Information regarding the District's policy against harassment, intimidation and bullying shall be incorporated into the District's annual employee training programs.
- E. Volunteers are also to be made aware of the content of this policy and they shall acknowledge agreement to adhere to the policy via a signed statement.
- F. The Superintendent shall ensure that all schools implement a process whereby students are given an

opportunity to discuss this policy.

XIV. Classified Students

- A. Classified pupils are subject to the same disciplinary procedures as non-classified pupils and may be disciplined in accordance with their IEP. However, before disciplining a classified pupil, it must be determined that:
 - 1. The pupil's behavior is not primarily caused by his/her educational disability;
 - 2. The program that is being provided meets the student's needs.
- B. Prior to affecting any discipline which would result in a significant change in placement, the child study team shall conduct a reevaluation. 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.
- C. Special care shall be taken to ensure that information provided to classified students is conveyed in a manner that takes into account their particular classification status. Classified students are to be given clear direction as to the specific person(s) they can complain to if they feel they are the target of harassment, intimidation or bullying, or, if they witness an act of harassment, intimidation or bullying.

XV. State Financial Assistance [N.J.S.A. 18A:37-19]

- A. The Board encourages the Superintendent to apply to the Commissioner of Education for additional costs related to the implementation of the provisions of N.J.S.A. 18A:37-13 through N.J.S.A. 18A:37-18.

TAKE NOTE: A victim of harassment, intimidation or bullying is not prevented from seeking redress under any other available law either civil or criminal. [N.J.S.A. 18A:37-18]

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Revised: August 23, 2011

Key Words

Harassment, Intimidation, Bullying, Conduct, Discipline

Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure

<u>N.J.S.A. 2C:12-1</u>	Definition of assault
<u>N.J.S.A. 2C:33-19</u>	Paging devices, possession by students
<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
<u>N.J.S.A. 18A:6-1</u>	Corporal punishment of pupils
<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
<u>N.J.S.A. 18A:25-2</u>	Authority over pupils
<u>N.J.S.A. 18A:36-19a</u>	Newly enrolled students; records and identification
<u>N.J.S.A. 18A:37-1 et seq.</u>	Discipline of Pupils

See particularly:

N.J.S.A. 18A:37-15
N.J.S.A. 18A:40A-1 et seq. Substance Abuse
N.J.S.A. 18A:54-20 Powers of Board (county vocational schools)
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-1.3,-1.4,-4, -5, -6., -6, -7.1 through -7.6 et seq.
N.J.A.C. 6:32-12.1 Reporting requirements
N.J.A.C. 6:32-12.2 School-level planning

P.L. 2007, c.129, amends N.J.S.A. 18A:37-15 and includes electronic communication in the definition of public school harassment, intimidation or bullying

20 U.S.C.A. 1415(k) Individual with Disabilities Education Act Amendments of 1997

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

Hazelwood v. Kuhlmeier 484 U.S. 260 (1988)

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

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

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

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.A.S. 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 Districts

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

Possible

Cross References: *1220 Ad hoc advisory committees
*1410 Local units
3517 Security
*3541.33 Transportation safety
*4131/ Staff development; in-service education/visitation
4131.1 conferences
4148 Employee protection
*4231/ Staff development; in-service education/visitation conferences
4231.1

4248	Employee protection
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
*5131.5	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
*5145.11	Questioning and apprehension
*5145.12	Search and seizure
*6145	Extracurricular activities
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs

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

Regulation

HARASSMENT, INTIMIDATION, BULLYING

The Board requires that all complaints of harassment, intimidation or bullying be investigated promptly by the building principal or his/her designee. Refer to Policy 5131.9, Section II, for definitions of harassment, intimidation and bullying. If the building principal receives a complaint that is not harassment, intimidation and/or bullying, this Regulation may not apply. Instead he/she shall address and resolve the matter in accordance with Board policies and Student Code of Conduct based upon his/her professional judgment.

I. Reporting Acts of Harassment, Intimidation and Bullying

- A. A complaint, which may be utilized by any complainant, is a written and signed statement, which will result in (1) an investigation of the alleged harassment, intimidation or bullying and (2) provide a resolution to the complaint. The complaint must include:
- i. An allegation that the District Harassment, Intimidation and Bullying Policy has been violated setting forth the specific acts, conditions or circumstances alleged to have occurred that may constitute harassment, intimidation or bullying as defined in Policy 5131.9. Specifically, the complaint must include (1) person(s) involved, (2) number of times and places of the alleged conduct, (3) the target of the prohibited behavior(s), and (4) the names of any potential student or staff witness. (See Exhibit A).
 - ii. The complaint may also be a verbatim transcript of a verbal complaint in which the complainant and/or parent/legal guardian reviewed and signed.
 - iii. In those cases where students, parents/guardians, visitors or community members need anonymity to report danger or problems, they may use the Anonymous Bullying Report Form in accordance with Policy 5131.9. (See Exhibit B). The anonymous complaints shall be reviewed and reasonable action will be taken to address the situation, to the extent such action may be taken that is consistent with the due process rights of the student(s) alleged to have committed acts of harassment, intimidation and/or bullying.
 - iv. The Building Principal will notify the District's Affirmative Action Officer of the report/complaint prior to conducting a preliminary investigation.
 - v. Students who make complaints may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. Staff should explain to complainants that confidentiality cannot be guaranteed because of potential legal and/or criminal implications in connection with the matter. Efforts should be made to increase the confidence and trust of the person making the complaint. The District will fully implement the anti-retaliation provisions of Policy 5131.9 to protect complainant(s), victim(s) and witness(es).

II. Complaint Investigation

- A. The investigation shall be initiated by the Building Principal or the Principal's designee within one (1) school day of the verbal report of the incident. The investigation shall be completed and the written findings submitted to the Building Principal as soon as possible, but not later

than ten (10) school days from the date of the written report of the alleged incident of harassment, intimidation or bullying. Should information regarding the reported incident and the investigation be received after the end of the ten (10)-day period, the school anti-bullying specialist or the Building Principal shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

- a. The District Administrators may take interim measures during an building principal and/or designee's investigation of a formal complaint in order to alleviate any immediate harm and/or threat of harm to any student.
 - b. While the District prefers to have a parent or legal guardian present during the investigatory interviews of their child, a parent's refusal to participate will not impede the District's investigation. If a parent or legal guardian is not available or willing to be present, the parent/legal guardian may execute a written waiver. Failure to respond to the District's notice will also act as the parent/guardian's waiver to participate in their child's interviews.
 - c. The building principal, Affirmative Action Officer or designee will provide a copy of the Board Policy and Regulation on Harassment, Intimidation, and Bullying to all involved persons, including but not limited to the victim, complainant, witness(es) and to any other person he/she feels should be served by a copy of such documents. In addition, the building principal, Affirmative Action Officer or designee conducting the interviews will explain the formal investigation procedure, including a description of the complaint procedure, seriousness of offense, anti-retaliation policy, and remedies and consequences available for instances of harassment, intimidation and bullying.
- B. The Building Principal and/or designee's investigation may include, but is not limited to, (1) interviews with all persons with potential knowledge of the alleged behavior; and (2) any other reasonable information gathering to substantiate the allegations.
- a. Any person interviewed by the building principal or designee may be provided with an opportunity to present witnesses and other evidence.
- C. In determining whether an act of harassment, intimidation and/or bullying occurred, the following types of information may be helpful in resolving the dispute:
- a. Statements made by any witnesses to the alleged incident.
 - b. Evidence about the relative credibility of the alleged accused or alleged victim.
 - c. Evidence that the alleged victim's reaction or behavior after the alleged act(s).
 - d. Evidence about whether the pupil claiming behavior against them filed a complaint or took other action to protect the conduct after the alleged incident occurred.
- D. The Building Principal or Affirmative Action Officer will recommend to the Superintendent when/if law enforcement should be contacted. After Solicitor review and in accordance with the Memorandum of Agreement Between Education and Law Enforcement Officials (N.J.A.C. 6A:16-6.2(b)(13)), the Superintendent must contact law enforcement agencies at any stage of the investigation if there is potential criminal conduct by any party.
- E. The Building Principal shall proceed in accordance with the code of student conduct, as appropriate, based on the investigation findings. The Building Principal shall submit the report to the Superintendent within two (2) school days of the completion of the investigation and in accordance with the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq.). This report

must also be forwarded to the Affirmative Action Officer. As appropriate to the findings from the investigation, the Superintendent shall ensure the code of student conduct has been implemented and provide intervention services, order counseling, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, or take or recommend other appropriate action, as necessary.

- F. The Superintendent shall report the results of each investigation to the Board no later than the date of the regularly scheduled Board meeting following the completion of the investigation. The Superintendent's report also shall include information on any consequences imposed under the code of student conduct, intervention services provided, counseling ordered, training established or other action taken or recommended by the Superintendent.
- G. Parents of students who are parties to the investigation shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents includes the nature of the investigation, whether the District found evidence of harassment, intimidation, or bullying, or whether consequences were imposed or services provided to address the incident of harassment, intimidation or bullying. The information shall be provided in writing within five (5) school days after the results of the investigation are reported to the Board.
- H. A parent or guardian may request a hearing before the Board after receiving the information. When a request for a hearing is granted, the hearing shall be held within ten (10) school days of the request. The Board shall conduct the hearing in executive session, pursuant to the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.), to protect the confidentiality of the students. At the hearing, the Board may hear testimony from and consider information provided by the school anti-bullying specialists and others, as appropriate, regarding the alleged incident, the findings from the investigation of the alleged incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination.
- I. At the regularly scheduled Board meeting following its receipt of the report or following a hearing in executive session, the Board shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, Controversies and Disputes, no later than ninety (90) days after the issuance of the Board's decision.

III. Range of Responses to Complaints

For *any* incident of harassment, intimidation or bullying, the District will respond appropriately to the individual who committed the act. The following are the range of responses, including individual, classroom, school or district responses to student offenders, as appropriate:

- A. Individual responses may include but are not limited to positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) and punitive actions (e.g., detention, out-of-school suspension, expulsion);
- B. Support for victims may include but are not limited to supportive student intervention, including participation of the intervention and referral services team, counseling, modification of schedules and adjustment of hallway traffic;
- C. Classroom responses may include but are not limited to class discussions about an incident of harassment, intimidation or bullying, role plays, research projects, observing and discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance, assertiveness and conflict management;

- D. School responses may include but are not limited to theme days, learning station programs, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices; and
- E. District-wide responses can include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs and coordination with community-based organizations (e.g., mental health, health services, health facilities, law enforcement).

Please also refer below to the section entitled, Consequences and Remedial Actions for Violations of This Policy.

IV. Consequences and Remedial Actions for Acts of Harassment, Intimidation or Bullying

A. Pupils:

Consequences and appropriate remedial actions for a pupil who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to and including short and long-term suspension or expulsion, as permitted by law. Appropriate consequences and remedial actions for a student who commits an act of harassment, intimidation or bullying shall be determined on a case by case basis, depending on the seriousness of the act.

1. The following factors may be considered in determining consequences:

- Age, developmental and maturity levels of the parties involved;
- Degrees of harm;
- Surrounding circumstances;
- Nature and severity of the behaviors;
- Incidences of past or continuing patterns of behavior;
- Relationships between the parties involved; and
- Context in which the alleged incidents occurred.

Personal

- Life skill deficiencies;
- Social relationships;
- Strengths;
- Talents;
- Traits;
- Interests;
- Hobbies;
- Extra-curricular activities;
- Classroom participation; and
- Academic performance.

Environmental

- School culture;
- School climate;
- Student-staff relationships and staff behavior toward the student;
- General staff management of classrooms or other educational environments;
- Staff ability to prevent and manage difficult or inflammatory situations;
- Social-emotional and behavioral supports;
- Social relationships;
- Community activities;
- Neighborhood situation; and
- Family situation.

2. The consequences and remedial measures may include, but are not limited to:

a. Consequences:

- i. Admonishment;
- ii. Temporary removal from the classroom;
- iii. Deprivation of privileges;
- iv. Detention;
- v. In-school suspension during the school week or the weekend;
- vi. After-school programs;
- vii. Out-of-school suspension (short-term or long-term);
- viii. Legal Action; and
- ix. Expulsion.

b. Remedial Measures:

x. Personal:

1. Restitution and restoration;
2. Mediation;
3. Corrective instruction or other relevant learning or service experience;
4. Supportive student interventions, including participation of the intervention and referral services team;
5. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
6. Behavioral management plan, with benchmarks that are closely monitored; or
7. Student counseling;

xi. Environmental (Classroom, School Building or School District):

1. School and community surveys or other strategies for determining conditions contributing to harassment, intimidation or bullying;
2. School culture change;
3. School climate improvement;
4. Adoption of research-based, systemic bullying prevention programs;
5. School policy and procedures revisions;
6. Modifications of schedules;
7. Adjustments in hallway traffic;
8. Modifications in student routes or patterns traveling to and from school;
9. Supervision of students before and after school, including school transportation;
10. Targeted use of monitors (e.g. hallway, cafeteria, locker room, playground, school perimeter, bus);
11. Teacher aides;
12. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
13. General professional development programs for certificated and non-certificated staff;
14. Professional development plans for involved staff;
15. Disciplinary action for school staff who contributed to the problem;
16. Supportive institutional interventions, including participation of the intervention and referral services team;
17. Parent conferences;
18. Family counseling; and
19. Involvement of parent-teacher organizations.

B. Staff:

Consequences and appropriate remedial actions for any staff member who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to disciplinary

charges which could result in suspension or termination. Appropriate consequences and remedial actions for a staff member who commits an act of harassment, intimidation or bullying shall be determined on a case by case basis, depending on the seriousness of the act and in accordance with the appropriate collective bargaining agreement or employment contract and New Jersey statute and code. The consequences and remedial measures may include, but are not limited to:

1. Consequences:

- i. Admonishment;
- ii. Temporary removal from the classroom;
- iii. Deprivation of privileges;
- iv. Referral to disciplinarian;
- v. Withholding of Increment;
- vi. Suspension;
- vii. Legal action; and
- viii. Termination.

2. Remedial Measures:

i. Personal:

1. Restitution and restoration;
2. Mediation;
3. Support group;
4. Recommendations of behavior or ethics council;
5. Corrective action plan;
6. Behavioral Assessment or evaluation;
7. Behavioral management plan, with benchmarks that are closely monitored;
8. Counseling; or
9. Conferences;

ii. Environmental (Classroom, School Building or School District):

1. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
2. School culture change;
3. School climate improvement;
4. Adoption of research-based, systemic bullying prevention programs;
5. School policy and procedures revisions;
6. Modifications of schedules;
7. Supervision;
8. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
9. General professional development programs for certificated and non-certificated staff;
10. Professional development plans for involved staff;
11. Disciplinary action;
12. Supportive institutional interventions, including participation of the intervention and referral services team;
13. Conferences; and
14. Referral to EAP (Employee Assistance Program).

Policy

DRESS AND GROOMING

It is the policy of the Board of Education to allow schools who present certification to the Board to mandate students to wear standardized uniforms in their school. A standardized uniform will consist of a shirt/blouse; pants/skirt and shoes as identified by the individual school as the official uniform. For a school to certify under this policy, a school must furnish the board with the following materials:

1. Documentation of efforts to furnish parents, staff and students with educational information on school uniforms.
2. Evidence of significant engagement of students, parents, parent organizations, school leadership councils and all staff and employees at the school.
3. Certification of Participation agreements from a minimum of 80 percent of the families represented in the school.
4. Documentation of consensus of support from the staff to implement school uniforms.
5. Agreement from parents and parent organizations to uphold the district's selection of the uniforms.

The intent of the policy is not to inhibit or prohibit any student who is not in uniform from receiving the education to which he or she is entitled. Therefore, no student shall receive a lowered academic grade as a result of non compliance.

The Board of Education will require students at schools that meet the criteria to dress in the school-specified uniforms on a voluntary basis beginning in September 2004 and on a mandatory basis beginning December 1, 2004. The Board of Education will encourage parents to purchase uniforms from suppliers who observe national and international labor laws that seek to end child labor.

Adopted: June 24, 1985
Revised: August 23, 1995
Revised: August 30, 2004
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Dress, Grooming, Attire

<u>Legal References</u>	N.J.S.A. 18A:11-1	General mandatory powers and duties
	N.J.S.A. 18A:11-7	Findings, declarations relative to school dress codes; adoption of dress code policy for school permitted; prohibition of gang-related apparel
	N.J.S.A. 18A:37-1	Submission of pupils to authority

<u>Cross References:</u>	*5131	Student Conduct and Discipline
	*5142	Student Safety

Regulation

DRESS AND GROOMING

Representative Involvement:

The school uniform committee will recommend the appropriate school uniform and make suggestions about the implementation as needed.

Information Dissemination:

It is the responsibility of each school Principal, school PTA and School Leadership Committee to adequately communicate to parents' information, including general guidelines for enforcement of the uniform policy. This information can be communicated through school newsletters, parent forums, telephone notification, PTA or School Leadership Committee meetings, correspondence and posters displayed at schools.

Each school administration shall also work to facilitate implementation of financial assistance programs.

Each school shall communicate information specific to the school uniform to parents including:

1. Types and colors of the uniform as selected by the school uniform committee
2. Compliance measures to be employed
3. The availability of financial support and the procedures for applying for assistance
4. Lists of prices from retailers of uniform articles
5. Disseminate a flyer describing in detail the uniform and listing the range of costs for each item of clothing as provided by the most cost-effective retailer. The flyer shall also state how families in need can apply for financial assistance
6. The Principal shall work with the staff and local school community to identify resources for assisting families

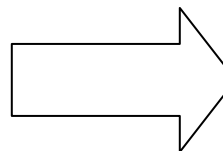
Financial Consideration: Financial considerations may be given to parent(s) or guardian(s) unable to provide uniforms due to financial hardship.

Financial hardship will be determined by meeting two or more of the following criteria:

1. A lunch application on file in the school
2. Verification of income (family income of \$10,000 or less with two or more children in school)

Verification evidence:

- a. *Current pay stubs (2)*
- b. *Letter of benefits*
- c. *Completed lunch application on file*



2 out of 3 needed!!!

3. Demonstrated need with documentation (i.e. family crisis, fire, homelessness, etc.)

The principal of each school shall verify and approve the request and submit a requisition not to exceed \$100.00 per student. This is to provide at least two uniforms per student.

Voucher Process:

1. Request for financial consideration may only come from a parent.
2. Request form must be signed by parent/guardian.
3. All request forms shall be submitted to the principal or his/her designee.
4. Once approved, the completed request, verification and requisition forms are to be sent to the school business administrator's office for issuance of vouchers.
5. Vouchers will be confidentially distributed at the school.

Compliance Incentives:

Each school shall develop incentives and positive reinforcement measures to encourage full compliance with the uniform policy. In addition, the school Principal shall communicate expectations, rationale and benefits to parents so that they are fully understood by the student and his or her family. A list of positive reinforcement measures will be available in the Superintendent's office or the office of her designee.

No student shall be considered non-compliant with the policy in the following instances:

1. When a student wears a button, armband or other accouterment to exercise the right to freedom of expression as provided by NJSA18A:11-7
2. When a student wears the uniform of a nationally recognized youth organization such as the Boy Scout or the Girl Scouts on regular meeting days.
3. When a student wears religious apparel of a recognized denomination or sect that precludes them from wearing any other clothing (as verified by religious authority).

Uniform Bank:

Principals are to contact the Superintendent or the Superintendent's designee for more information.

Annual Evaluation:

By the end of the school year, each school's administration shall assess the effectiveness of its uniform program and submit same to the Board of Education. The Board shall consider proposed modifications as appropriate.

VIOLATION:

FIRST OFFENSE	SECOND OFFENSE	THIRD & SUBSEQUENT	
Violation of Uniform Policy	<ol style="list-style-type: none"> 1. Administrative conference with student and parent 	<ol style="list-style-type: none"> 1. Administrative conference with student and parent 2. Restrict student from extra-curricular activities until student complies. 3. Detention for 3 days or in-house suspension where applicable 	<ol style="list-style-type: none"> 1. Administrative conference with student and parent 2. Assign student to community service (where available) 3. An accumulation of more than 3 offenses the student forfeits his/her right to participate in extra curricular (clubs and organizations), co-curricular (field trips and class trips), and athletic (sport teams) activities until student complies 4. Meet with school-based youth centers

Adopted:	June 24, 1985
Revised:	September 24, 1990
Revised:	January 27, 1993
Revised:	August 23, 1995
Revised:	August 30, 2004
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009

Policy

GIFTS TO SCHOOL PERSONNEL

Students and their parents/guardians shall be discouraged from presenting gifts to staff members. The Board shall consider as always welcome the writing of letters to staff members expressing gratitude and appreciation.

Adopted: June 24, 1985
Revised: April 12, 1988
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Gifts, Personnel

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

Thomas Cluff et al. v. Lower Cape May Regional High School; Board of Education, 1972 S.L.D. 560;

Silver v. Hillside Township Board of Education, 1977 S.L.D. (April 4), aff'd by State Board Oct. 12, 1977

Cross Reference: 1313 Gifts to school personnel

Policy

MARRIED/PREGNANT PUPILS

No pupil, whether married or unmarried, who is otherwise eligible to attend the district's school(s) shall be denied an educational program solely because of pregnancy, childbirth, pregnancy-related disabilities, or actual or potential parenthood.

No married pupil who is otherwise eligible to attend the district's school(s) shall be denied an educational program solely because of his/her marital status.

A pregnant pupil who does not wish to attend regular classes or who is physically unable to do so during her pregnancy may, on her request, be assigned to either a formal alternative educational program or home instruction.

A pupil who has received an alternate educational program or home instruction for reasons associated with her pregnancy shall be readmitted to the regular school program upon her request and the written statement of a physician that she is physically fit to do so.

A pregnant pupil under the age of 18 who wishes to withdraw from the district must have the written permission of her parents/guardians.

Adopted: June 24, 1985
Revised: April 12, 1988
Revised: October 23, 1995
Revised; May 31, 1996
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Married Pupils, Pregnant Pupils, Married Students, Pregnant Students

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:36-20 Discrimination prohibited
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
See particularly:
N.J.A.C. 6A:7-1.4, -1.7

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

Manual for the Evaluation of Local School Districts

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible

<u>Cross References:</u>	*5141.3	Health examinations and immunizations
	*5145.4	Equal educational opportunity
	*6145	Extracurricular activities
	*6154	Homework/makeup work
	*6172	Alternative educational programs
	*6173	Home instruction

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

Policy

PART-TIME EMPLOYMENT

Employment Certificates:

The State of New Jersey regulates the employment of children under 17 years of age. The school system shall process the applications for work permits, give the required physical examination to each applicant, and meet other requirements in their issuance as established by the State Department of Labor.

Adopted: June 24, 1985
Revised: April 12, 1988
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Employment Certificates, Working Papers

Regulation

PART-TIME EMPLOYMENT

Employment Certificates:

Students between the ages of 14 and 17 may be legally employed in part-time jobs, provided such employment does not interfere with their school progress. Principals will indicate their approval of such employment on the proper form.

Application blanks may be obtained from the office of supervisor of attendance and special class transportation. Those seeking working papers must submit a birth certificate, a "promise of employment" form completed by the employer, and have a physical examination. When these forms have been completed, they must be returned to the attendance. The applications will then be processed and returned as soon as possible.

After the close of school in June, working papers will be issued from 9 A.M. to 3 P.M., Monday through Friday.

Adopted:	June 24, 1985
Revised:	April 12, 1988
Revised:	August 23, 1995
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009

Policy

FUND-RAISING ACTIVITIES

The Camden City Board of Education recognizes the value of having pupils participate in fund-raising activities, both as individuals and as groups, in order to help defray the cost of certain noncurricular field trips, or other worthwhile programs, or in support of a Board approved charitable cause.

For purposes of this policy, "pupil fund raising" shall include the solicitation and collection of money from pupils for any purpose and shall include the collection of money in exchange for tickets, papers or any other goods or services except those goods and services which are part of a Board-approved program of the schools.

The Board prohibits the collection of money in school or on school property or at any school-sponsored event by a pupil for personal benefit. Collection of money by school organizations approved by the Board shall be approved by the Principal. Collections by organizations outside the schools or by pupils on behalf of such organizations shall be approved by the Superintendent.

The Board shall not be responsible for the protection of or the accounting of funds collected from pupils by organizations outside the schools, by teaching staff members when not required to collect money for a Board-approved purpose, and by school-connected organizations. Funds raised by school-sponsored activities shall be deposited in the proper district accounts.

The Board reserves the authority to limit or terminate fundraising activities by school-sponsored groups or outside organizations that encourage or require door-to-door solicitation.

Adopted: June 24, 1985
Revised: May 22, 1995
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Fund Raising, School-connected Organizations

Legal References:	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:19-14	Funds derived from pupil activities
	<u>N.J.S.A.</u> 18A:20-34	Use of schoolhouse and grounds for various purposes
	<u>N.J.S.A.</u> 18A:23-1	Audit when and how made
	<u>N.J.S.A.</u> 18A:23-2	Scope of audit
	<u>N.J.S.A.</u> 18A:54-20	Powers of Board (county vocational schools)
	<u>N.J.S.A.</u> 52:14-15.9c1. <u>et al.</u>	Public Employee Charitable Fund-Raising Act
	<u>N.J.A.C.</u> 6A:23-2.1 <u>et seq.</u>	Double Entry Bookkeeping and GAAP Accounting in Local School Districts
	<u>N.J.A.C.</u> 6A:23-2.14	Student activity funds
	<u>N.J.A.C.</u> 6A:23-2.15	School store business practices

Selfridge v. Kinnelon Board of Education, 1977 S.L.D. 522

Possible

<u>Cross References:</u>	*1140	Distribution of materials by pupils and staff
	1210	Community organizations
	*1230	School-connected organizations
	1314	Fundraising by outside organizations
	*1330	Use of school facilities
	*3400	Accounts
	*3450	Money in school buildings
	*3453	School activity funds
	3571	Financial reports
	*3571.4	Audit
	*6145	Extracurricular activities
	*6153	Field trips

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

Policy

HEALTH

The board of education believes that good health is vital to successful learning. In order to help district pupils achieve and maintain good health, the board directs the chief school administrator to develop pupil health services that employ professional personnel and interact with both parents/guardians and community health agencies. The program shall include but not be limited to:

- A. Employment of a medical inspector to perform those duties required by law, and to advise the chief school administrator on all matters affecting the health of pupils;
- B. Employment of at least one certified school nurse to assist with physical examinations; conduct biennial scoliosis screening; conduct an audiometric screening; maintain pupil health records; observe and recommend to the principal the exclusion of pupils who show evidence of communicable disease or who have not submitted acceptable evidence of immunizations; instruct teachers on communicable diseases and other health concerns; train and supervise the emergency administration of epinephrine for school staff who have been designated as delegates; supervise other nursing tasks; provide appropriate response to Do Not Resuscitate (DNR) orders; maintain valid, current Cardiopulmonary Resuscitation (CPR) certification; review and summarize health and medical information for the Child Study Team; write and update annually the accommodation plan under Section 504 for any student who requires one;
- C. Provision of proper and adequate facilities, equipment and supplies for professional health personnel and other staff;
- D. Establishment of a system of pupil health records in compliance with state law;
- E. Implement the Core Curriculum Content Standards in physical education, health, family life, safety, and use of drugs, alcohol, tobacco and anabolic steroids; recommendations for appropriate equipment and supplies to teach such courses;
- F. Development of rules and procedures to foster good pupil health, and periodic dissemination of these rules and procedures to the staff;
- G. Development of a program to provide safe drinking water and otherwise to maintain the buildings, grounds, facilities and equipment of the district in sanitary condition in accordance with law;
- H. Development and enforcement of an eye protection program as required by statute and administrative code;
- I. A regular report to the board on progress and accomplishments in the field of pupil health;
- J. Health services to staff that support pupil health;
- K. Provision of emergency services for injury and sudden illness;
- L. Provision for required physical examinations including an examination to certify that a pupil returning to school after suffering a contagious/infectious condition or illness is no longer a threat to the health of others;

- M. Development of all regulations and procedures necessary for evaluation of pupils suspected of being under the influence of drugs/alcohol, tobacco or anabolic steroids;
- N. Encouragement of correction of defects through fully informing pupils and parents/guardians concerning the findings of health examinations for scoliosis.
- O. Preparation for the potential disruption of a pandemic flu outbreak, such as avian flu, by filling out a school preparedness checklist available from www.pandemicflu.gov or NJSBA, with periodic reports to the school board on steps the district has already taken, as well as additional steps that need to be taken, to prepare for a flu pandemic.

Annual Nursing Plan

The Chief School Administrator (or his/her designee) in conjunction with the school physician and the certified school nurse shall develop an annual Nursing Services Plan that details the provision of nursing services based upon the needs of the students in this school district. The Nursing Services Plan shall be adopted annually at a regular meeting and submitted to the executive county superintendent of education for review and approval. The Nursing Services Plan shall include:

- A. A description of the basic nursing services provided all students;
- B. A summary of specific medical needs of individual students and the services required to address the needs;
- C. A description of how nursing services will be provided in an emergency;
- D. Detailed nursing assignments for all school buildings;
- E. The nursing services and additional medical services provided to nonpublic schools.

Students with Diabetes

As used in this policy, an "individualized health care plan" means a document setting out the health services needed by the student at school, and an "individualized emergency health care plan" outlines a set of procedural guidelines that provide specific directions about what to do in a particular emergency situation. Both are to be developed by the school nurse, in consultation with the parent or guardian of a student with diabetes and other medical professionals who may be providing diabetes care to the student, and signed by the parent or guardian.

The board believes that diabetes is a serious chronic disease that impairs the body's ability to use food, and must be managed 24 hours a day in order to avoid the potentially life-threatening short-term consequences of blood sugar levels that are either too high or too low. In order to manage their disease, students with diabetes must have access to the means to balance food, medications, and physical activity level while at school and at school-related activities.

Accordingly, a parent or guardian of a student with diabetes shall inform the school nurse, who shall develop an individualized health care plan and an individualized emergency health care plan for the student. Further, the parent or guardian must annually provide to the board of education written authorization for the provision of diabetes care as outlined in the plans, including authorization for the emergency administration of glucagon.

Both plans shall be updated by the school nurse prior to the beginning of each school year and as necessary if there is a change in the student's health status. The plans may include elements specified in N.J.S.A. 18A:40-12.13 including, but not limited to:

- A. The symptoms of hypoglycemia for that particular student and the recommended treatment;

- B. The symptoms of hyperglycemia for that particular student and the recommended treatment;
- C. The frequency of blood glucose testing;
- D. Written orders from the student's physician or advanced practice nurse outlining the dosage and indications for insulin administration and the administration of glucagon, if needed;
- E. Times of meals and snacks, and accommodations for exercise and sports, school trips and other school related activities.

The school nurse assigned to a particular school shall coordinate the provision of diabetes care at that school and ensure that appropriate staff are trained in the care of these students, including staff working with school-sponsored programs outside of the regular school day. The school nurse shall also ensure that each school bus driver that transports a student with diabetes in provided notice of the student's condition, how to treat hypoglycemia, and emergency/parent contact information. A reference sheet identifying signs and symptoms of hypoglycemia shall be posted in plain view within school buildings.

Upon written request of the parent or guardian and as provided in the individualized health care plan, the student shall be allowed to attend to the management and care of his/her diabetes in the classroom, on school grounds or at any school-related activity, if evaluated and determined to be capable of doing so consistent with the plan, and N.J.S.A. 18A:40-12.15.

Nonpublic School Pupils

The board shall provide mandated nursing services to nonpublic school pupils as required by law. See policy 5200.

The operation of the pupil health program shall be in compliance with the rules and regulations of the state department of education, local board of health and the state department of health and senior services, and state department of human services. The board shall review and adopt the regulations developed to implement the district's health services.

Automated Electronic Defibrillator (AED)

Because the Board recognizes that medical emergencies may occur that justify the use of AEDs, the Board may acquire and maintain this equipment for use by qualified staff members. An applicable patient would exhibit all of the following signs as per AHA standards on AED use:

- A. Is unconscious
- B. Is not breathing
- C. Has no signs of circulation (as confirmed by a pulse check)

Only those staff members documented as having completed the required training are authorized to use an AED. The Superintendent may establish additional guidelines for use of the AED.

Any employee, student or other individual who inappropriately accesses and/or uses an AED will be subject to disciplinary action, up to and including expulsion from school and/or termination of employment. Civil and/or criminal liability may also be imposed on any student, employee or individual who inappropriately accesses and/or uses an AED. All usage will be reported to the Board of Education.

Date: Revised August 2010

Key Words

Health, Pupil Health, Student Health

Legal References:

<u>N.J.S.A.</u> 18A:16-6, -6.1	Indemnity of officers and employees against civil actions.
<u>N.J.S.A.</u> 18A:35-4.6 <u>et seq.</u>	<u>Parents Right to Conscience Act of 1979</u>
<u>N.J.S.A.</u> 18A:40-1	Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
<u>N.J.S.A.</u> 18A:40-3	Lectures to teachers
<u>N.J.S.A.</u> 18A:40-4.3	Scoliosis; periodic examination; notice to parents or guardian
<u>N.J.S.A.</u> 18A:40-5	Method of examination; notice to parent or guardian
<u>N.J.S.A.</u> 18A:40-6	In general
<u>N.J.S.A.</u> 18A:40-7, -8, -10, -11	Exclusion of pupils who are ill.
<u>N.J.S.A.</u> 18A:40-12.11 <u>et seq.</u>	Students with diabetes
<u>N.J.S.A.</u> 18A:40-23 <u>et seq.</u>	Nursing Services for Nonpublic School Pupils
<u>N.J.S.A.</u> 18A:40-34	Regulations adopted by Commissioner of Education relative to children's health care coverage
<u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u>	Substance Abuse
<u>N.J.S.A.</u> 44:6-2	Maintenance by boards of education of clinics for indigent children
<u>N.J.S.A.</u> 2A:62A-23 to 26	AED emergency medical services, 1999 statute
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development

See particularly:

<u>N.J.A.C.</u> 6A:16-1.1, -1.3, -1.4, -2.1, -2.3, -2.4	
<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	Operation and Maintenance of School Facilities

See particularly:

<u>N.J.A.C.</u> 6A:26-12.3	
<u>N.J.A.C.</u> 8:57-1.1 <u>et seq.</u>	Reportable Communicable Diseases

See particularly:

<u>N.J.A.C.</u> 8:57-2	Reporting of AIDS and HIV
<u>N.J.A.C.</u> 8:61-1.1	Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987), guidelines for admission of children with AIDS, the right to call witnesses and attendant right to cross-examine must be provided automatically upon request of the parties

Possible

<u>Cross References:</u>	*1410	Local units
	1420	County and intermediate units
	*3510	Operation and maintenance of plant
	*3516	Safety

Possible Cross References Continued:

*3542	Food service
*4112.4	Employee health
*4131/4131.1	Staff development; inservice education/visitations/conferences
4151.2	Family illness/quarantine
*4212.4	Employee health
4251.2	Family illness/quarantine
*5111	Admission
*5125	Pupil records
*5131	Conduct/discipline
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141.1	Accidents
*5141.2	Illness
*5141.3	Health examinations and immunizations
*5141.4	Child abuse and neglect
*5141.21	Administering medication
*5142	Pupil safety
*5200	Nonpublic school pupils
*6142.4	Physical education and health
*6142.12	Career education

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

Policy

ACCIDENTS

Each Principal shall develop a program of accident prevention suited to his/her school. The Superintendent shall review and approve such programs. When unforeseen situations arise, and an accident occurs, a school nurse or other assigned staff member shall be responsible for providing emergency services to a child or staff member. The medical inspector shall prepare a list of first aid treatment for the most common minor injuries. This list shall be made known to the staff.

Guidelines for Dealing with Accident/Injury

- A. The school nurse or another trained person shall be responsible for administering first aid. Universal precautions shall be taken in the handling of blood and body fluids to ensure the containment of bloodborne pathogens. (See policies and regulations 4112.4/4212.4 Employee health and 5141.2 Illness).
- B. In all cases where the nature of an injury appears in any way serious, every effort shall be made to contact the parent/guardian and/or family physician immediately.
- C. Parents/guardians shall be requested to pick up their child. If a parent/guardian is unable to provide such transportation, no pupil who is injured shall be sent home alone. A pupil who is injured shall not be taken home unless it is known that someone is there to receive him/her.
- D. In extreme emergencies, the school nurse, school doctor or Principal may make arrangements for immediate hospitalization of injured pupils, contacting parents/guardians in advance if at all possible.
- E. The teacher or other staff member who is responsible for a child at the time an accident occurs shall make out a report within 24 hours on an official form providing details about the accident. This shall be required for every accident whether first aid is necessary or not.
- F. Any injuries or accidents to pupils shall be reported as soon as possible to the Superintendent and the Board.

Staff shall be informed at the beginning of each school year of the accident prevention program and procedures to be followed in case of an accident/injury.

Emergency Medical Procedures for Sports/Athletics

The Board of Education recognizes its responsibility for pupil safety encompassing all aspects of sports and athletic events in both intramural and interscholastic programs. The Board directs the Superintendent to develop and implement emergency medical procedures to ensure delivery of appropriate emergency medical services for all practice sessions, competitive contests, games, events, or exhibitions with individual pupils or teams of the schools of this district whether among themselves or with pupils of other districts.

The Board further directs that these emergency medical procedures be disseminated to appropriate personnel within this district and address practice sessions and both home and away events.

The Board directs the Superintendent to report on the effectiveness of the emergency medical procedures to the Board annually for its review.

Adopted: June 24, 1985
 Revised: August 23, 1995
 Readopted: August 14, 2007
 NJSBA Review/Update: March 2009

Key Words

Accidents; Injuries

Legal References: N.J.S.A. 18A:11-3 Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals
N.J.S.A. 18A:16-6 Indemnity of officers and employees against civil actions
N.J.S.A. 18A:16-6.1 Indemnity of officers and employees in certain criminal actions
N.J.S.A. 18A:40-25 Boards of education to provide nursing care to students in nonpublic schools
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
See particularly:
N.J.A.C. 6A:16-1.4, -2.1, -2.3, -2.4
N.J.A.C. 6A:26-12.2(a)2iii Policies and procedures for school facility operation
N.J.A.C. 6A:27-12.2 Accident reporting
N.J.A.C. 6:32-9.1 et seq. Athletics Procedures
N.J.A.C. 8:61-1.1 et seq. Participation and Attendance at School by Individuals with HIV Infection

HIV Policy and Practice: Regulatory Requirements for New Jersey Public Schools,
 SDOE Division of Student Services, Sept. 1996, Doc. #P101400-31

Possible

Cross References: *3516 Safety
 *3541.33 Transportation safety
 *4112.4/4212.4 Employee health
 *4123 Classroom aides
 *5113 Absences and excuses
 *5125 Pupil records
 *5131.6 Drugs, alcohol, tobacco (substance abuse)
 *5141 Health
 *5141.2 Illness
 *5141.4 Child abuse and neglect
 5141.6 Crisis intervention
 *5141.21 Administering medication
 *5142 Pupil safety
 *5200 Nonpublic school pupils
 *6114 Emergencies and disaster preparedness
 *6142.12 Career education
 *6145.1/6145.2 Intramural competition; interscholastic competition
 *6153 Field trips

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

Policy

ILLNESS

When pupils are taken suddenly ill in school, they shall be sent or escorted to the nurse's office. If the nurse is not in the medical office, the pupil shall be sent or taken to the Principal's office. In general, the same procedures that apply to accidents shall apply to sudden pupil illness. The Superintendent, in cooperation with the medical inspector, shall implement this policy.

Control of Contagious Diseases or Conditions

In order to protect the health of the pupils in our 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 or infectious diseases or conditions. Pupils who have been absent because of contagious or infectious diseases or conditions must present a certificate of recovery from a licensed physician or be examined by the medical inspector.

The school nurse shall observe pupils who show evidence of communicable disease and recommend their exclusion to the school Principal. Recommendations shall be consistent with reporting requirements on communicable diseases as set forth in the New Jersey Health Code. Such pupils shall be isolated in the nurse's office until a parent/guardian picks them up, and any necessary measures have been taken to prevent spread of the infection. The school nurse, under the direction of the medical inspector, shall instruct all teachers in the symptoms of the most common diseases or conditions at least once a year.

Any student with HIV infection or AIDS or who lives with or is related to someone with HIV or AIDS shall not be excluded from general education, transportation services, extracurricular activities, athletic activities, assigned to home instruction or classified as eligible for special education because of the HIV infection. The school nurse shall recommend the exclusion of any individual with weeping skin lesions that cannot be covered.

In addition to the review of health and safety measures required by law, the school nurse shall individually instruct teachers from whose classrooms a pupil has been excluded in the symptoms of the disease for which the pupil was excluded. Student rights and confidentiality shall be protected in accordance with law. No teacher shall attempt to diagnose any illness of a pupil, but shall refer suspected cases to the nurse immediately.

Handling Blood and Body Fluids

The Superintendent and medical inspector shall develop detailed routine procedures based on New Jersey administrative code and guidelines from the Centers for Disease Control for proper handling of blood and body fluids resulting from illness/accidents in the schools. These procedures shall be disseminated to all district staff and volunteers.

The medical inspector shall report all cases of communicable disease to the local Board of health as required by law.

Adopted: June 24, 1985
Revision: March 31, 1993
Revised: August 23, 1995
Revised: April 28, 1997
Readopted: August 14, 2007

Key Words

Illness, Sickness, Body Fluids

<u>Legal References:</u> <u>N.J.S.A.</u> 18A:16-6	Indemnity of officers and employees against civil actions
<u>N.J.S.A.</u> 18A:16-6.1	Indemnity of officers and employees in certain criminal actions
<u>N.J.S.A.</u> 18A:40-3	Lectures to teachers
<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:40-10	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:40-25	Boards of education to provide nursing care to students in nonpublic schools
<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> 26:2T-1	Newly diagnosed Hepatitis C case; information, reports
<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:16-1.3, -1.4, -2.1 <u>et seq.</u>	
<u>N.J.A.C.</u> 8:57-1.1 <u>et seq.</u>	Reportable Communicable Diseases
<u>See particularly:</u> <u>N.J.A.C.</u> 8:57-1.3, -1.7, -2	
<u>N.J.A.C.</u> 8:61-1.1	Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)

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

Possible

<u>Cross References:</u> *1410	Local units
*4112.4	Employee health
*4131/4131.1	Staff development; inservice education/visitations/conferences
*4212.4	Employee health
*5113	Absences and excuses
*5125	Pupil records
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5141	Health
*5141.1	Accidents
*5141.4	Child abuse and neglect
*5200	Nonpublic school pupils
*6142.13	HIV prevention education

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

Regulation

ILLNESS

1. It is not necessary that anyone in the school be specifically notified that an HIV infected individual is registered to attend school or is an employee of the school. HIV/A.I.D.S. status is an exception to records required pursuant to student physical examinations and school employee examinations.
2. If school personnel receive information of the presence of an HIV infected individual, records containing any reference regarding the HIV status of the individual shall be kept confidential.
3. Information regarding an HIV infected pupil can be shared, only with the written consent of the pupil's parent or guardian, with those who need to know the status to determine an educational program for the pupil.
4. The Camden Board of Education shall annually provide pupils and their parents/guardians and district employees and/or volunteers with HIV awareness information.
5. The Camden Board of Education shall provide HIV/AIDS awareness information to their school community. This may be accomplished in cooperation with state and local agencies, and in consultation with the Executive County Superintendent of Schools, and may include utilization of district newsletters, bulletins or other media.
6. The Camden Board of Education shall annually make available training and appropriate supplies for the handling of blood and body fluids to all school personnel. all new employees shall receive an orientation inservice on universal precautions within one month of Board appointment. School nurses, custodians, teachers, instructional aides, bus aides, and security guards in particular should have knowledge of the proper techniques in the handling and disposal of materials. These precautions should include, but not be limited to, the following:
 - a. Interior surfaces soiled with blood, vomitus, urine, feces or saliva should be promptly cleaned with EPA approved disinfectants, such as a household bleach solution. Disposable towels should be used and along with other fluid soaked items (e.g., tampons, used bandages and dressings, etc.) discarded in identified sealed medical waste bags. Mop heads should be rinsed in the disinfectant and changed after each such cleaning. Cleaning personnel should always wear approved heavy-duty gloves during the cleaning and disposing of these materials. Gloves should always be carefully examined for any cuts or tears.
 - b. In any setting involving the exposure of blood and body fluids, disposable plastic gloves should always be worn. Proper hand washing techniques should always be practiced by all school personnel.

Adopted: March 31, 1993
Revised: April 28, 1997
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Policy

HEALTH EXAMINATIONS AND IMMUNIZATIONS

Pupils who enter the district schools for the first time shall have a medical examination conducted at the medical home of the student, and a full report sent to the school. If a student does not have a medical home, the district shall provide this examination at the school physician's office or other appropriately equipped facility. "Medical home" means a health care provider and that provider's practice site chosen by the student's parent/guardian for the provision of health care. As the school physician is also a health care provider, the parent/guardian may request that the school physician provide the medical examination.

A pupil shall be exempted from mandatory immunization if the parent/guardian objects to immunization in a written statement submitted to the Principal, signed by the parent/guardian, explaining how the administration of immunizing agents conflicts with the pupil's exercise of bona fide religious tenets or practices. General philosophical or moral objection to immunization shall not be sufficient for an exemption on religious grounds.

Every pupil who enters the district schools for the first time shall present an immunization record as required by law. At the parent/guardian's request, these immunizations may be administered by the school physician.

In order to protect the health of the children and staff in 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 or conditions. Pupils seeking to enter school who have been identified as having a communicable/infectious disease or condition shall not be enrolled unless they qualify under the above agencies' rules pertaining to periods of incubation, communicability, quarantine and reporting.

The Superintendent or his/her designee shall formulate regulations that ensure immunization records are reviewed and updated annually pursuant to N.J.A.C. 8:57-4.1 through 4.16. The Superintendent shall also formulate regulations for this policy and for regular pupil health examinations at appropriate grade levels; before participation in sports programs; and for tuberculosis, scoliosis, hearing loss, visual acuity and any other physical examinations required by law. Any health defects revealed by any examination given by the school health services must be reported to the parent/guardian. The Board shall review the regulations and adopt those required by law.

Adopted: June 24, 1985
Revised: August 23, 1995
Revised: May 31, 1996
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Immunizations, Inoculations, Examinations, Pupil Physical Examinations, Student Physical Examinations, Health

Legal References:	<p><u>N.J.S.A.</u> 18A:35-4.6 through -4.8 <u>N.J.S.A.</u> 18A:40-4</p> <p><u>N.J.S.A.</u> 18A:40-4.3</p> <p><u>N.J.S.A.</u> 18A:40-4.4 <u>N.J.S.A.</u> 18A:40-4.5</p> <p><u>N.J.S.A.</u> 18A:40-5 <u>N.J.S.A.</u> 18A:40-6 <u>N.J.S.A.</u> 18A:40-11 <u>N.J.S.A.</u> 18A:40-16 through -19 <u>N.J.S.A.</u> 18A:40-20 <u>N.J.S.A.</u> 18A:61D-8 through -10</p> <p><u>N.J.S.A.</u> 26:1A-9.1 <u>N.J.S.A.</u> 26:4-6 <u>N.J.S.A.</u> 26:2T-5 through -9 <u>N.J.A.C.</u> 6A:14-3.4 <u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u> <u>See particularly:</u> <u>N.J.A.C.</u> 6A:16-1.3, -1.4, -2.1, -2.2, -2.3, -2.4, -4.1, -4.3</p> <p><u>N.J.A.C.</u> 6A:32-9.1 <u>N.J.A.C.</u> 8:57-2</p> <p><u>N.J.A.C.</u> 8:57-4.1 <u>N.J.A.C.</u> 8:57-4.2 <u>N.J.A.C.</u> 8:57-4.3 <u>N.J.A.C.</u> 8:57-4.4 <u>N.J.A.C.</u> 8:57-4.5 <u>N.J.A.C.</u> 8:57-4.6 <u>N.J.A.C.</u> 8:57-4.7 <u>N.J.A.C.</u> 8:57-4.8 <u>N.J.A.C.</u> 8:57-4.9 <u>N.J.A.C.</u> 8:57-4.10 <u>N.J.A.C.</u> 8:57-4.11 <u>N.J.A.C.</u> 8:57-4.12 <u>N.J.A.C.</u> 8:57-4.13 <u>N.J.A.C.</u> 8:57-4.14 <u>N.J.A.C.</u> 8:57-4.15 <u>N.J.A.C.</u> 8:57-4.16 <u>N.J.A.C.</u> 8:57-4.17</p> <p><u>N.J.A.C.</u> 8:61-2.1</p>	<p>Parents Right to Conscience Act of 1979 Examination for physical defects and screening of hearing of pupils; health records Scoliosis; periodic examination; notice to parents or guardian Exemption Immunity from action of any kind due to provisions of act Method of examination; notice to parent or guardian In general Exclusion of pupils having communicable tuberculosis</p> <p>Tuberculosis infection; determination of presence ... Immunization at public expense</p> <p>Findings, declarations relative to Hepatitis B vaccinations.... Exemption of pupils from mandatory immunizations Prohibiting attendance of teachers or pupils</p> <p>Findings, declarations relative to Hepatitis C Evaluation Programs to Support Student Development</p> <p>Athletics Procedures Reporting of acquired immunodeficiency syndrome and infection with Human Immunodeficiency Virus Applicability Proof of immunization Medical exemptions Religious exemptions Provisional admission Documents accepted as evidence of immunization Records required Reports to be sent to the State Department of Health Records available for inspection Diphtheria and tetanus toxoids and pertussis vaccine Poliovirus vaccine Measles virus vaccine Rubella vaccine Mumps vaccine Haemophilus influenza type b (Hib) conjugate vaccine Providing immunization Emergency powers of the State Commissioner of Health Attendance at school by pupils or adults infected by Human Immuno-deficiency Virus (HIV)</p>
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Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

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

Possible

<u>Cross References:</u>	*1410	Local units
	*4123	Classroom aides
	*5111	Admission
	*5113	Absences and excuses
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5141	Health
	*5141.21	Administering medication
	*5200	Nonpublic school pupils
	*6142.4	Physical education and health
	*6145.1/6145.2	Intramural competition; interscholastic competition
	*6162.5	Research
	*6164.4	Child study team
	*6171.4	Special education

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

Regulation

HEALTH EXAMINATIONS AND IMMUNIZATIONS

Health Examinations

All pupils newly entered into the Camden City school are to receive a thorough health appraisal. This includes all first grade pupils. A complete physical examination incorporates a review and examination of all body systems, a developmental history and an immunization survey. Input from the family physician or clinic is always encouraged and considered necessary for a complete health history.

Along with the normal physical assessment, medical staff should note any abnormalities observed, such as scars, unusual or awkward gait, prosthesis of any kind, speech defects, etc.

Blood pressure screening shall be included as part of the physical assessment. Standards of referral are listed in the School Health Services Guidelines.

Preschool children are to receive a yearly physical assessment. Kindergarten children are to receive a yearly physical assessment.

All health appraisals shall be recorded on the Student Health History card using the appropriate code. Health appraisals shall be provided for pupils in grades 3, 6, and 10. Other grades may be done if time and enrollment permit. Health appraisals shall be provided for pupils in special education classes every three years and whenever need is indicated. A health appraisal shall be provided for any pupil referred by parents/guardians, staff, or a community agency when there is a suspected health problem.

Vision Screening

Vision screening is to be completed for pupils in preschool, kindergarten, 1st, 3rd, and 5th grades in the elementary schools. Other grades may be done if time permits. Vision screening in the middle and high schools is to be done in grades 6 and 10. Special education pupils are to have a vision screening every three years, and/or when need is identified.

Vision screening and follow-up is vital for all pupils with an identified vision problem. These pupils should be screened every year to determine if there is a need for referral and/or consultation with a vision specialist.

A vision screening shall be provided for any pupil referred by parents/guardians, staff, or a community agency when there is a suspected vision problem.

Elementary:

Preschool and kindergarten - Since it is difficult for the younger children to use the Titmus, it is recommended that the preschool and kindergarten children be "scoped" by the vision examiner as time permits. The Titmus Tester can be used for those children who have mature eye-hand coordination skills.

Grade 1 - Slide to be used are far and near vision, muscle balance and plus lens. The amblyopia slide should be used up to second grade and should be used on every newly entered pupil regardless of grade.

Grade 3 - Slide to be used are far and near vision, muscle balance, depth perception, color perception, and plus lens.

Grades 5, 6, and 10 - Slides to be used are far and near vision, muscle balance, and plus lens.

Special Education Pupils:

Slides to be used are those that are age and grade appropriate.

Pupils who are newly-entered into the Camden School system from Grade 1 - Grade 12, are to be visually screened using every slide.

Pupils who fail the vision screening test (20/40 grade preschool through 2); 20/30 grades 3 through 12) are to be referred to the vision examiner.

Audiometric Screening:

Hearing screenings will be consistent with the procedures recommended in the 1980 School Health Services Guideline. The identification of the grades of pupils to be screened are listed in N.J.A.C. 6A:16-2.2

Scoliosis Screening:

Scoliosis screenings will be consistent with the mandate of Chapter 97 Laws of New Jersey 1978.

Physical Examination of Athletics:

1. All students wishing to participate in an interscholastic sport will be required to have a district-conducted physical examination each sport season.
2. The overall plan for the conduct of the physical examinations provides for one examination clinic prior to the start of each sport season.
3. The athletic director, coach, or school nurse will make arrangement for the physical examinations well in advance of the sport season.
4. It will be the responsibility of the coach or advisor to maintain good order, discipline, and absolute quiet during the clinic to enable doctors to perform cardiac examinations.
5. The coach will explain the purpose of the examination, the necessity for maintaining quiet during the examination period, and that a rejection on the basis of the physical screening does not necessarily bar the student from participating in athletics. If the family physician approves a student for participation and this approval is in conflict with the school physician, a third physician will be consulted. However if a third physician, upon a complete physician examination, rejects the student for participation, the student will not be permitted to participate. The Camden City Board of Education will pay the cost of the third physician.
6. New Jersey State Board of Education rules state that good physical condition, freedom from injury, and full recovery from illness shall be prerequisites to participate in athletics, whether in practice or in competition. Each candidate for a place on a school athletic squad or team shall be given a complete physical examination by the school physician or designated team doctor prior to the first practice session. He/she shall receive a certificate or record card signed by the school physician or team doctor testifying to the candidate's physical fitness or lack of physical fitness for the sport he/she has selected. The reasons therefore and the medical inspector's or team doctor's approval or disapproval for the candidate's participation shall be registered thereon.

Tuberculin Tests and Chest X-Rays:

1. The Mantoux intra-dermal tuberculin test shall be administered to pupils at the direction of the State Department of Health.

2. A pupil shall be exempt who presents documentation of a prior significant reaction as outlined in the administrative code. Any other exemption from these requirements shall be because of medical contraindications subject to review by the medical inspector.
3. All tuberculin reactors shall be referred to the family physician and appropriate official agency for necessary follow-up, and the procedures required by the administrative code followed.
4. Failure to comply with regulations shall be sufficient cause for suspension or expulsion from school.

General:

If there is any question about a child's vision, hearing or physical health, the teacher should refer the child to the school nurse for an examination of the suspected problem. The nurse or school doctor will conduct the necessary examination and inform the parent/guardian if further professional advice is needed. Under no circumstances should the classroom teacher attempt to diagnose the problem and inform the parent/guardian of a need for a medical examination, or suggest a particular doctor for the parent/guardian to contact.

All contacts with parents/guardians in regard to a child's health will be handled by the school nurse.

Immunizations

These regulations shall apply to all pupils attending Camden City Public Schools.

Upon failure to provide proof of immunization against diphtheria, whooping cough, tetanus, polio, measles, mumps, and rubella, every pupil attending these schools shall be required to receive such immunization within a reasonable length of time.

No pupil who has not submitted acceptable evidence of the immunizations specified above shall be retained in a Camden City Public school, except when the exemptions are noted in Chapter 14 of the sanitary code. The type and timing of the immunizations must be those specified in the code.

Parents/guardians of entering children not presenting proof of immunization will be required to sign a letter of intent signifying their intention of either securing the records or of having the work completed. In either case, children will be admitted to school for a period of 30 days. At the end of that time, if the requirements of the Board's policy on student inoculations have not been met, the child may be excluded until his/her medical records have been provided.

A pupil shall not be required to have any immunizations which are medically contraindicated. A written statement from a physician licensed to practice medicine or osteopathy in any jurisdiction in the United States that an immunization is medically contraindicated for a specified period of time, and the reasons for the medical contraindication, will exempt a pupil from the specific immunization requirements for the period of time specified in the physician's statement and shall be maintained by the school as part of the immunization record of the pupil.

A pupil shall be exempt from mandatory immunization if the parent/ guardian of the pupil objects thereto in a written statement signed by the parent/guardian upon the ground that the proposed immunization interferes with the free exercise of the pupil's religious rights. This statement will be kept by the school as part of the pupil's immunization records. This exemption may be suspended by the State Commissioner of Health during the existence of an emergency as determined by the State Commissioner of Health.

A pupil may be admitted to school on a provisional basis if a physician of health department indicates that immunization of the pupil has already been initiated and that the pupil is in the process of complying with all immunization requirements. Such provisional admission shall be for a reasonable length of time that is consistent with the completion of all immunization requirements.

The following documents will be accepted as evidence of a pupil's immunization history that the individual immunizations and the date when each immunization was administered is listed:

1. An official school record from any school indicating compliance with the immunization requirements of this regulation;
2. A record from any public health department indicating compliance with the immunization requirements of this regulation;
3. A certificate signed by a physician licensed to practice medicine or osteopathy in any jurisdiction in the United States indicating compliance with the immunization requirements of this regulation.

Each school shall maintain a record of immunization for every pupil which shall include the date of each individual immunization. A standard record of immunization shall be maintained by all Camden City schools on forms supplied by the State Department of Health for all new school entrants under seven years of age and for pupils of all ages transferring from out of state schools. If a new pupil transfer to another school, this record shall be sent to the new school.

A report of the immunization status of the pupils in the Camden City schools shall be sent each year to the State Department of Health by the Superintendent on the form provided by the State Department of Health. The report shall be limited to the immunization of school entrants and transfer students and shall be submitted by December 1 of each academic year. A copy of this report shall be sent to the local Board of health.

The Superintendent shall make immunization records available for inspection by authorized representatives of the State Department of Health or the local Board of health.

Adopted:	June 24, 1985
Revised:	August 23, 1995
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009

Policy

CHILD ABUSE AND NEGLECT

The Board of Education believes that a child's physical and mental well-being must be maintained as a prerequisite to achievement through the formal educational process. The Board therefore believes that it is important to identify and investigate suspected child abuse or neglect immediately. The school district will cooperate with the New Jersey Division of Youth and Family Services (DYFS) in identifying and reporting all such cases, whether institutional or noninstitutional. The Superintendent/designee shall act as liaison between DYFS and the district. The liaison shall facilitate communication and cooperation between the district and DYFS and act as primary contact between the schools and DYFS.

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

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

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

- A. Impress on all staff members and volunteers having contact with pupils of their responsibility to report directly and immediately to DYFS all cases of suspected abuse, abandonment, cruelty or neglect resulting in physical or mental injury, and the penalties for failing to do so. Point out that institutional abuse--abuse alleged to have taken place in the school or other institutional setting by paid school staff or a volunteer--must be reported on the same basis as noninstitutional abuse. Information reported shall include the name, age, and grade of the child, as well as the name and address of the child's parents/guardians. The report shall also include a description of the child's condition, nature and extent of his/her possible injuries, and any other information pertinent to the child abuse or neglect or identification of the suspected perpetrator;
- B. Require all school personnel and volunteers to report suspected instances of child abuse or neglect to the Principal after reporting to DYFS, unless the reporting personnel believes that he/she may be endangering the welfare of the child or himself/herself or causing retaliation or discrimination against the child or himself/herself by such notice to the Principal;
- C. Provide for the annual delivery of information and inservice training to all school staff members and volunteers concerning child abuse and neglect. This shall include instruction on child abuse and neglect identification and reporting procedures;
- D. Provide for the delivery of information and inservice training to all new school district employees, both paid and voluntary, as part of their orientation;
- E. Require prompt action to facilitate treatment options for the children injured by abuse or neglect in order to protect their health and wellbeing;

- F. Provide for cooperation with DYFS in scheduling interviews with any school personnel or volunteers who may have information relevant to the investigation;
- G. Provide for DYFS investigators to interview alleged victims in the presence of the school Principal, his/her designee, or any staff member with whom the child is comfortable;
- H. Permit DYFS to remove pupils from school during the course of the school day when it is necessary to protect the child or take the child to a service provider. Removal shall take place when the Principal is provided, either in advance or at the time removal is sought, with appropriate authorization as specified in N.J.S.A. 9:6-8.27 through -8.30;
- I. Require that a report of each case of unexplained absence which might be a cause of child abuse or neglect be reported to DYFS as the law provides, and to other appropriate school staff;
- J. Require that appropriate school staff be assigned as a liaison to facilitate communication and cooperation, and act as the primary contact between the district and DYFS in order to ensure continuance of shared information and training development;
- K. Release all pupil records of the child(ren) under investigation that are deemed relevant and maintain, secure and release all confidential information about child abuse cases, according to law;
- L. Fulfill other procedural requirements of the law pertaining to district response to child abuse, neglect and missing children.

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

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

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

Adopted: June 24, 1985
 Revised: August 23, 1995
 Revised: January 27, 1997
 Readopted: August 14, 2007
 NJSBA Review/Update: March 2009

Key Words

Pupil Safety, Child Abuse, Child Neglect, Student Safety

Legal References: N.J.S.A. 9:6-1 et seq. Abuse, abandonment, cruelty and neglect of child;
See particularly: what constitutes
N.J.S.A. 9:6-3.1; -8.9
 through -8.14; -8.21;
 -8.27through -8.30;
 -8.34 through -8.36; -8.40;
 -8.46; -8.56

<u>N.J.S.A.</u> 18A:6-7a, -10, -11, -13, -14, -18.1, -30, -30.1	Removal from personnel files of reference to complaint of child abuse or neglect determined to be unfounded
<u>N.J.S.A.</u> 18A:25-1	Transfer of teaching staff members
<u>N.J.S.A.</u> 18A:25-6, -7	Suspension of assistant Superintendents, Principals and teachers ...
<u>N.J.S.A.</u> 18A:36-19	Pupil records; creation; maintenance and retention, security and access; regulations; nonliability
<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and identification
<u>N.J.S.A.</u> 18A:36-24 <u>et seq.</u>	Missing children; legislative findings and declarations
<u>N.J.S.A.</u> 52:17B-9.8a <u>et seq.</u>	Marking of missing child's school record
<u>N.J.A.C.</u> 6A:16-1.4(a)21	District policies and procedures
<u>N.J.A.C.</u> 6A:16-11.1 <u>et seq.</u>	Reporting Allegations of Child Abuse and Neglect
<u>N.J.A.C.</u> 6A:32-7.1 <u>et seq.</u>	Student records

Possible

Cross References:

*5113	Absences and excuses
*5125	Pupil records
*5141.1	Accidents
*5142	Pupil safety

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

Regulation

CHILD ABUSE AND NEGLECT

Child abuse and neglect laws mandate the reporting of suspected incidents of child abuse and neglect to the Division of Youth and Family Services (DYFS). Under law, an abused or neglected child is defined as any child under 18 years of age:

- A. Whose parent/guardian inflicts or allows to be inflicted upon the child physical injury through other than accidental means which results, or potentially could result, in a substantial risk of death, a serious or prolonged disfigurement, or impairment or loss of the function of any bodily organ;
- B. Whose physical, mental or emotional condition has been impaired or risks being impaired because of the failure of his/her parent/guardian to provide adequate care and supervision, or to supply adequate food, clothing, shelter, education, medical or surgical care.
- C. Against whom a sex act has been committed by a person responsible for his/her care or by someone else permitted to commit such an act by the person responsible for the child's care; or
- D. Who has been willfully abandoned by his/her parent/guardian.

Procedures to be followed:

- A. All school personnel and volunteers are to report suspected instances of child abuse to the Principal after reporting to DYFS, unless the reporting personnel believes that he/she may be endangering the welfare of the child or himself/herself such notice to the Principal;
- B. The Principal will make an immediate referral to DYFS. Please note: DYFS guidelines state that it is neither wise nor necessary for school employees to contact parents/guardians suspected of child abuse or neglect, or to interrogate children. This is the responsibility of DYFS.
- C. All children suspected of possible abuse victims should be seen by the school nurse for medical treatment, if necessary, and clinical observation of the type of injury, if present.
- D. The child should remain under the jurisdiction of the Principal until a DYFS worker arrives and assumes that responsibility.

Adopted: August 23, 1995
Revised: January 27, 1997
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Policy

ADMINISTERING MEDICATION

The Board shall not be responsible for the diagnosis and treatment of pupil illness. The administration of medication to a pupil during school hours will be permitted only when failure to take such medicine would jeopardize the health of the pupil, or the pupil would not be able to attend school if the medicine were not made available to him/her during school hours.

For purposes of this policy, "medication" shall include all medicines prescribed by a physician for the particular pupil, including emergency medication in the event of bee stings, etc., and all non-prescription "over the counter" medication.

Before any medication may be administered to or by any pupil during school hours, the Board shall require the written request of the parent/guardian which shall give permission for such administration and relieve the Board and its employees of liability for administration of medication. In addition, the Board requires the written order of the prescribing physician which shall include:

- A. The purpose of the medication;
- B. The dosage;
- C. The time at which or the special circumstances under which medication shall be administered;
- D. The length of time for which medication is prescribed;
- E. The possible side effects of the medication.

Both documents shall be kept on file in the office of the school nurse.

The district medical inspector shall develop procedures for the administration of medication which provide that:

- A. All medications, whether prescribed or "over the counter", shall be administered by the medical inspector, school nurse or substitute school nurse, the parent/guardian or the pupil himself/herself where the parent/guardian so permits and with the school nurse present;
- B. Medications shall be securely stored and kept in the original labeled container;
- C. The school nurse shall maintain a record of the name of the pupil to whom medication may be administered, the prescribing physician, the dosage and timing of medication and a notation of each instance of administration;
- D. All medications shall be brought to school by the parent/guardian or adult pupil and shall be picked up at the end of the school year or the end of the period of medication, whichever is earlier;
- E. A student may self-administer medication without supervision of the school nurse for asthma or other life-threatening illnesses. "Life-threatening illness" has been defined as an illness or condition that requires an immediate response to specific symptoms or sequelae that if left untreated may lead to potential loss of life such as, but not limited to, the use of an inhaler to treat an asthma attack or the use of an adrenalin injection to treat a potential anaphylactic reaction.

Each school in the district shall have and maintain at least one nebulizer in the office of the school nurse or at a similar accessible location. The Superintendent shall prepare and the Board shall adopt regulations on the administration of asthma medication through the use of a nebulizer by the school nurse or his/her designee(s). Regulations shall be in accord with New Jersey statute and administrative code and shall include, but not be limited to, the following:

- A. Requirement that each school nurse shall be authorized to administer asthma medication through use of a nebulizer;
- B. Requirement that each school nurse receive training in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards;
- C. Requirement that each student authorized to use asthma medication or a nebulizer have an asthma treatment plan prepared by the student's physician that identifies, at a minimum, asthma triggers and an individualized health care plan for meeting the medical needs of the student while attending school or a school-sponsored event.

Pupil Self-Administration of Medication

The Board shall permit self-administration of medication for asthma or other potentially life-threatening illnesses by pupils in grades seven through twelve, both on school premises during regular school hours and off-site and after regular school hours when a pupil is participating in field trips or extracurricular activities. Parents/guardians of the pupil must meet the following conditions:

- A. Provide the Board with written authorization for the pupil's self-administration of medication;
- B. Provide written certification from the pupil's physician that the pupil has asthma or another potentially life-threatening illness and is capable of and has been instructed in the proper method of self-administration of medication;
- C. Sign a statement acknowledging that the district shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil and that the parents/guardians shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the self-administration of medication by the pupil.

The Board shall:

- A. Inform the pupil and his/her parents/guardians that permission is effective for the school year for which it is granted and must be renewed for each subsequent school year upon fulfillment of requirements listed above;
- B. Inform parents/guardians in writing that the district and its employees or agents shall incur no liability as a result of any injury arising from the self-administration of medication.
- C. Maintain the right to revoke a pupil's permission to self-medicate if he/she has failed to comply with all conditions of this policy and/or has violated in any way the tenets of the agreement to self-medicate. The Superintendent shall confer with the school physician and school nurse prior to recommending termination of a pupil's permission to self-medicate and shall also consult with the pupil, the pupil's parents/guardians and the pupil's physician.

Emergency Administration of Epinephrine

The Board shall permit the school nurse or medical inspector to administer epinephrine via epi-pen in emergency situations. In their absence, a designee or designees who are employees of the Board may do so.

The designees must be properly trained by the school nurse in the administration of the epi-pen using the standardized training protocol designated by the State Department of Education. Each designee shall receive individual training for each pupil for whom he/she is designated.

The Board shall inform the pupil's parents/guardians in writing that if the specified procedures are followed, the district, its employees and agents shall have no liability as a result of any injury arising from the administration of the epi-pen to the pupil.

Parents/guardians shall provide the Board with the following:

- A. Written orders from the physician that the pupil requires the administration of epinephrine for anaphylaxis and does not have the capability for self-administration of the medication;
- B. Written permission for the administration of epinephrine via epi-pen by the school nurse or designee(s);
- C. A signed statement acknowledging their understanding that if the specified procedures are followed, the district shall have no liability as a result of any injury arising from the administration of the epi-pen by the school nurse or designee(s) to the pupil and that the district, its employees, and agents shall be indemnified and held harmless against any claims arising out of the administration of the epi-pen to the pupil.

Permission for the administration of epinephrine via epi-pen or other pre-filled auto-injector mechanism shall be granted annually and must be renewed each school year upon the fulfillment of the above requirements.

Placement and Availability of Epinephrine, and Transportation to Hospital Emergency Room

Pursuant to P.L. 2007, C. 57, school policy requires:

- A. The placement of a pupil's prescribed epinephrine in a secure but unlocked location easily accessible by the school nurse and designees to ensure prompt availability in the event of an allergic emergency at school or at a school-sponsored function. The location of the epinephrine shall be indicated on the pupil's emergency care plan. Back-up epinephrine shall also be available at the school if needed;
- B. The school nurse or designee to be promptly available on site at the school and school-sponsored functions in the event of an allergic reaction; and
- C. The transportation of the pupil to a hospital emergency room by emergency services personnel after the administration of epinephrine, even if the pupil's symptoms appear to have resolved.

Implementation

The Board may adopt additional regulations on all aspects of the administration of medication.

Adopted:	June 24, 1985
Revised:	August 23, 1995
Revised:	October 23, 1995
Revised:	March 29, 1999
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009

Key Words

Administering Medication, Medication in School, Nebulizer

Legal References:	<u>N.J.S.A.</u> 18A:11-1 <u>N.J.S.A.</u> 18A:40-1 <u>N.J.S.A.</u> 18A:40-3.2 <u>et seq.</u> <u>N.J.S.A.</u> 18A:40-4 <u>N.J.S.A.</u> 18A:40-7 <u>N.J.S.A.</u> 18A:40-12.3 through -12.4 <u>N.J.S.A.</u> 18A:40-12.5 <u>N.J.S.A.</u> 18A:40-12.6 <u>N.J.S.A.</u> 18A:40-12.7 <u>N.J.S.A.</u> 18A:40-12.8 <u>N.J.S.A.</u> 18A:54-20 <u>N.J.S.A.</u> 45:11-23 <u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u> <u>See particularly:</u> <u>N.J.A.C.</u> 6A:16-1.3, -1.4(a), -2.1, -2.2, -2.3, -2.4	General mandatory powers and duties Employment of medical inspectors, optometrists and nurses; salaries; terms; rules Medical and Nursing Personnel Examination for physical defects and screening of hearing of pupils Exclusion of pupils who are ill Self-administration of medication by pupil; conditions Policy for emergency administration of epinephrine to public school pupils Administration of epinephrine; primary responsibility; parental consent Nebulizer Administration of asthma medication by school nurse through nebulizer; training; pupil asthma treatment plan Powers of Board (county vocational schools) Definitions Programs to Support Student Development
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Bernards Township Education Association v. Bernards Township Board of Education, 1981 S.L.D. (9/29/81), aff'd State Board, 1982 S.L.D. 4/7/82, aff'd App. Div., unpublished opinion (A-4211-81T3, 5/18/83)

Communications Workers of America, Local 1033, On behalf of Karen Norton, Barbara Woolston, Mary Ellen Schoen et al. v. New Jersey State Department of Education, Marie H. Katzenbach School for the Deaf, State Board Docket #52-91

Policy Advisory #1 on N.J.S.A. 18A:40-12.3 et seq. Self-Administration of Medication By a Pupil, New Jersey State Department of Education, June 5, 1995

Protocol and Implementation Plan for the Emergency Administration of Epinephrine by a Delegate Trained by the School Nurse, New Jersey State Department of Education, October, 1998

Possible

Cross References:	*5131.6 Drugs, alcohol, tobacco (substance abuse) *5141 Health *5141.1 Accidents *5141.2 Illness *5141.3 Health examinations and immunizations *6153 Field trips
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*Indicates policy is included in the *Critical Policy Reference Manual*.

Regulation

ADMINISTERING MEDICATION

Protocol: The administration of medicine should be discouraged by school personnel as it is not normally a function of education.

Only those children with chronic illness or specific disabilities require medication during the school day. The medication must be given by a certified school nurse, as ruled by Commissioner of Education. It is recommended that the guidelines for the administration of medication in schools be followed.

Procedure: Students

1. The parent or guardian should provide a written request for the administration of the prescribed medication at school.
2. Written orders are to be provided to the school from the private physician, detailing the diagnosis or type of illness involved, the name of drug, dosage, time, route of administration, length of time student is expected to be taking medication, and possible side effects.
3. The medication should be brought to the school by the parent/guardian in the original container, appropriately labeled by the pharmacy or physician.
4. The school physician should review the orders of the private physician.
5. The school should provide a secured, locked space for the safe storage of medication, and prescription drugs should be kept locked at all times.
6. The certified school nurse or parent/guardian is the only one permitted to administer medication in the schools and/or on school trips.
7. The records or documentation process is required to be maintained by the school nurse.
8. Schools having a special medical facility will handle administration of medication according to their guidelines.

Procedure: Staff

School nurses are not provided with over-the-counter medications, such as aspirin, Tylenol, Pepto Bismol, etc. It is suggested that these items are personal in nature and should be provided by staff members requiring their use.

Adopted:	June 24, 1985
Revised:	August 23, 1995
Revised:	October 23, 1995
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009

Policy

PUPIL SAFETY

The Board of Education recognizes the safety of its pupils as a consideration of utmost importance. The Superintendent shall consult law enforcement agencies, health and social service providers, emergency management planners and other school and community resources in the development of the plans, procedures and mechanisms for school safety. The Superintendent shall oversee development of a districtwide safety program with emphasis on accident prevention.

Facilities

The Superintendent shall maintain all facilities and equipment in proper condition to provide a safe learning environment, ensuring compliance with state law on the handling, labeling and storing of hazardous substances. Safety regarding all aspects of playground equipment and activity will be maintained and supervised in compliance to law and code.

Staff Education and Training

All teachers shall be familiar with the provisions of this program that particularly concern them.

The Superintendent shall inform all newly employed staff of school safety rules and regulations within 60 days of the effective date of their employment. All district employees will receive the appropriate inservice training to recognize and respond appropriately to safety concerns including emergencies and crises, in accordance with the district safety plans, procedures and mechanisms. The district safety plan will be updated annually and all employees will be notified of updates and changes to the safety plan in writing. Regulations concerning use and maintenance of eye protective devices shall be scrupulously enforced by all staff.

Student Supervision

The staff must maintain complete classroom and playground supervision during regular school hours. The Superintendent shall seek the cooperation of parents/guardians to prevent any children being unsupervised on school property during lunch hour and during morning arrival and afternoon dismissal times. Further, the Superintendent shall seek the cooperation of the police and other appropriate agencies in providing for the safety of pupils on or around school property. The Board shall adopt the necessary regulations governing supervision of pupil safety.

No pupil shall leave the school before the end of the school day without permission of the Principal.
No pupil shall run errands on school business off the school property.

The curriculum shall include courses in safety as required by state law. The Superintendent shall oversee development and implementation of a vocational education safety program correlated with coursework. In development of courses, the safety of participating pupils shall be a primary consideration.

Employers of work/study pupils are required to report to the work/study pupil's school Principal if a pupil has not reported for work within one hour of the expected arrival time. Other pupils leaving before regular dismissal must be met in the school office and signed out by a parent/guardian or a person authorized to act in his/her behalf.

A record shall be kept indicating the legal custodian of each pupil. Such custodian shall be responsible for informing the Superintendent of any change in the pupil's custody. If one parent/guardian has been awarded custody of the pupil in a divorce, the other parent/guardian shall present to the Principal a letter authorizing him/her to accompany the child from school before the child may be released. The Principal may take reasonable steps to verify the letter. It is the responsibility of the person or agency having custody to inform the school that such authorization will be required.

Supervision of Students during Dismissal

Dismissal will be supervised. District staff will be assigned to specific locations and given defined responsibilities to supervise student dismissal in each district school facility. Regular and early dismissal will be supervised according to the same protocol unless otherwise specified. The Superintendent is responsible for overseeing the development of protocols that are tailored to the age and needs of the students at each school facility. At a minimum these protocols shall include:

- A. Staff assigned to supervise dismissal, and their locations and responsibilities
- B. Where children will be retained awaiting appropriate escort and/or designated transportation
- C. Provisions for supervision when a parent/escort is unable to pick up their child at the appropriate dismissal time.
- D. Location and presence of municipal crossing guards

The Board will review the dismissal procedures annually.

Supervision of Non-bused Students at Dismissal

The Board shall require that the parent/guardian notify the school in advance of any arrangements for students requiring appropriate escort or designated transportation. The Board requires signed permission for a student to be dismissed to walk home unescorted.

All documented arrangements will be considered permanent for the entire school year. Parents/Guardians may alter arrangements upon prior written notification to the Superintendent or designee.

Parents/guardians leaving students at school that are to be escorted home will be reported to the proper authorities.

The Superintendent or designee is responsible for the collection of all dismissal arrangements requested by the parents/guardians. The Superintendent or designee is responsible for keeping a record of the dismissal arrangements and implementing the appropriate dismissal supervision in accommodation of these arrangements.

Notification of Dismissal Protocols

The Superintendent or his designee shall ensure that parents are notified of the following:

- A. School calendar including school closure and early dismissal dates and times; and any adjustments to the calendar
- B. The school dismissal policy
- C. Dismissal protocol for all bused students, non-bused students and students in after-school programs or activities
- D. Supervision arrangements for students at dismissal
- E. Emergency plan for supervision of students left at school
- F. After school program opportunities
- G. Procedures for enrolling students in after school programs

The parent/guardian is responsible for reviewing the school calendar and complying with all school dismissal times and procedures. It is the parents/guardians responsibility to resume the custody of their child at the end of each school day.

The Superintendent will develop procedures:

- A. For parents/guardians to provide signed acknowledgement of receipt of the school calendar, including all school closure and early dismissal dates, and the school dismissal policy and procedures,
- B. For parents/guardians to indicate and define the circumstances that the student is to be released from the school's care at dismissal,
- C. For the collection and retention of all documents pertaining to receipt of calendar and escort/transportation arrangements.

Voluntary Fingerprinting Program

The Board of Education shall provide a voluntary fingerprinting program for the protection of its pupils. This program shall be carried out in cooperation with the county sheriff's office and local law enforcement officials in accordance with the requirements of law.

All pupils in grades kindergarten through nine shall be eligible to participate with written authorization of their parent/guardian. Completed fingerprint cards shall be given to the parent/guardian and shall not be retained by the school district or the law enforcement agency.

The Superintendent is directed to provide an orientation program for those pupils for whom fingerprinting has been authorized, and to develop appropriate administrative regulations for the implementation of the voluntary fingerprinting program in the district.

Potentially Missing Children

Attendance practices, the dismissal precautions addressed in this policy and voluntary fingerprinting are part of the district's effort toward early identification of potentially missing children.

The Superintendent will develop procedures that ensure cooperation with law enforcement for substances, weapons and safety. This may include cooperation with law enforcement in the activation of an "Amber Alert" which provides for the rapid dissemination of information, including a description of the missing child through broadcast media.

Release to an Individual Impaired by Drugs/Alcohol Prohibited

The Board believes that allowing a child to be released into the custody of a parent/guardian or other authorized individual who appears to be impaired by drugs or alcohol can have tragic consequences. Therefore, the Board prohibits release of a pupil into the custody of any person who appears to be physically and/or emotionally impaired to the extent that harm could come to the pupil if released to such a person. The Superintendent/designee shall make the final determination as to whether an individual is impaired.

Possessions

Parents/guardians are requested not to permit their children to bring expensive or fragile objects to school and to label or otherwise identify clothing, books and personal items. The Board is not responsible for items destroyed or stolen from lockers.

Megan's Law

Only law enforcement agencies in the community receive notification of the presence of Tier One offenders. The Superintendent and Principals in affected schools shall receive notification from the county prosecutor's office or local law enforcement officials when Tier Two or Tier Three sex offenders move into the district.

Principals shall inform those employees/ volunteers whose duties regularly put them in a position to observe unauthorized persons on or near the property of the school. Principals shall determine who to notify on the basis of this definition, as well as on specific job duties carried out in their schools. If private vendors perform any of these functions, the Principal shall inform the vendor. Notification may include, but is not limited to:

- A. Aides
- B. Bus drivers
- C. Coaches
- D. Maintenance staff
- E. Professional support staff
- F. School level administrative staff
- G. Security personnel
- H. Teachers' aides
- I. Teachers

School personnel are notified only in their capacity as such and shall not disseminate information about an offender to anyone not specifically identified by the county prosecutor or Attorney General. Any school employee who does so may be disciplined. If a school employee has reason to believe that an offender who has been the subject of a notification is a danger to someone outside the school environs, he/she shall immediately contact the local law enforcement agency or the county prosecutor.

District personnel shall not notify the following of the presence of Tier Two or Tier Three offenders:

- A. Members of PTO, PTA, HSA, etc.
- B. Organizations using school facilities
- C. Other schools
- D. Press

The Principal shall provide registration forms to any organization that uses the school facilities, including parent-teacher organizations, that wishes to be notified by the county prosecutor's office of the presence of a Tier Two or Tier Three offender in the community.

In addition to the school personnel identified by the Principal, students and parents/guardians shall be notified of the presence of Tier Three offenders. The prosecutor's office and local law enforcement shall supply the school with notices for them when a school is located in the area where a vulnerable population is likely to encounter a Tier Three offender. Dissemination of these notices shall be in accord with law and accomplished in cooperation with the county prosecutor's office. Confidentiality shall be a prime consideration in all communications with students and parents/guardians, and all directives of the county prosecutor and Attorney General's offices shall be observed.

When a student has been identified as a sex offender, all procedures of notification shall apply. When a parent/guardian has been identified as an offender, he/she may continue to participate in all appropriate parent/guardian activities, unless prohibited by legal constraint.

Newly hired staff and newly enrolled students and their parents/guardians shall be trained and informed of the presence of Tier Two and Tier Three offenders, unless the county prosecutor has notified the Principal that notice cannot be given.

Students and district employees shall not be liable in any civil or criminal action for providing or failing to provide information relevant to notification. The Superintendent shall prepare regulations to implement this policy and all directives of the county prosecutor's office to ensure careful adherence to Megan's Law.

School Violence Awareness Week and Annual Public Hearing

The school shall observe "School Violence Awareness Week". This week will include discussions, presentations, and training for both students and staff, focused on the topic of preventing violence in school. Law enforcement personnel will be invited to join school teaching staff presenting age appropriate opportunities for students to discuss issues including but not limited to conflict resolution, student diversity and tolerance.

The Board of Education shall hold a public hearing on violence and vandalism pursuant to N.J.S.A. 18A: 17-46 and N.J.A.C. 6A: 16-5.3. The requirements of the public hearing are covered in greater detail in file code 5131.5 of this manual.

Adopted: June 24, 1985
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009/Adopted June 23, 2009

Key Words

Pupil Safety, Safety, Student Safety

<u>Legal References:</u>	<u>N.J.S.A.</u> 2C:7-2 <u>et seq.</u>	Registration and Notification of Release of Certain Offenders
	<u>N.J.S.A.</u> 2C:39-5	Unlawful possession of weapons
	<u>N.J.S.A.</u> 18A:6-2	Instruction in accident and fire prevention
	<u>N.J.S.A.</u> 18A:16-2	Physical examinations; requirement
	<u>N.J.S.A.</u> 18A:17-42, -43 and -45 through -48	Public School Safety Law
	<u>N.J.S.A.</u> 18A:20-21	Supervisors and other employees
	<u>N.J.S.A.</u> 18A:35-5	Maintenance of physical training courses; features
	<u>N.J.S.A.</u> 18A:35-5.1 through -5.3	Lyme disease prevention; public school health curriculum
	<u>N.J.S.A.</u> 18A:36-24 through -25	Missing children; legislative findings and declarations...
	<u>N.J.S.A.</u> 18A:36-29 <u>et seq.</u>	Voluntary fingerprinting ...
	<u>N.J.S.A.</u> 18A:40-12.1, -12.2	Protective eye devices required for teachers, pupils and visitors in certain cases ...
	<u>N.J.S.A.</u> 18A:41-1 <u>et seq.</u>	Fire drills and fire protection
	<u>N.J.S.A.</u> 30:5B-26 through -29	Child care before and after school hours ...
	<u>N.J.S.A.</u> 34:5A-1 <u>et seq.</u>	Worker and Community Right to Know Act
	<u>N.J.S.A.</u> 39:4-183.1a	Traffic control devices
	<u>N.J.S.A.</u> 52:27D-123.9 <u>et seq.</u>	Definitions relative to playground safety
	<u>N.J.A.C.</u> 5:23-11 to 11.4	Playground Safety Subcode
	<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
	<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
	<u>See particularly:</u>	

N.J.A.C. 6A:16-2.1, -5.1, -5.2, -5.5, -5.6, -5.7, -6.1, -6.2, -6.4, -6.5

N.J.A.C. 6A:19-10.1 et seq. Safety and Health Standards

See particularly:

N.J.A.C. 6A:19-10.2

N.J.A.C. 6A:26-12.1 et seq. Operation and Maintenance of Facilities

See particularly:

N.J.A.C. 6A:26-12.2, -12.5

N.J.A.C. 6A:27-11.1 et seq. Safety

Manual for the Evaluation of Local School Districts

Jerkins v. Anderson, 191 N.J. 285 (June 14, 2007)

Possible

Cross References:

*1250	Visitors
*1410	Local units
*3000/3010	Concepts and roles in business and noninstructional operations; goals and objectives
*3516	Safety
3530	Insurance management
*3541.33	Transportation safety
*4112.4	Employee health
*4131/4131.1	Staff development; inservice education/visitations/conferences
*4212.4	Employee health
*4231/4231.1	Staff development; inservice education/visitations/conferences
*5020	Role of parents/guardians
*5113	Absences and excuses
*5124	Reporting to parents/guardians
*5125	Pupil records
*5131	Conduct/discipline
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
*5141.1	Accidents
*5141.2	Illness
*5141.4	Child abuse and neglect
*5141.21	Administering medication
*5145.12	Search and seizure
*6114	Emergencies and disaster preparedness
*6142.12	Career education

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

Policy

NOTE: THIS POLICY IS MANDATED FOR EACH SCHOOL WHOSE STUDENTS PARTICIPATE IN AN INTERSCHOLASTIC SPORTS PROGRAM

SPORTS RELATED CONCUSSION AND HEAD INJURY

A concussion is a traumatic brain injury (TBI) caused by a direct or indirect blow to the head or body.

Requirements

- A. A student who participates in interscholastic athletics and who sustains or is suspected of sustaining a concussion or other head injury shall be immediately removed from the completion or practice. Student athlete may not return to play until they obtain medical clearance in compliance with local school district return-to-play policy;
- B. All Coaches, School Nurses, School/Team Physicians and Certified Athletic Trainers must complete an Interscholastic Head Injury Training Program;
- C. The Athletic Head Injury training program must include:
 - 1. The recognition of the symptoms of head and neck injuries, concussions, and injuries related to second impact syndrome; and
 - 2. Describe the appropriate time to delay the return to sports competition or practice of a student – athlete who has sustained a head injury or other head injury, but if no additional time is specified for a particular age-group or sport, the student-athlete may return when written medical clearance is given the student-athlete stating that he/she is asymptomatic, and the student-athlete has completed an appropriate graduated individualized return- to- play protocol.
- D. An Athletic Head Injury Training program such as the National Federation of State High Schools Association online “Concussion in Sports” training program or a comparable program that meets mandated criteria shall be completed by the above-named staff or others named by local district policy;
- E. Distribution of NJ Department of Education Concussion and Head Injury fact sheet to every student-athlete who participates in interscholastic sports. Each district must obtain a signed acknowledgement of the receipt of the fact sheet by the student-athlete’s parent/ guardian and keep on file for future reference.

Model Concussion Protocol for the Prevention and Treatment of Sports Related Concussions and Head Injuries

- A. A student-athlete who is suspected of sustaining a sports related concussion or other head injury during competition or practice shall be immediately removed from play and may not return- to- play that day.
- B. Possible Signs and Symptoms of Concussion
 - 1. Signs (Could be observed by Coaches, Athletic Trainer, School/ Team Physician, School Nurse):
 - a. Appears dazed, stunned, or disoriented;
 - b. Forgets plays, or demonstrates short term memory difficulty;
 - c. Exhibits difficulties with balance or coordination;
 - d. Answers questions slowly or inaccurately;
 - e. Loses consciousness;

2. Symptoms (reported by the student athlete to Coaches, Athletic Trainer, School/ Team Physician, School Nurse, Parent/ Guardian):
 - a. Headache;
 - b. Nausea/Vomiting;
 - c. Balance problems or dizziness;
 - d. Double vision or changes in vision;
 - e. Sensitivity to light or sound/noise;
 - f. Feeling sluggish or foggy;
 - g. Difficulty with concentration and short term memory;
 - h. Sleep disturbance.

C. To return to competition and practice the student-athlete must follow the protocol:

1. Immediate removal from competition or practice;
2. School personnel (Athletic Trainer, School Nurse, Coach, etc.) should make contact with the student-athletes parent/guardian and inform them of the suspected sports related concussion or head injury;
3. School personnel (Athletic Trainer, School Nurse, Coach, etc.) shall provide student-athlete with local school district approved information/ medical checklist to provide their parent/guardian and physician or other licensed healthcare professional.
4. Student-athlete must receive written clearance from their physician that student is asymptomatic and may begin the local districts graduated return- to- play protocol. School personnel (Athletic Trainer, School Nurse, Coach, etc. may consult with school/team physician after medical clearance is given from student-athletes physician).

Graduated Return to Competition and Practice Protocol

- A. After written medical clearance is given the student-athlete stating that they are asymptomatic, the student-athlete may begin a graduated individualized return- to- play protocol such as:
 1. Step 1: No Activity, complete physical and cognitive rest. The objective of this step is recovery;
 2. Step 2: Light aerobic exercise, which includes walking, swimming, or stationary cycling, keeping the intensity < 70% maximum percentage heart rate: no resistance training. The objective of this step is increased heart rate;
 3. Step 3: Sport-specific exercise including skating, and/or running; no head impact activities. The objective of this step is to add movement;
 4. Step 4: Non-contact training drills (e.g. passing drills). The student-athlete may initiate progressive resistance training;
 5. Step 5: Following medical clearance (consultation between school personnel and students athletes physician), participation in normal training activities. The objective of this step is to restore confidence and assess functional skills by the coaching staff;
 6. Step 6: Return to play involving normal exertion or game activity.
- B. Symptom checklists, baseline testing and balance testing may be utilized;
- C. If the student athlete exhibits a re-emergence of any post concussion signs or symptoms once he or she returns- to- play, they will be removed from exertional activities and returned to their school/team physician or primary care physician;

- D. If concussion symptoms reoccur during the graduated return- to- play protocol, the student-athlete will return to the previous level of activity that caused no symptoms.

Temporary Accommodations for Student-Athletes with Sports Related Head Injuries

- A. Consideration of the cognitive effects in returning to the classroom is also an important part of the treatment of sports related concussions and head injuries.
- B. Mental exertion increases the symptoms from concussions and affects recovery.
- C. To recover, cognitive rest is just as important as physical rest. Reading, studying, testing, texting -- even watching movies if a student is sensitive to light -- can slow down a student's recovery.
- D. In accordance with the Centers for Disease Control's toolkit on managing concussions local boards of education may look to address the students cognitive needs in the following ways.
- E. Students who return to school after a concussion may need to:
 - 1. Take rest breaks as needed;
 - 2. Spend fewer hours at school;
 - 3. Be given more time to take tests or complete assignments;
 - 4. Receive help with schoolwork;
 - 5. Reduce time spent on the computer, reading, and writing;
 - 6. Be granted early dismissal from classes to avoid crowded hallways.

Implementation of the Interscholastic Sports Related Concussions and Head Injuries Policy

- A. A training program and policy for the prevention and treatment of sports related concussions and head injuries shall be completed by the school/team physician, coaches, athletic trainer, school nurse, and any other school employee the local district deems necessary;
- B. The district is required to monitor the above-named school district employees in the completion of an Interscholastic Head Injury Training program such as the National Federation of State High Schools Association's online, "Concussion in Sports" program, which includes:
 - 1. The recognition of the symptoms of head and neck injuries, concussions, and injuries related to second- impact syndrome;
 - 2. The protocol for a return to competition or practice, which may specify an appropriate amount of time to delay the return to sports competition or practice of a student-athlete who has sustained a concussion or other head injury.
- C. The educational fact sheet shall be distributed annually to the parents or guardians of student-athletes. A signed acknowledgement of the receipt of the fact sheet shall be obtained from the student-athlete and his parent or guardian and retained by the school district;
- D. The school district will implement this policy on the prevention and treatment of sports-related concussions and other head injuries among student-athletes by the 2011-12 school year;
- E. Students who participate in an interscholastic sports program and are suspected of sustaining a concussion or other head injury in competition or practice shall be immediately removed from the sports competition or practice. A student-athlete who is removed from competition or practice shall not participate in further sports activity until he is evaluated by a physician or other licensed healthcare

provider trained in the evaluation and management of concussions, and receives written clearance from a physician trained in the evaluation and management of concussions to return to completion or practice.

Date: Adopted: August 23, 2011

Legal References:

<u>N.J.S.A.</u> 18A:16-6, -6.1	Indemnity of officers and employees against civil actions
<u>N.J.S.A.</u> 18A:35-4.6 <u>et seq.</u>	<u>Parents Right to Conscience Act of 1979</u>
<u>N.J.S.A.</u> 18A:40-1	Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
<u>N.J.S.A.</u> 18A:40-3	Lectures to teachers
<u>N.J.S.A.</u> 18A:40-5	Method of examination; notice to parent or guardian
<u>N.J.S.A.</u> 18A:40-6	In general
<u>N.J.S.A.</u> 18A:40-7, -8, -10, -11	Exclusion of students who are ill
<u>N.J.S.A.</u> 18A:40-23 <u>et seq.</u>	Nursing Services for Nonpublic School Students
<u>N.J.S.A.</u> 18A:40-41.4	Removal of student athlete from competition, practice; return
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development

See particularly:

<u>N.J.A.C.</u> 6A:16-1.1, -1.3, -1.4, -2.1, -2.3, -2.4	
<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	Operation and Maintenance of School Facilities

See particularly:

N.J.A.C. 6A:26-12.3

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

Possible Cross References:

*1410	Local units
1420	County and intermediate units
*3510	Operation and maintenance of plant
*3516	Safety
*4131/4131.1	Staff development; inservice education/visitations/conferences
4151.2/4251.2	Family illness/quarantine
*5125	Student records
*5141	Health
*5141.1	Accidents
*5141.2	Illness
*5141.3	Health examinations and immunizations
*5141.21	Administering medication
*5142	Student safety
*5200	Nonpublic school students
*6142.4	Physical education and health

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

** If the district has an interscholastic sports program.

Key Words:

Health, Concussion, Head Injury, Interscholastic Sports,

Regulation

PUPIL SAFETY

Dismissal Precautions:

When a pupil brings a note from his/her parent/guardian requesting early dismissal, the teacher shall send the note by the pupil to the office for approval by either the Principal or the secretary.

If such requests are received frequently from certain parents/guardians, the Principal should investigate.

Children are not to be released from school on the basis of a telephone call. The parent/guardian must come to the school personally in such cases. In cases of extreme emergency, the pupil may be excused at the discretion of the Principal. If the Principal has any doubts, the Superintendent's office should be called.

Each Principal shall develop detailed regulations for his/her individual school to implement Board policy on student safety. These regulations shall be reviewed by the Superintendent.

Adopted:	June 24, 1985
Revised:	August 23, 1995
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009

Policy

SAFETY PATROLS

The Board believes that student safety patrols can contribute greatly to the development of good traffic habits and can provide opportunities for growth in leadership skills.

Therefore, the Superintendent shall develop regulations for the formation of safety patrols.

These regulations shall include, but not be limited to, provision for:

- A. Appointment of a faculty advisor to select, instruct and discipline members of the safety patrol;
- B. Informing candidates and their parents/guardians of the purpose and activities of the patrol and the possible hazards;
- C. Obtaining signed, written consent from the parent/guardian for the student's involvement in the safety patrol;
- D. An outline of duties suitable to each school building;
- E. Cooperation with the police.

Adopted: June 24, 1985
Revised: May 22, 1995
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Pupil Safety, Student Safety, Safety, Safety Patrols

Legal References: N.J.S.A. 18A:42-1 Safety patrol by pupils
N.J.A.C. 6A:26-12.2(a)(3) Policies and procedures

Regulation

SAFETY PATROLS

The Principal of each elementary and middle school shall be responsible for the establishment and maintenance of a school safety patrol.

- A. Patrol Sponsor: The Principal shall assign a member of the faculty--preferably the physical education teacher--to sponsor the school safety patrol. Other teachers may, however, be assigned the responsibility.
- B. Selecting Patrol Members and Officers: Preferably, patrol members should be appointed by the Principal, the teacher, or the faculty sponsor; they may be elected by students; with membership subject to qualifications established by the Principal or faculty. Generally, patrol members shall be selected from children in grades 4, 5, 6, 7, and/or 8--and shall be children who have shown leadership abilities and have been responsible school citizens.
- C. Size of Patrol: The size of the school safety patrol will vary with the size of the school, the traffic conditions in the area of the school, and the general activities of patrol members. The corners to be covered by patrol members shall be those within a three-block radius of the school--that is, areas of which maximum sponsor supervision can be provided.

It is recommended that the entire patrol have only one captain and that a lieutenant be chosen for each 10 to 12 members. It is suggested that there be at least one extra unit consisting of a student officer and patrol persons to permit a rotation of assignments periodically.

- D. Instructions of Patrol Members: Each patrol member located on a street corner shall be equipped with an identifying insignia (Sam Browne belt with patrol badge). He/she shall remain on the sidewalk at all times--at least one foot behind the curb--unless his/her view of traffic is obstructed by parked cars or other objects; then he/she may step in the street--but not more than three paces. A patrol member shall not escort children across the street.

The teacher-sponsor should be responsible for the instruction of the safety patrol. Patrol members shall be instructed to:

- 1. Direct foot traffic only;
- 2. Encourage children to cross streets at the crosswalks when traffic is clear;
- 3. Keep children off the street and from between parked cars;
- 4. Remain on the sidewalk;
- 5. Set a good example at all times.

Under no circumstances shall a safety patrol member direct or stop automobile traffic.

Adopted: June 24, 1985
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Policy

STUDENT IDENTIFICATION BADGES

In order to support a safe school environment for students and staff, each student shall be required to prominently display a student ID badge when school is in session.

Failure to wear a badge shall be treated in accordance with the discipline code.

Adopted: April 29, 1996
Revised: May 31, 1999
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Date: April 29, 1996
Revised: May 31, 1996

Key Words

Identification, Badges, ID, ID Badge

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

Cross Reference: 5131 Student Conduct and Discipline
5144 Corporeal punishment
5144.1 Discipline code, athletes

Regulation

STUDENT IDENTIFICATION BADGES

1. Badges shall be distributed during the first two weeks of school.
2. Badges shall be worn in clear sight, on a string or chain around the student's neck at all times, during school hours, including field trips. A temporary, one-day badge shall be issued to a student who does not have a badge on a particular day. The cost of the one-day badge shall be set by the Board of Education.
3. Badges shall not be altered, folded, or damaged in any way.
4. Badges shall be the property of the school and issued to the student for his/her use only. All badges shall be worn on "break-away" chains, provided by the school district.
5. A charge, set by the Board of Education, shall be assessed for the replacement of lost, stolen, or damaged badges.
6. Each school shall develop site plans for the issuing, replacement, and end of the year collection of badges. Failure to return an ID badge at the end of the year shall be treated in the same way as a lost book.
7. ID badges shall be used for identification in:
 - a. Purchasing of food from the cafeteria
 - b. Purchasing lunch/bus tickets
 - c. Taking mid-term and final exams
 - d. Attending school sponsored field trips
 - e. Purchasing of tickets, and admission to school events (e.g. dances, athletic events)
 - f. Obtaining discounts for special events
8. Failure to wear issued badge:
 - a. First two occurrences - warning and conference
 - b. Third occurrence - parental contact and in-school suspension
 - c. Each occurrence over three - parental conference and in-school suspension

Adopted: April 29, 1996
Revised: May 31, 1996
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Policy

INSURANCE

The district shall insure students against any accident in which the school or a school employee is found liable. Low-cost insurance, covering other injuries, shall be made available to students.

Any company authorized to carry the master policy for student insurance shall be restricted, through written agreement, from making follow-up sales of extended insurance coverage or parents/guardians.

The sale of insurance to students shall be handled in individual schools. When possible, sales may be made through home-school organizations.

Students participating in interscholastic athletics shall be covered through insurance purchased by the district, but shall pay the deductible medical costs.

The Board shall not provide insurance or assume the cost of medical expenses for accidents sustained by students in non-interscholastic sports.

Participants in all sports not covered by Board insurance shall be encouraged to purchase coverage through the group policy for students.

Adopted: June 24, 1985
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Insurance, Coverage

Legal Reference: N.J.S.A. 18A:41 -1
through -3 Accident Insurance for Pupils

Cross Reference: 3530 Insurance management.

Policy

CORPORAL PUNISHMENT

The policy is designed to create an educational environment that will allow all students to learn, teachers to instruct, and administrators to facilitate the day-to-day operation of the school. The policy, addresses those actions to be taken if a student deviates from accepted behavior. The extent to which a student is judged for alleged deviation or violation of school policy will be based upon due process. This policy addresses those behaviors, which are unacceptable in our schools, but is not limited to only those outlined within the plan.

The policy includes a therapeutic as well as disciplinary approach to inappropriate behavior. The therapeutic methods are an attempt to identify the root or cause of inappropriate behavior. The goal is to include the entire school community in the problem-solving process.

Corporal punishment is never part of any aspect of the discipline code. As defined in 18A:6-1, corporal punishment states:

"No person employed or engaged in a school or educational institution, whether public or private, shall inflict or cause to be inflicted corporal punishment upon a pupil attending such school or institution; but any such person may, within the scope of his employment, use and apply such amounts of force as is reasonable and necessary:

- A. To quell a disturbance, threatening physical injury to others;
- B. To obtain possession of weapons or other dangerous objects upon the person or within the control of a pupil;
- C. For the purpose of self-defense; and
- D. For the protection of persons or property; and such acts, or any of them, shall not be construed to constitute corporal punishment within the meaning and intent of this section. Every resolution, bylaw, rule, ordinance, or other act or authority permitting or authorizing corporal punishment to be inflicted upon a pupil attending a school or educational institution shall be void."

This policy will be enforced uniformly and fairly throughout the school district. The Principal, however, has the prerogative to use his/her own judgment if circumstances so warrant. Students shall have the right to due process at all times.

In an effort to keep the school community aware of the districts discipline policy and regulations:

- A. The Superintendent/designee shall require all schools to set aside an appropriate area for in-school suspensions proctored by a certified staff member.
- B. All communications with parents and students shall be conducted in the primary language of the parent.

The Superintendent/designee shall annually distribute a summary of the discipline code and attendance policy to every student and staff as well as annually provide inservice training to Principals and administrators.

Adopted: June 24, 1985
 Revised: August 23, 1995
 Revised: October 23, 1995
 Revised: July 28, 1997
 Readopted: August 14, 2007
 NJSBA Review/Update: March 2009

Legal References: N.J.S.A. 2C:14-1 Sexual offenses
 N.J.S.A. 18A:6-1 Corporal Punishment
 N.J.S.A. 18A:25-2 Authority over Pupils
 N.J.S.A. 18A:37-2 Causes for Suspension or Expulsion
 N.J.S.A. 18A:37-4 Suspension of Pupils by Teacher or Principal
 N.J.S.A. 18A:37-5 Continuation of Suspension; Reinstatement or Expulsion
 N.J.S.A. 18A:38A -25, -26 Compulsory Attendance Law

P.L. 1995 C.127 and C.128

Cross References: 1251 Loitering or causing disturbances
 3515.1 Telephones
 3517 Security
 411.1/4211.1 Nondiscrimination/Affirmative Action
 5113 Absences and excuses
 5114 Suspension and expulsion
 5131 Student conduct
 5131.2 Classroom, Hall and Grounds Conduct
 5131.4 Campus disturbances
 5131.5 Vandalism/Violence
 5131.6 Drugs, Alcohol, Tobacco (Substance Abuse)
 5131.7 Weapons and Dangerous Instruments
 5131.8 Gambling
 5132 Dress and Grooming
 5142 Pupil Safety
 5144.1 Discipline (Athletic Events)
 5145.4 Equal educational opportunity
 6114 Emergency and disaster preparedness
 6145 Extra Curricular Activities
 6146 Graduation requirements
 6172 Alternative school
 6174 Summer school

Policy

DISCIPLINE - ATHLETIC EVENTS

Student Ejection from Athletic Events:

It should be obvious to all involved in our athletic programs that good sportsmanship and fair play should be practiced at all times. When such is not the case and an athlete gets ejected from a game, the following actions will occur:

- A. The coach must report the incident in writing to the athletic director by 8:00 a.m. of the first school day following the incident.
- B. The athletic director will contact the game officials and opposing coach for details of the incident.
- C. The athletic director will also notify the Principal.

The type of discipline to be assigned to the athlete will be determined by examination of the circumstances leading up to the ejection and the behavior of the athlete following the ejection. (All such action will be in compliance with the school district's "Discipline Code")* All ejections must be followed up by a conference which must be held no later than three (3) school days following the incident. All students have the right to all of the elements of due process.

First Offense - An informal conference will be held with the athlete, coach, athletic director and dean of students. Possible discipline could include suspension from school, suspension from additional games, removal from the team, forfeiture of a letter of a certificate, or athletic probation (Letter requesting parents/guardians attendance at all hearings and a follow-up letter confirming action taken.)

Second Offense - A formal conference will be held with the athlete, coach, athletic director, Principal and parent/guardian. A minimum one game suspension will be imposed and automatic athletic probation. Additional discipline could include all of the actions assigned to a first-time offender.

Third Offense - A formal conference will be held with the athlete, parent/guardian, coach, athletic director and Principal. The punishment assigned will be removal from the team and forfeiture of a letter and/or certificate. Additional discipline could include all of the actions assigned to a first-time offender.

Athletes who have been ejected from an athletic event may not participate in any game or practice until the hearing is held. This regulation may be waived only by the administration due to unusual delays in obtaining information for the conference or in the event of schools being closed.

*The following is unacceptable behavior, but not limited to: attacking school personnel, destruction or defacing school property, endangering the safety of others, fighting, habitual use of profanity, malicious damage to staff property, open defiance to authority, possession of drugs or alcoholic beverages, smoking, threatening other students, threatening school personnel, wanton, willful and gross disrespect.

Adopted: June 24, 1985
Revised: November 25, 1985
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Athletic, Athlete, Conduct, Discipline

Legal References:

N.J.S.A. 18A:25-2

Authority over Pupils

N.J.S.A. 18A:37-1

Discipline of Pupils

N.J.S.A. 18A:37-2

Causes for Suspension or Expulsion

Cross References:

5114

Suspension and expulsion

5131

Student conduct

Policy

EQUAL EDUCATIONAL OPPORTUNITY

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

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

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

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

The board of education guarantees all pupils equal access to all academic programs within the learning environment.

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

Service Animals

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

Harassment

The district's affirmative action program is part of each academic program regarding all pupils. No one, including pupils, staff members, vendors, volunteers, or visitors--shall commit an act of harassment/discrimination of any kind against any member of the school community on any of the grounds prohibited by law.

Harassment is defined as any gesture that is reasonably perceived as being motivated by an actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic; that will have the effect (actual or perceived) of harming a student or damaging the student's property. Harassment also includes any gesture that demeans or insults a student or group of students in such a way to cause substantial disruption in or interference with the orderly operation of the school.

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

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

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

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

Equity in School

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

- A. School classrooms and facilities will be barrier free;
- B. Attention will be directed at attaining minority representation within each school that approximates the district's overall minority representation;
- C. The district curriculum will be aligned with the State's Core Curriculum Content Standards and address the elimination of discrimination by narrowing the achievement gap;
- D. All students have access to counseling services;
- E. Physical education program is equitable and co-educational.

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

Hate Crimes/Bias Incidents

An employee of the board who becomes aware in the course of his/her employment that a student or other staff person has committed a hate crime or is about to commit one shall immediately inform the building principal and chief school administrator. All incidents of hate/bias shall be reported whether they occur during school hours on school grounds or otherwise.

Implementation

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

The chief school administrator shall also ensure that staff and pupils participate in educational programs relating to this policy and the maintenance of a safe and nurturing educational environment.

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

Adopted: June 24, 1985
Revised: July 31, 1995
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009
Revised: June 28, 2011

Key Words

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

Legal References: N.J.S.A. 2C:16-1 Bias Intimidation
N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:36-20 Discrimination; prohibition
N.J.S.A. 18A:38-5.1 No child to be excluded from school because of race, etc.
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
See particularly:
N.J.A.C. 6A:7-1.4,-1.7
N.J.A.C. 6A:16-6.3(e) Reporting students or staff members to law enforcement Authorities
N.J.A.C. 6A:17-1.1 et seq. Education of Homeless Children and Students in State Facilities
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-12.1 Reporting requirements
N.J.A.C. 6A:32-14.1 Review of mandated programs and services

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

State v. Mortimer, 135 N.J. 517 (1994)

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

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

20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act (formerly Education

for All Handicapped Children Act) -Part B

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

28 C.F.R. 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services (covers service animals)

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

Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)

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

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

Comprehensive Equity Plan, New Jersey State Department of Education

Possible

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

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

Regulation

EQUAL EDUCATIONAL OPPORTUNITY

I. SEXUAL HARASSMENT

- A. Anyone who alleges sexual harassment by any staff member or student in the school district may complain directly to the Principal/designee or district affirmative action officer.
- B. The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the school district's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

Sanctions:

- C. A substantiated charge against a member in the school district shall subject such staff member to disciplinary action, including discharge.
- D. A substantiated charge against a student in the school district shall subject that student to disciplinary action including suspension or expulsion, consistent with the student discipline code.

Notifications:

Notice of this policy will be circulated to all schools and departments of the Camden City School District on an annual basis and incorporated in the teacher and student handbooks. It will also be distributed to all organizations in the community having cooperative agreements with public schools. Failure to comply with this policy may result in termination of the cooperative agreement.

II. RACIAL, ETHNIC AND RELIGIOUS HARASSMENT

- A. Anyone who alleges racial, ethnic, or religious harassment may complain directly to the Principal/designee or district affirmative action officer. Filing a grievance or otherwise reporting racial, ethnic or religious harassment shall not reflect upon the individual's status nor shall it affect future employment, grades or work assignment.
- B. The right of confidentiality, both of the complainant and of the accused, will be respected consistent with the school district's legal obligations and with the necessity to investigate allegations of harassment and to take corrective and/or legal action when this conduct has occurred.

Sanctions:

- C. A substantial charge against an employee in the school district shall subject that employee to disciplinary action, including discharge.
- D. A substantial charge against a student in the school district shall subject that student to disciplinary action, including suspension or expulsion, consistent with the discipline code.

Notification:

Notice of this policy will be circulated to all schools and departments of the Camden City School District on an annual basis and at time of employment. It will also be incorporated in the appropriate staff and student handbooks. It will also be distributed to all organizations/agencies in the community having cooperative agreements with public schools. Failure to comply with this policy may result in termination of the cooperative agreement.

Adopted:	June 24, 1985
Revised:	July 31, 1995
Revised:	August 23, 1995
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009

Policy

PHOTOGRAPHS OF PUPILS

Taking pictures of district pupils and buildings for commercial purposes is prohibited without written approval of the Superintendent.

Photographs on the District Web Site

A .

"Commercial purposes" in this context is defined to mean for sale or for use in connection with the advertisement or promotion of goods or services.

"School pupils" in this context means boys and girls enrolled in the school during that part of the day they are at school, on the school grounds, or engaged in any activity under the direction and supervision of the school.

Pictures of children with educational disabilities shall not be disseminated in any way unless permission is granted by parents/guardians. Photographs of children placed in the district by the Division of Youth and Family Services (DYFS) shall not be published without permission of the division case worker.

Pictures of district pupils shall not be posted on the web site, except under the following conditions:

- A. Prior written permission has been obtained from the pupil's parent/guardian or from the adult pupil;
- B. Group photographs may identify the group, but not the individuals in the group;
- C. Prior written permission has been obtained from the pupil's parent/guardian or from the adult pupil, if the pupil is receiving an award or special recognition.

Adopted: June 24, 1985
Revised: May 22, 1995
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Exploitation, Safety, Photographs of Pupils, Pupil Photographs, Student Photographs, Web Site

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36-35 Disclosure of certain student information on internet prohibited without parental consent
N.J.S.A. 18A:54-20 Powers of Board (county vocational schools)

Possible

Cross References: *1100 Communicating with the public
*1110 Media
*1120 Board of education meetings
*1140 Distribution of materials by pupils and staff
*1250 Visitors

1320	Participation in out-of-school community activities
*5125	Pupil records
*5141.4	Child abuse and neglect
*5145.12	Search and seizure
6142.10	Technology
6145.3	Publications
6145.4	Public performances and exhibitions
*6171.4	Special education

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

Policy

PUPIL GRIEVANCE PROCEDURE

Each school shall establish procedures for the consideration of pupil problems and for the processing of their complaints and appeals. These procedures should be developed through the cooperative efforts of pupils, faculty and administrators. The Superintendent or designee shall establish and maintain procedures for appeals beyond the decision of the Principal. Details of those procedures should be made known to pupils and staff, and pupils who wish to use them should be assured of access to the appropriate personnel within a reasonable period of time.

Adopted: June 24, 1985
Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Grievances, Pupil Grievances, Student Grievances

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of Board (county vocational schools)
N.J.A.C. 6A:16-7.1 Code of student conduct

Possible

Cross References: 1251 Loitering or causing disturbance
*1312 Community complaints and inquiries
*5113 Absences and excuses
*5114 Suspension and expulsion
*5131 Conduct/discipline
5131.4 Campus disturbances
*5145.4 Equal educational opportunity

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

Policy

QUESTIONING AND APPREHENSION

In order to protect pupils' rights during the time they are under school control, the Principal shall interview every person who wishes to question a pupil on school property during the school day. The Superintendent shall be informed of such incidents.

Law Enforcement Officers

- A. If a law enforcement officer has an arrest warrant, the Principal shall ensure that all procedural safeguards as prescribed by law are observed. No pupil shall be taken from the school without the knowledge of the Principal or other person in charge of the school. The Principal shall make every reasonable effort to notify parents/guardians. The Superintendent shall be informed whenever such apprehensions take place.
- B. If a law enforcement officer has a juvenile complaint or wants to question a student on school property, the Principal shall request that the questioning be delayed if possible until the parents/guardians can be present. If the officer refuses and the Principal is convinced that the situation justifies questioning, he/she must attempt to have the parents/guardians informed immediately and shall remain with the student during the questioning.
- C. If the law enforcement officer is an agent of the Division of Youth and Family Services (DYFS), the agent shall determine whether the presence of a parent/guardian or school employee is appropriate.

Private Persons

If a private person wishes to question a pupil on school property during the school day, generally parents/guardians shall be notified of the request and give their permission before the Principal will permit the private person to question the pupil. In cases involving possible harm to another pupil which might be prevented by early information, the Principal may permit such questioning if the parent/guardian cannot be reached. The Principal shall be present during the questioning.

Weapons and Substance Abuse Questioning by Staff

When questioning any pupil about possible possession, use, or distribution of proscribed substances, drug paraphernalia, alcohol, firearms or other deadly weapons, staff shall follow the procedures adopted by the Board in compliance with administrative code.

Generally

The Superintendent shall notify the Board president when the police have sought to question a pupil in school, and the outcome of the incident. The district shall make every effort to establish close and cordial relationships with local law enforcement and other agencies, while ensuring that the parents/guardians are informed and pupil rights protected.

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Revised:	August 23, 1995
Readopted:	August 14, 2007
NJSBA Review/Update:	March 2009

Key Words

Questioning, Apprehension, Pupil Arrest, Student Arrest, Arrest

- Legal References:** N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for Disclosure
N.J.S.A. 2C:35-5 Comprehensive Drug Reform Act of 1986
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of Board (county vocational schools)
N.J.A.C. 6A:16-4.1 Adoption of policies and procedures for the intervention of student alcohol and other drug abuse
N.J.A.C. 6A:16-5.1 et seq. School Safety
See particularly:
N.J.A.C. 6A:16-5.7 through -5.8
N.J.A.C. 6A:16-6.1 et seq. Law Enforcement Operations for Substances, Weapons, and Safety
See particularly:
N.J.A.C. 6A:16-6.1, -6.2, -6.3
N.J.A.C. 6A:32-7 et seq. Student records
- New Jersey Constitution, Article I, para. 7
- U.S. Constitution, Amendment IV, V, XIV
- The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)
- In re Gault, 387 U.S. 1 (1967)
- A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions)

Possible

- Cross References:** *1410 Local units
*5114 Suspension and expulsion
*5131 Conduct/discipline
*5131.6 Drugs, alcohol, tobacco (substance abuse)
*5131.7 Weapons and dangerous instruments
*5145.12 Search and seizure

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

Policy

SEARCH AND SEIZURE

School lockers remain the property of the district even when used by pupils. Lockers are subject to administrative search in the interests of school safety, sanitation, discipline, enforcement of school regulations and to search by law enforcement officials on presentation of a proper warrant. Pupils and their parents/guardians shall be informed of this policy when lockers are assigned.

A pupil's person and possessions may be searched by a school official provided that the official has reasonable grounds to suspect that the search will turn up evidence that the pupil has violated or is violating either the law or the rules of the school. Under no circumstances shall a search be conducted based solely upon an anonymous tip and/or a rumor that contraband is present. The extent or scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the pupil and the nature of the infraction. A physical search may only be conducted by a staff member of the same sex as the pupil. Before instituting such a search, except in cases of emergency, the Principal shall try to inform the parents/guardians and request their presence.

School personnel shall not conduct strip searches or body cavity searches of any pupils under any circumstances.

Searches for Controlled Dangerous Substances/Drug Paraphernalia/Alcohol/Firearms/Other Deadly Weapons

Searches conducted by staff when there is suspicion that laws and policies on safe and drug free schools are being violated shall be based on the reasonable grounds required by this policy. When law enforcement officials conduct the search, the more stringent grounds required by law must be applied. See policies 5131.6 and 5131.7.

Adopted:	June 24, 1985
Revised:	August 23, 1995
Revised:	September 30, 1996
Readopted:	August 14, 2007
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Key Words

Search and Seizure, Locker Searches, Substance Abuse, Seizure

Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36-19.2 Student lockers or other storage facility; inspection; notice to students
N.J.S.A. 18A:37-6.1 Strip and body cavity searches prohibited
N.J.S.A. 18A:54-20 Powers of Board (county vocational schools)
N.J.A.C. 6A:16-6.1 et seq. Law Enforcement Operations for Substances, Weapons and Safety

State in interest of T.L.O., 94 NJ 33 (1983); New Jersey v. T.L.O., 469 U.S. 325, 53 (1985)

Vernonia School District 47J v. Acton et ux., Guardians ad litem for Acton,
___ U.S. ___, 115 S.Ct. 2386 (1995)

Joye v. Hunterdon Central Regional High School Board of Education, Superior Court
of New Jersey, Law Division Dkt. No. HNT-C-14031-00 (Jan. 4, 2001)

Board of Education of Independent School District No. 92 of
Pottawatomie County et al. v. Earls et al., 536 U.S. _____ (2002)

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

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

Possible

Cross References: *1410 Local units
*5114 Suspension and expulsion
*5131 Conduct/discipline
*5131.6 Drugs, alcohol, tobacco (substance abuse)
*5131.7 Weapons and dangerous instruments
*5145.11 Questioning and apprehension

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

Regulation

SEARCH AND SEIZURE: SUSPICION BASED SEARCHES

A student's person and possessions may be searched provided that school officials have reasonable suspicion to believe that the search will turn up evidence that the student has violated or is violating the law and/or district rules and regulations. The extent and scope of the search must be reasonably related to the objective of the search and not excessively intrusive in light of the age of the student and nature of the infraction. Searches should be conducted with a reasonable degree of privacy and consideration for the dignity of the individual. The following sets forth the procedures to be followed when students, their possessions and/or their lockers are searched.

Conducting Reasonable Suspicion Based Search of Individuals

A school administrator shall authorize a search of a particular student or group of students when he/she has developed a reasonable suspicion that a search of a particular student, or group of students, will reveal evidence of a violation of district policy or the New Jersey criminal code.

- A. Justification for conducting searches are permitted when a reasonable inference can be drawn from instances including but not limited to:
 - 1. Information from a reliable source;
 - 2. Suspicious behavior, or odors or sounds suggesting the presence of contraband;
 - 3. A student's past history when combined with new and specific information;
 - 4. The School personnel's experience and training, and,
 - 5. Any other combination of factors as may cause personnel to reasonably believe that contraband may be present.
 - 6. Reasonable suspicion may not be based solely on an unsupported anonymous tip, or upon a mere hunch.

- B. Before the Search
 - 1. The student(s) shall be escorted to a location designated by the principal/designee. In the event of an emergency, refer to paragraph C2 of this section below.
 - 2. If the principal/designee concurs that a reasonable suspicion exists, an administrator shall attempt to contact the student's parent/guardian to inform them of the basis of the reasonable suspicion as well as their intent to conduct a reasonable suspicion-based search.
 - 3. Failure to actually contact the parent/guardian, before the search shall not constitute a violation of this policy, nor shall it preclude the school administrator from authorizing a reasonable suspicion-based search.
 - 4. Prior to the search, the administrator shall initiate Form B, (See exhibit A), to properly document and substantiate the reasonable suspicion-based search.

5. Once at the private area, prior to commencement of the search, the student shall be informed that there is a reasonable suspicion that he/she has violated the law or district policy or regulation.
6. The student will then be asked if he/she has any contraband on their person or in their belongings. If the student acknowledges that she/he is possession of contraband, the principal/designee shall ask the student to remove the object from his/her person or belongings.
7. If the student surrenders the item(s) the search is terminated, unless the contraband surrendered enables the staff to formulate a reasonable suspicion that the student may have additional items on his person or inside containers. In this situation, the search of the student's person can continue and can be extended to the student's personal belongings and lockers/desk.

C. Searching a Student

1. If the student denies having contraband or refuses to remove any contraband he/she acknowledges is in their possession, the principal/designee shall instruct the appropriate staff to search the student.
 - a. The search shall be reasonable in its duration, intensity and scope, and no more intrusive than necessary to substantiate the reasonable suspicion.
 - b. School personnel conducting the search shall first ask the student to put down any personal belongings so that these objects can be searched without physically touching the student's person.
 - c. The search shall begin with the student's possessions, then outer garments, then the student's person if necessary.
 - d. The student will be asked to remove outer-garments (e.g. hat, coat, shoes and socks) and roll up sleeves to see if the student is hiding contraband. Under no circumstance shall staff request that the student remove any other items of clothing.
 - e. The person conducting the search shall require the student to empty his or her pockets unless the sought-after item is a weapon and there is reason to believe that the student might use the weapon to commit an assault. In making this determination, the person conducting the search should consider the totality of known circumstances, including the student's present state of mind and reaction to the encounter and his/her reputation for violence or for resisting authority.
 - f. To the maximum extent possible, if the search involves contact with the student, the search shall be conducted by school personnel of the same sex as the student being searched. School personnel are encouraged to use metal detectors prior to conducting a more intrusive search.
 - g. The person conducting the search shall begin by touching in the place most likely to conceal the sought-after item, or, areas signaled by the portable metal detector.
 - h. The person conducting the search shall conduct a "pat-down" or "frisk" of the student's outer clothing before actually reaching into a student's pocket to determine whether there is anything present that might be the sought-after item.
 1. If this limited tactile search of the outer clothing does not reveal the presence of an object that could be the subject of the search, the person conducting the search should not conduct a more invasive search of that location. A more invasive search would be warranted if the nature of the evidence sought or if the construction of the outer clothing, prevented a limited "pat-down" from revealing the presence of the sought-after item.
 2. While conducting a "frisk" or "pat-down" of the student's clothing, the person conducting the

search should not slide or otherwise manipulate an object in a pocket unless the object reasonably could be the item sought, or unless it is immediately apparent after the initial touching that the item is a weapon or other contraband that was not expected to be found.

- i. The person conducting the search shall immediately stop searching when the object of the search is found and secured unless there are reasonable grounds, at that moment, to believe that the student is carrying yet additional evidence of a serious offense or infraction that would independently justify a search of the person.
- j. At no point shall the person conducting the search rearrange, nor request the student to rearrange their clothing to observe the student's genitals, buttocks, anus, breasts or the undergarments covering these areas.
- k. At all times, the student shall be separated from any possession that might contain a weapon or other item that may cause injury. The possessions need not be in a separated room, but the student should remain separate from their property until the person conducting the search has confirmed the fact that the property does not contain a weapon or other dangerous item.
- l. The person conducting the search shall not open a book, access an electronic diary, or read any written material unless there are reasonable grounds to believe that such materials are evidence of a violation of the law or school rules. School officials must stop reading these materials immediately upon determining that they are not the objects of the search.

2. Emergency Situations

- a. In the event of an emergency which requires immediate intervention to protect the safety and security of the school community or any individual, a School Law Enforcement Officer (SLEO) may perform a "pat-down" search of a student(s) and his/her belongings.
- b. If the "pat-down" search further confirms the original reasonable suspicion, a more intrusive search of the student's person or belongings may be conducted in order to secure the item.
- c. Further, a student's locker may be searched provided the SLEO has reasonable suspicion to believe that the locker contains evidence that a student has violated BOE policy, school rules and law.
- d. Once the situation is under control, the SLEO shall immediately advise the principal/designee of the situation and actions taken.

3. Non-cooperative persons

- a. The refusal by a non-student to cooperate with efforts by authorized school personnel to implement this policy shall result in denial of entry into, or the removal from, a district facility or program.
- b. The refusal by a student to cooperate with the efforts by authorized school personnel to implement this policy shall be dealt with as follows:
 1. The student shall be escorted to the principal or designee for further clarification of policy and explanation of the consequences of a continued refusal to cooperate
 2. If the student continues to refuse to cooperate the principal/designee shall place a call to the parent/guardian to request that they either come to the school, grant verbal permission and/or instruct the student to cooperate
 3. The principal/designee shall explain to the parent/guardian and to the student that the

student's continued refusal to cooperate will be considered as resisting a lawful search and may require the presence of a police officer who may arrest the student if the student physically interferes with a lawful search of the student's person and/or personal belongings by school staff.

4. If the parent refuses to report to the school, refuses to grant verbal permission or if the student continues to refuse to cooperate, despite the parent's in person or verbal permission, the principal/designee shall continue to detain the student until a police officer is made available
5. In the presence of the police officer and the parent, if present, the principal's designee shall attempt to implement this policy
6. If the student physically hinders the authorized school personnel's attempt to carrying out his/her duty, per this policy, the police officer shall intervene by placing the student under police custody under the appropriate charge.
7. If the policy officer effectuates an arrest of the student, all school personnel shall not participate in any way, physical or verbal, while the police officer carries out his/her duty - the only exception being the police officer's request for assistance in securing a student that resists the officer's attempt to implement an arrest.
 - a. The principal/designee shall have the police officer sign a document which stipulates that the police officer is accepting responsibility for the student
 - b. If the parent/guardian is not present, a phone call shall be made to inform them of their child's status
8. The student shall also be assessed the appropriate punishment for failure to comply with an authorized search.
9. UNDER NO CIRCUMSTANCES SHOULD A STUDENT WHO REFUSES TO COOPERATE BE DENIED ADMISSION TO SCHOOL OR BE SENT HOME.

D. Concluding The Search

1. After the search has been terminated, whether or not the search revealed the sought-after item, the school administrator shall immediately complete form B, and forward one copy to the Superintendent, and one copy to the Chief of Security. A third copy shall be mailed to the parent/guardian, and the fourth copy shall be retained by the school, in a confidential building file.
2. Any item related to a crime or criminal activity (e.g. any controlled dangerous substance, weapon(s), etc.,) revealed by the search shall be confiscated and retained for Law Enforcement Officials as evidence for a potential criminal prosecution.
 - a. The confiscated items shall be marked with a tag signed by the individual confiscating the item, the name of the person on whom the item(s) was found, the date, time and location.
 - b. The confiscated item shall be placed in a secure location until law enforcement officials are able to take possession of the weapon.
 - c. When the item is released to a law enforcement official, the building principal shall deliver the item and obtain a receipt from the representative collecting the confiscated item.
3. Any property removed from an individual that is not prohibited by BOE Policy, school rules or law must be returned to that individual upon completion of the search.

E. Search of Lockers/Desks

1. School lockers and desks are school property and may be searched when there is reasonable suspicion to believe the lockers/desks contain evidence that the student has violated or is violating BOE policy, school rules and law.
2. If there is reasonable suspicion to believe a student's locker/desk contains contraband, the principal/designee must be advised. If the principal/designee determines that a search is warranted, he/she shall direct school personnel to search the locker.
3. Staff is encouraged to use a metal detector to inspect the personal belongings stored in the locker/desk prior to initiating a more intrusive search.
4. The principal/designee must be present while the search of the locker is conducted, except as indicated in paragraph C2 of this section above.

Conducting Administrative Searches

- A. The principal of each building shall submit to the Superintendent a plan that stipulates how the school intends to conduct periodic inspections/search of district property that may or may not be used by students and other individuals.
- B. The inspection/search school building plan shall provide for:
 1. Advanced written notice to all members of the educational community including students, parents and guardians the reason and authority for conducting administrative inspection/searches.
 2. The areas that will be eligible for inspection/search.
 3. The frequency of said inspections/searches, the personnel to be involved, equipment to be used, the utilization of outside resources (e.g. canine), etc.
 4. A neutral plan that guarantees a random basis for implementing the administrative inspection/search.
- C. The principal shall submit to the Superintendent a neutral plan designed to assure that an individual's reasonable expectation of privacy is not subjected to the discretion of the official(s) in the field.
 1. The neutral inspection plan shall be based on neutral selection criteria which shall explain in detail how lockers shall be selected for inspection, and the method of selecting dates for locker inspection.
 2. The neutral plan shall provide that the search of lockers, desks and other areas that are used by students should not be based on a student's association with a particular gang or cliques, or upon an individualized suspicion. This type of search is to be kept distinct from a search based upon reasonable suspicion.
 3. The neutral plan may allow for a greater probability of inspection based on neutral selection criteria, such as grade level, where there is reason to believe that a particular grade is more likely to bring dangerous or prohibited items onto school property.
 4. The neutral plan shall expressly provide that all persons conducting an inspection pursuant to the program will comply with the referral procedures promulgated by the State Board of Education.
 5. The plan shall also indicate that administrative searches shall in no way limit the authority of school administrators to conduct reasonable suspicion searches.

6. The BOE shall review and approve each principal's neutral search plan. The BOE shall also designate the individual's responsible for implementing the plan.

D. Canine Searches

1. Prior to the initiation of a canine search, the building principal shall submit to the Superintendent a neutral Canine Alert program which shall provide for:
 - a. Advanced written notice to all members of the educational community including students, parents and guardians that the purpose of the canine alert program is to deter students from bringing illegal or prohibited items to school, and that student lockers and possessions may be presented to canine alert units for the detection of drugs, weapons and other contraband.
 - b. A neutral selection procedure that limits the discretion of the employees who conduct the search.
2. Prior to the initiation of a canine search for weapons, drugs or other contraband, the building principal shall, by written letter, inform the Superintendent of his or her wish to conduct a canine search of their building.
3. The Superintendent shall then confer with the principal as to the need for a canine search.
4. If the Superintendent agrees with the principal's determination, the principal shall then contact the Camden City Police, or Camden County Prosecutor, in writing, to request their assistance in providing police scent dogs for the purpose of maintaining order and discipline and to identifying the presence of contraband in school facilities.
 - a. Under no circumstances may a law enforcement agency direct that a contraband detecting canine be brought into schools to conduct suspicion-less sweep searches.
 - b. Under no circumstances may a law enforcement agency plan or execute any search operation over the objection of school authorities. Such objection may be posed at anytime even after the search operation has commenced.
 - c. The canine unit shall operate under the direct supervision of the principal/designee.
 - d. Under no circumstances may a canine unit be used to inspect the person of a student.
5. The canine search shall proceed pursuant to the neutral selection procedure submitted by the principal to the Superintendent.
6. When a canine unit alerts to the presence of a weapon, drugs or other contraband, the canine unit, his handler and all police personnel shall remove themselves from the location.
 - a. Under no circumstances shall police personnel be allowed to conduct a further inspection or search of closed containers located in district property or in student property.
 - b. School personnel shall take over the inspection or search as if they had established reasonable suspicion of the presence of contraband in the location alerted by the Canine unit.
 - c. If the principal or designee finds any contraband, they shall proceed as in Section Conducting Administrative Searches in "C" above.

Administrative Entry/Exit Inspections

A. Purpose

1. The purpose of Administrative Entry/Exit Search program is to prevent weapons and illegal contraband from being brought into the schools, and, to prevent the unauthorized removal of district property from school facilities.
2. It is designed to deter violence and serious physical injury in schools by inhibiting the access of persons in possession of weapons and/or other contraband into school facilities.

B. Authorization

1. The BOE authorizes the Superintendent to establish magnetometer (“metal detector”) screening stations to:
 - a. Inspect individuals entering district facilities at the beginning of the school day;
 - b. Inspect individuals exiting school libraries, media centers, or other areas containing movable district property
 - c. Inspect individuals before or after an extra-curricular activity such as a dance or sporting event.

C. Prior Notification

1. Students and their parent(s)/guardian(s) shall be informed in writing at the beginning of the school year of the possible use of administrative entry/exit inspections.
2. Prior to conducting administrative entry/exit inspections, the principal shall have signs posted conspicuously at school entrances to inform visitors that all persons and their possessions may be subject to this form of inspection or search.
3. The building principal shall submit to the Superintendent a neutral search plan that:
 - a. Limits the discretion of the employees who conduct the administrative entry/exit inspections.
 - b. Indicates how individuals will be inspected when it becomes impractical to inspect all individuals.
 - c. Identifies the entrance(s) at which these inspections will be carried out, the number of staff assigned, the person in charge of a particular entrance and the steps to be taken to ensure that all other entrances not conducting a metal detector inspection are secured and guarded to prevent unauthorized entrance into the facility.
 - d. Establishes the location of a private area to be used to search those individuals that activate the metal detector and the number of staff assigned to this area.

D. Training

1. Designated staff shall be fully trained in the calibration, operation and maintenance of equipment used in this section.
2. Designated staff shall also be fully trained in all other aspects required to operate a administrative entry/exit inspection station.

E. Public Notice

1. The following notices shall be posted:
 - a. At each entrance where administrative searches are conducted:

All persons entering this building or a program in this building may be required to submit to a metal detector scan and a personal search if necessary, to ensure that weapons and other contraband are not brought into this building. Bags and parcels also may be searched by means of metal detecting devices, by hand, or otherwise.

The BOE of the City of Camden reserves the right to search parking lots, student lockers or other student storage areas for evidence of violations of Board policy, State or Federal Law.

Under NO circumstances may a student be subject to a strip search.

NON-STUDENTS that refuse to cooperate with these procedures may be denied admittance.

STUDENTS that refuse to cooperate may be subjected to administrative action and/or referral to the Camden City Police.

b. At search stations:

To avoid damage, floppy disks, computer disks, and cassette tapes should be removed from bags, briefcases or other packages prior to scanning.

Refusal to cooperate with the search will result in the denial of entry or disciplinary action.

F. Supervision

The principal or other authorized school administrator is to be present to observe the scanning procedure. He or she will ensure the proper coordination of all scanning procedures and any follow-up activities which may be necessary.

G. Scanning Procedures

1. The manual for each piece of equipment is issued to each site administrator with suggested settings. The basic procedure for start-up is as follows:
 - a. Turn on the power to the metal detector.
 - b. Select an appropriate detection program.
 - c. Set the sensitivity to detect your test object.
 - d. Test the unit daily to verify proper operation.
 - e. At school sites, administrative entry search procedures will be operational each day prior to the Breakfast Program.
 - f. The team will be responsible for setting up the required equipment at the chosen scanning site including:
 1. Walk-through and Portable Detector(s),
 2. Desks and Trays,
 3. Stanchions and Chairs,
 4. Receipts for Contraband, and
 5. Public Notices

- g. One SLEO will maintain a logbook for recording accurate information concerning each day's activities. Another SLEO will be assigned as an alternate to maintain the logbook in case of the absence of the Log Officer. The log book shall specify the persons involved in the search procedures, their assignments, the names of any students, staff or visitors found with contraband, a description of the contraband, the name of the police officer to whom it was turned over, and the property receipt number.
- h. Team members will be responsible for escorting students and contraband to the principal's office for processing.
- i. At school facilities where administrative entry searches are conducted, access to the building must be limited to secured entrances.
- j. All persons entering a secured entrance to a school facility will be directed to remove all metal object(s) on their person including; (keys, coins, batteries, electronic devices, gum wrappers, etc.), and place them into a tray provided for their convenience.
- k. When a person walks through the metal detector, or is inspected with a portable metal detector, and the alarm sounds, he/she shall be instructed to remove all metal objects from his/her person (chins, page I cell phone, coins), and shall be instructed to walk through the archway again, or shall be inspected again with the portable metal detector.
- l. If the alarm sounds again the person shall be required to undergo a search by a hand held metal detector as outlined in 2. *Use of Hand Held Metal Detectors: a-c* below.
- m. If the alarm does not sound the articles which have been removed will be examined and the individual is then allowed pass into the secure area.
- n. Persons should never be allowed to enter the secure area until they can walk through the metal detector, or be inspected with a portable metal detector, without sounding the alarm or until the items causing the alarm is identified as non-contraband.

2. Use of Hand Held Metal Detectors

- a. Hand-held metal detectors may be used at various locations, exclusively or in combination with stationary metal detectors, to conduct administrative entry searches and to confirm a reasonable suspicion that a student is in possession of a prohibited item(s). All metal detectors shall be used in compliance with the principal's neutral selection plan.
- b. Wand screening will be conducted by trained personnel of the same sex as the individual seeking admission to the building. Efforts shall be made during the scanning process to avoid having the scanning officer or the scanning equipment come into physical contact with the individual being screened.
- c. When the hand-held metal detector activates on a person and the source of the alarm is not apparent (i.e. jewelry, belt, etc.), the SLEO conducting the scan will direct the individual to remove any remaining metal object(s) from their person and will conduct a second scan.
 - 1. If the scan activates the metal detector again, the person shall be escorted to a separate and private area in order to conduct a non-intrusive frisk search of the individual.
 - 2. Prior to initiating the frisk search, the person will be given another opportunity to identify the item which activated the metal detector.
 - 3. Frisk searches may only be conducted by persons of the same sex as the person to be searched and at least one other person of the same sex.

4. Frisk searches shall begin at the precise area where the hand-held device detected the presence of metal.
 5. Under no circumstances may school officials re-arrange a student's clothing, or order a student to rearrange their clothing to reveal or expose the student's undergarments. This would constitute a strip search and is prohibited by N.J.S.A. 18A:37-19.2.
 6. If this tactile search creates a reasonable suspicion that the item causing the alert is a gun or other dangerous weapon the person conducting the search shall immediately alert the principal and proceed to conduct a reasonable suspicion search as provided in section: Conducting Reasonable Suspicion Based Search of Individuals in "B" above.
3. When the hand-held device activates on the person's personal belongings the process outlined in section: Administrative Entry/Exit Searches, G2,a-c, shall be followed.
 4. Individuals will be scanned in the following manner:
 - a. The SLEO will stand to the right of the individual to be scanned. Scanning will begin at the right shoulder area and proceed down the left side to the feet.
 - b. The SLEO will move to the rear of the individual and scan the right side from the feet to the head.
 - c. The SLEO will then scan the back of the individual from the head to the feet.
 - d. As the SLEO is moving to the left side, the SLEO will scan the individual from the feet to the head, passing up the back over the head.
 - e. The SLEO will then scan the individual's left side from the left chest to the feet.

H. Stationary Metal Detectors

1. Phase I: Primary Walk-Through Detection
 - a. The SLEO will request individuals to remove metal objects from their pockets and to place these articles in a designated place such as a tray.
 - b. Bags will be inspected separately by hand-held metal detectors.
 - c. The SLEO will observe the metal level indicator of the walk-through detector while each individual passes through.
 - d. In addition to an alarm the level indicator registers visually how much metal is on the individual walking through the detector at that particular point and time.
 - e. When an alarm is activated, the individual will be directed to a secondary Metal Detector station (Phase II).
2. Phase II: Hand-Held Metal Detector Scan
 - a. Prior to scanning the individual with the hand-held device, the SLEO will request that the individual re-check his/her person for any additional loose metal article(s) and place this/these article(s) in a tray.
 - b. If the hand-held metal detector continues to activate, the individual will be processed per section: Administrative Entry/Exit Searches in G2, a-c, above.

I. Sweep of School Grounds

Following termination of a morning administrative entry search, the SLEOs will conduct a perimeter sweep of the school grounds for contraband.

Documentation of Searches

- A. School officials shall thoroughly document the details of any search conducted of a student's person, personal belongings, automobile and/or lockers/desks. The search shall be documented at the time of the search, or as soon as possible thereafter, and shall include the following:
1. The time, place and date of the search;
 2. Reason for search: (1) description of reasonable suspicion giving rise to the search (what did school officials suspect to find during the search), or, (2) point of entry, general inspection/search;
 3. Names and titles of individuals conducting and observing the search;
 4. Description of any contraband found and disposition of item(s);
 5. Information regarding the attempts to notify parents about the search;
- B. A copy of the report and any other explanations shall be sent to the student's parent(s)/guardian(s) within three (3) days of the search, a copy shall be given to the student and the principal shall keep copy on file.

Adopted: 2008
NJSBA Review/Update: March 2009

Policy

NONPUBLIC SCHOOL PUPILS

New Jersey statute and regulations of the state Board of Education require the Board of Education to provide certain services and supplies to those New Jersey children whose parents/guardians enroll them in nonpublic schools within the confines of the district. Out-of-state pupils enrolled in nonpublic schools within the district are not included.

Nursing Services

The Board of Education shall, within the funding limitations as determined by the state's appropriations and nonpublic school enrollment, provide the mandated nursing services for pupils enrolled full-time in nonpublic schools located within the district. Specified nursing services include:

- A. Assistance with medical examinations including dental screening;
- B. Hearing screenings;
- C. Maintenance of student health records and notification of local or county health officials of improperly immunized pupils;
- D. Conducting of scoliosis examinations for pupils between the ages of 10 and 18.

The district shall extend to pupils enrolled full-time in nonpublic schools in the district who are injured or become ill at school or during participation on a school team or squad the emergency care provided to public school pupils up to the limit of state aid provided.

No district shall be required to make expenditures for purposes of this act in excess of the amount of state aid received for these purposes.

Federal Requirements

All requirements of federal law shall be obeyed, particularly those addressed in provision of Title 1 program services, and IDEA. (See policies 6171.3 At-risk and Title 1 and 6171.4 Special education.)

Implementation

The Superintendent shall develop rules, regulations and procedures for the efficient and economical delivery of such services and supplies as are mandated by law. Wherever possible, already existing means and procedures for delivering those same supplies and services to the pupils attending the district's public schools shall be utilized.

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Revised: August 23, 1995
Readopted: August 14, 2007
NJSBA Review/Update: March 2009

Key Words

Nonpublic School Pupils, Health

Legal References:	<u>N.J.S.A. 18A:39-1 et seq.</u>	Transportation [To and From Schools] of pupils
	<u>N.J.S.A. 18A:40-3.2 et seq.</u>	Medical and Nursing Personnel
	<u>N.J.S.A. 18A:40-23 et seq.</u>	Nursing Services for Nonpublic School Pupils
	<u>N.J.S.A. 18A:40A-1 et seq.</u>	Substance Abuse
	See particularly:	
	<u>N.J.S.A. 18A:40A-5, -17(c)</u>	
	<u>N.J.S.A. 18A:46-19.1 et seq.</u>	Remedial services for handicapped children in nonpublic schools ...
	<u>N.J.S.A. 18A:46A-1 et seq.</u>	Auxiliary services (nonpublic school pupils)
	<u>N.J.S.A. 18A:58-37.3</u>	Purchase and loan of textbooks
	<u>N.J.A.C. 6A:14-1.1 et seq.</u>	Special Education
	See particularly:	
	<u>N.J.A.C. 6A:14-6.1 et seq.</u>	
	<u>N.J.A.C. 6A:16-1.4(a)9</u>	District policies and procedures
	<u>N.J.A.C. 6A:16-2.5</u>	Nursing services to nonpublic school students
	<u>N.J.A.C. 6A:23-6.1(b)</u>	Eligibility
	<u>N.J.A.C. 6A:23-6.2</u>	Responsibility of the district Board of Education
	<u>N.J.A.C. 6A:27-2.1 et seq.</u>	Nonpublic School Transportation
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C. 6A:32-14.1</u>	Review of mandated programs and services

20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act (formerly Education for All Handicapped Children Act)--Part B

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

Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297)

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

Mitchell v. Helms, No. 98-1648, 2000 U.S. Lexis 4485 (June 28, 2000) _____ U.S. _____ (June 28, 2000)

Parents for Student Safety, Inc. v. Board of Education of the Morris School District, 1986 S.L.D. (February 5), St. Bd. rev'g 1984 S.L.D. (August 24)

Manual for the Evaluation of Local School Districts

Possible

Cross References:	*1330	Use of school facilities
	*1600	Relations between other entities and the district
	*3541.1	Transportation routes and services
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5141.1	Accidents
	*5141.2	Illness
	*5141.3	Health examinations and immunizations
	*6145.1/6145.2	Intramural competition; interscholastic competition
	*6171.3	At-risk and Title 1
	*6171.4	Special education
	6174	Summer school

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